



# **MINUTES**

## **Public Copy**

**UNCONFIRMED MINUTES**

**Ordinary Council Meeting Thursday 27 February 2025**

**4.30 pm in Council Chambers, Nannup**

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## MINUTES

### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:**

The Shire President declared the meeting open at 4.30pm and welcomed the public gallery.

The Shire President to acknowledged the traditional custodians of the land, the Wardandi and Bibbulmun people, paying respects to Elders past, present, and emerging.

#### **Audio Recording**

The Presiding Member advised that the meeting is being audio recorded in accordance with the Local Government Act 1995 and will be published on the Shire's website within 14 days.

Members of the public were reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.

### **2. ATTENDANCE/APOLOGIES:**

#### **2.1 ATTENDANCE**

Shire President	Anthony (Tony) Dean
Deputy Shire President	Vicki Hansen
Councillor	Lynette Curtis
Councillor	Patricia Fraser
Councillor	Cheryle Brown
Councillor	Timothy Sly
Councillor	Ian Gibb
Chief Executive Officer	David Taylor
Executive Manager Corporate Services	Kim Dolzadelli
Executive Manager Works and Services	Damon Lukins
Economic and Community Development Coordinator	Nicole Botica
Executive Support Officer	Lisa Atkinson

#### **2.2 APOLOGIES**

Nil.

#### **PUBLIC GALLERY**

B Winfield, S Seesink, T Otte, I Green, J Green

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### 3. PUBLIC QUESTION TIME:

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#### **Bee Winfield, Thomas Road**

Bee Winfield advised she could see the 2023 minutes of the Annual General Meeting of Electors on 29 June 2023 but she is unable to find the records of a 2024 Annual General Meeting of Electors.

#### **Question 1:**

Did the 2024 Annual General Meeting of Electors take place?

#### **Response 1:**

Cr Anthony Dean, Shire President, confirmed that the 2023/24 Annual General Meeting of Electors will be held on 21 March 2025.

#### **Question 2**

Bee Winfield asked why is the 2023 Annual General Meeting of Electors, held on 29 June 2023, was not followed by a 2024 meeting on 29 June 2024?

#### **Response 2:**

Cr Anthony Dean, Shire President responded that the financial year ends on June 30. Due to the Auditor General's audit of the Shire, the meeting will be held in March 2025 for the 2023/24 financial year, which ended in June of the previous year. He further added the audit process in Western Australia typically takes about nine months to complete. While the meeting would ideally be held in January, it will be held in March this year. This item is listed on Council agenda today to provide notice of the upcoming meeting.

#### **Question 3:**

Bee Winfield advised she was confused, as she expected that a meeting would have been held on 29 June 2024, and referred to the Local Government Act 1995, section 5.27, stating that a General Meeting of Electors should be held once every financial year. She asked again for clarification on the meeting date for 2024.

#### **Response 3:**

David Taylor, CEO, acknowledged Bee's question and advised that he would take the question on notice and he would check the dates and provide a written response to Bee rather than trying guess the dates.

#### **Question 4:**

Bee requested an exact date and asked for confirmation if a meeting was held in 2024?

#### **Response 4:**

Cr Anthony Dean, Shire President responded that a meeting was indeed held, as the Government requires Local Governments to hold these meetings, and not doing so would be frowned upon.

Toni Otte, Widdeson Street

**Question 1:**

Are the Shire Councillors aware of the proposed fence to be constructed on the lease of Lot 152 Monohan Road, at the end of my street on Widdeson Street?

**Response 1:**

Cr Anthony Dean, Shire President responded not really, no. Cr Dean asked the Executive Manager of Infrastructure, or David Taylor, CEO, to respond.

David Taylor, CEO, clarified that the proposed fence is a dividing fence between the Men's Shed land and Toni's land. (Toni replied she believed to be Crown land). David Taylor explained that the Shire has been involved in dividing fences due to the *Dividing Fences Act* and that property owners are typically encouraged to work together on such matters. David Taylor, CEO confirmed that the Men's Shed intends to install a fence.

**Question 2:**

Toni Otte asked are the occupiers of the Men's Shed leasing the property, or do they own it? And what is the reason for the fence?

**Response 2:**

David Taylor, CEO, responded: The Men's Shed occupies the land (vested to them), but he wasn't entirely sure of the ownership details. However, under the *Dividing Fences Act*, those occupying the land have the right to install a fence if they choose to.

**Question 3:**

Toni Otte asked Is that the full answer to this question?

**Response 3:**

Cr Dean, Shire President responded not necessarily. You can ask additional questions.

**Question 4:**

Toni Otte stated that she hasn't been informed about this fence. She added that she does not know if it will be on a survey line, what kind of fence it will be and who will pay for it?

**Response 4 :**

Cr Dean, Shire President, advised: "You should ask the Men's Shed these questions." He also added that, typically, with dividing fences, the costs are split 50/50 between the two parties involved.

**Question 5:**

Toni Otte asked what if the other party doesn't want a fence? I can't see why they would want one. Are they going to fence the whole lot? What is the reason for it — to keep something in or keep something out?

**Response:**

David Taylor, CEO, responded that he knows that Jane Buckland had sent an email about the *Dividing Fences Act*, which should provide more clarity. He further advised that if one party wants a fence and the other doesn't, the fence can still be built under the Act. The cost is typically shared 50/50, but it can be negotiated. He provided an example of a rural fence where one party might want a higher-quality fence (like a post and rail type) to keep livestock in, which would be at their own cost, while the initial fence might be shared equally.

**Question 6**

Toni Otte asked because this property is leased, do they own the fence? Are they allowed to fence leased land, which is Crown land?

**Response 6**

Shire President, Cr Dean, responded to Toni that she would need to check the men's shed documents, but assumed that they are allowed to make improvements to the property at their own cost, just like a business leasing property. He speculated that they might want to create a more secure area for the new shed being built.

**Question 7:**

Toni asked if they would fence the whole block?

**Response 7:**

Cr Dean, Shire President, asked David Taylor, CEO, for clarification. David Taylor, CEO, responded to Toni, he wasn't entirely sure, his understanding was that the Men's Shed intended to fence along the front boundary on Widderson Street and between the Men's Shed and the Otte's property. The fence would also include a gate, in line with their development approval for a controlled entrance.

**Question 8:**

Toni asked so, we don't know the exact reason why they want the fence?

**Response 8:**

David Taylor, CEO responded to Toni and asked if she had spoken to the men shed?" Toni responded, No and she does not speak to them. David Taylor suggested to Toni that she should speak directly to the Men's Shed, as they are the only ones who can provide answers to her questions about the fence.



## PREVIOUS QUESTIONS TAKEN ON NOTICE

AGENDA NUMBER & SUBJECT:	3.1 – Questions on Notice - Local Development Plan – Alpine Resort, Lot 500 Brockman Highway
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Ken and Kerry Wild
FILE REFERENCE:	TPL4-03
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	3.1.1 - Letter to Ken and Kerry Wild

**\*Cr Gibb declared a Financial Interest and left the room at 4.41pm\***

**BACKGROUND:**

Ken and Kerry Wild of Dunnet Road wrote to the Shire 28 January 2025 requesting answers to the questions posed to Council at their meeting on 23 January 2025 in regard to the draft Local Development Plan for Lot 500 Brockman Highway, Nannup. A copy of the questions and responses are provided at Attachment 3.1.1

**VOTING:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the responses to the Questions on Notice regarding Local Development Plan Alpine Resort, Lot 500 Brockman Highway (attachment 3.1.1).

**COUNCIL RESOLUTION 270225.1**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

***That Council received the response to the Questions on Notice regarding Local Development Plan Alpine Resort, Lot 500 Brockman Highway (attachment 3.1.1)***

**CARRIED**

**TOTAL VOTES FOR: 6**

***Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Sly***

**TOTAL VOTES AGAINST: 0**

**\*Cr Gibb returned to the room at 4.42pm\***

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#### 4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:

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##### 4.1 APPROVED LEAVE OF ABSENCE:

Nil.

##### 4.2 APPLICATION FOR A LEAVE OF ABSENCE:

Nil.

#### 5. CONFIRMATION OF MINUTES:

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##### 5.1 Shire of Nannup Ordinary Council Meeting – 23 January 2025

###### EXECUTIVE RECOMMENDATION:

That the minutes from the Shire of Nannup Ordinary Council Meeting held on 23 January 2025 be confirmed as a true and correct record (attachment 5.1).

**\*Cr Brown advised of an amendment to the Reports of Members attending Committees (item 10, page 8), adding Cr Hansen as attending the Local Drug and Alcohol Group (LDAG)\***

###### **COUNCIL RESOLUTION 270225.2**

**MOVED: CR CURTIS**

**SECONDED: CR SLY**

***That the minutes from the Shire of Nannup Ordinary Council Meeting held on 23 January 2025 be confirmed as a true and correct record (attachment 5.1)***

**CARRIED**

**TOTAL VOTES FOR: 7**

***Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

##### 5.2 Shire of Nannup Special Meeting Audit and Risk Committee – 31 January 2025

###### EXECUTIVE RECOMMENDATION:

That the confirmed minutes from the Shire of Nannup Special Meeting Audit and Risk Committee held on 31 January 2025 be confirmed as a true and correct record (attachment 5.2).

\*Cr Dean requested that the recommendation be changed to the minutes are received not confirmed. The minutes were confirmed at the special meeting of the Audit and Risk Committee on 12 February 2025\*.

**COUNCIL RESOLUTION 270225.3**

**MOVED: CR BROWN**

**SECONDED: CR SLY**

*That the confirmed minutes from the Shire of Nannup Special Meeting Audit and Risk Committee held on 31 January 2025 be received as a true and correct record (attachment 5.2)*

**CARRIED**

**TOTAL VOTES FOR: 7**

*Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Gibb, Cr Sly*

**TOTAL VOTES AGAINST: 0**

**5.3 Shire of Nannup Special Meeting Audit and Risk Committee – 12 February 2025**

**EXECUTIVE RECOMMENDATION:**

That the unconfirmed minutes from the Shire of Nannup Special Meeting Audit and Risk Committee held on 12 February 2025 be received (attachment 5.3).

**COUNCIL RESOLUTION 270225.4**

**MOVED: CR CURTIS**

**SECONDED: CR SLY**

*That the unconfirmed minutes from the Shire of Nannup Special Meeting Audit and Risk Committee held on 12 February 2025 be received (attachment 5.3)*

**CARRIED**

**TOTAL VOTES FOR: 7**

*Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Gibb, Cr Sly*

**TOTAL VOTES AGAINST: 0**

**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

Nil.

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**7. DISCLOSURE OF INTEREST:**

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Cr Gibb declared a financial interest in agenda item 3.1 – Questions on Notice – Local Development Plan, Alpine Resort, Lot 500 Brockman Street.

Cr Hansen declared a proximity interest in agenda item 11.1 – Delegated Planning Decisions for November and December 2024.

Cr Sly declared a financial interest in agenda item 11.1 – Delegated Planning Decisions for November and December 2024.

Cr Ian Gibb declared a proximity interest in agenda item 11.2 – Delegated Planning Decisions for January 2025.

Cr Brown declared a financial interest in agenda item 11.3 – Memorandum of Understanding (MOU) Nannup Garden Village Inc.

Cr Lynette Curtis declared a financial interest in agenda item 11.3 – Memorandum of Understanding (MOU) Nannup Garden Village.

David Taylor, CEO declared a financial interest in agenda item 11.3 – Memorandum of Understanding (MOU) Nannup Garden Village.

Cr Anthony Dean declared an impartiality interest in agenda item 11.9 – 2024/25 Differential Rates Concession Application.

David Taylor, CEO declared a financial interest in agenda item 13.1 – Confidential Item Chief Executive Officer Annual Performance Appraisal.

The Shire of Nannup Disclosure of Interest Register is on our website [here](#).

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**8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:**

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Nil.

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**9. PRESENTATIONS/DEPUTATIONS/PETITIONS:**

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Nil.

## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Meeting	Date	Councillor
Australia Day Breakfast	26 January 2025	Dean, Hansen, Curtis, Fraser, Brown
WABC Board	28 January 2025	Dean, Hansen
Meeting with Jane Kelsbie, Labour Candidate	28 January 2025	Dean, Hansen, Curtis, Fraser, Brown, Sly, Gibb
CEO Review Meeting	30 January 2025	Dean, Hansen, Curtis, Fraser, Brown, Sly, Gibb
Meeting with Bevan Eatts, National Candidate	30 January 2025	Dean, Hansen, Curtis, Fraser, Brown, Sly, Gibb
Special Meeting Audit & Risk Advisory Committee	31 January 2025	Dean, Hansen, Brown, Sly, Gibb
Bush Fire Advisory Committee	3 February 2025	Brown, Fraser
Local Emergency Management Meeting	5 February 2025	Dean, Gibb
North Nannup Bush Fire Brigade Meeting	7 February 2025	Hansen
North Nannup Bush Fire Brigade Meeting	11 February 2025	Hansen
Special Meeting Audit & Risk Advisory Committee	12 February 2025	Dean, Hansen, Fraser, Brown, Sly, Gibb
Meeting with Julie Marsh, Green Candidate	12 February 2025	Dean, Hansen, Curtis, Fraser, Brown, Sly, Gibb
CEO Review Meeting	13 February 2025	Dean, Hansen, Curtis, Brown, Fraser, Sly, Gibb
Strategic Concept Forum	13 February 2025	Dean, Hansen, Curtis, Fraser, Brown, Sly, Gibb
WABC, Climate Action Reference Group	14 February 2025	Hansen
Sustainability Advisory Committee	17 February 2025	Dean, Hansen
Local Drug and Alcohol Group	18 February 2025	Hansen, Brown
Visit to Brookfield Gravel Pitt Extraction Site and Roberts Road Residents	20 February 2025	Hansen, Curtis, Brown, Fraser, Sly, Gibb
WALGA – South West Country Zone Meeting	21 February 2025	Dean
UCI Information Session	24 February 2025	Brown, Hansen
Australia Day Committee meeting	27 February 2025	Hansen, Curtis, Fraser, Brown

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for November & December 2024-
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	24 January 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.1.1 – Register of Delegated Development Approvals

**\*Cr Hansen declared a proximity issue and left the room at 4.53pm\***

**\*Cr Sly declared a financial issue and left the room at 4.54 pm\***

### BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in November and December 2024 is presented in Attachment 11.1.1.

### COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During November 2024, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for November 2024 compared to November 2023:

	November 2023	November 2024
<b>Delegated Decisions</b>	0 (\$0)	4 (\$463,300)
<b>Council Decisions</b>	0 (\$0)	1 (\$15,000)
<b>Total</b>	<b>0 (\$0)</b>	<b>5 (\$478,300)</b>

100% of all approvals issued in the month of November were completed within the statutory timeframes of either 60 or 90 days.

During December 2024, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for December 2024 compared to December 2023:

	December 2023	December 2024
<b>Delegated Decisions</b>	7 (\$313,399)	4 (\$1,245,000)
<b>Council Decisions</b>	0 (\$0)	0 (\$0)
<b>Total</b>	<b>7 (\$313,399)</b>	<b>4 (\$1,245,000)</b>

100% of all approvals issued in the month of December were completed within the statutory timeframes of either 60 or 90 days.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995 and LPS4.*

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

#### **POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS4 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

#### **FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

#### **RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

#### **STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for November & December 2024 as per Attachment 11.1.1.

***COUNCIL RESOLUTION 270225.5******MOVED: CR CURTIS******SECONDED: CR BROWN******That Council received the report on Delegated Development Approvals for November & December 2024 as per Attachment 11.1.1.******CARRIED******TOTAL VOTES FOR: 5******Cr Dean, Cr Brown, Cr Fraser, Cr Curtis, Cr Gibb******TOTAL VOTES AGAINST: 0***

**\*Cr Hansen and Cr Sly returned to the room at 4.56pm\***



AGENDA NUMBER & SUBJECT:	11.2- Delegated Planning Decisions for January 2025
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.2.1 – Register of Delegated Development Approvals

**\*Cr Gibb declared a proximity interest and left the room at 5.02pm\***

#### **BACKGROUND:**

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in January 2025 is presented in Attachment 11.2.1.

#### **COMMENT:**

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During January 2025, five (5) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for January 2024 compared to January 2025:

	January 2024	January 2025
<b>Delegated Decisions</b>	0 (\$0)	5 (\$895,000)
<b>Council Decisions</b>	0 (\$0)	0 (\$0)
<b>Total</b>	<b>0 (\$0)</b>	<b>5 (\$895,000)</b>

100% of all approvals issued in the month of January were completed within the statutory timeframes of either 60 or 90 days.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995* and LPS4.

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

**POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS4 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

**FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for January 2025 as per Attachment 11.2.1.

**\*Cr Anthony Dean asked David Taylor, CEO what the amendment is to the Development Application for 345 Jalbarragup Road, Jallbarragup. David Taylor, CEO responded that he will take the question on notice to respond\***

**COUNCIL RESOLUTION 270225.6****MOVED: CR CURTIS****SECONDED: CR FRASER**

*That Council receives the report on delegated Development Approvals for January 2025 as per Attachment 11.2.1.*

**CARRIED****TOTAL VOTES FOR: 6**

*Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Sly*

**TOTAL VOTES AGAINST: 0**

**\*Cr Gibb returned to the room at 5.04pm\***

AGENDA NUMBER & SUBJECT:	11.3 – Memorandum of Understanding (MOU) Nannup Garden Village Inc
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Nicole Botica
FILE REFERENCE:	EVE 3
AUTHOR:	Nicole Botica, Economic & Community Development Coordinator
REPORTING OFFICER:	Damon Lukins – Executive Manager Infrastructure
DISCLOSURE OF INTEREST:	Indirect Financial – David Taylor
DATE OF REPORT:	19 February 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.3.1 – MOU between the Shire of Nannup and Nannup Garden Village Inc 2025-2030

**\*Cr Curtis and Cr Brown declared financial interests and left the room at 5.04pm\***

**\*CEO declared an Indirect Financial Interest and left the room at 5.04pm\***

#### **BACKGROUND:**

The Shire of Nannup community is vibrant and thriving, celebrating its uniqueness through events and festivals and sharing these experiences with its visitors. Nannup hosts many events and festivals throughout the year. Some of the events are regionally significant and provide strong economic benefits for the local community. Many are coordinated by community groups and managed by volunteers. The Shire of Nannup supports a strong and robust community through creative festivals.

The Nannup Flower & Garden Festival is produced by a dedicated team of staff and volunteer Committee from the non-profit Nannup Garden Village Inc and has been running since 1997. It's held annually in August and is a ten-day event held over two weekends, showcasing the stunning winter flowers of Nannup. The festivals tulip displays have become a tradition that symbolises the towns charm and drawing visitors near and far.

#### **COMMENT:**

During the 2024 festival the Shire of Nannup contributed in-kind support estimated at \$16,414 in value and it included the road signage and traffic management, bulb planting, and waiver of facility hire.

In 2024 the cash contribution was \$15,000 to retain the naming rights for the festival to be the Experience Nannup, Nannup Flower and Garden Festival. Traditionally the cash investment has been \$10,000. Joint marketing was enabled through our media channels and updates on the Experience Nannup App were also delivered.

#### **STATUTORY ENVIRONMENT:**

Nil

#### **POLICY IMPLICATIONS:**

HLT5– Environmental Health Policy; Events

### FINANCIAL IMPLICATIONS:

The MOU includes cash, waiver of fee limit (excluding statutory fees), and in-kind contributions from the Shire Works Department. Works prescribed under this MOU impact the loss of income equivalent to \$ 29,195, and includes:

- Cash - \$10,000 (ex GST)
- Waiver of Fees – up to \$5,000 excluding statutory fees
- Estimated in-kind (Works Department support) - \$14,195

### RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

The identified risks are:

- Political risk may impact the Shire reputation for not supporting one of our flagship events.
- Financial risk is minimal, as the MOU stipulates the key responsibilities for both parties and acts as a formal agreement and outlines the intentions, roles and objectives of the parties involved.
- Legal risk is minimal as the MOU, whilst non-binding, it is an in-principal agreement.
- Strategic risk, consider the Shire's community statement where strong healthy events forms part of our community fabric.
- Operational risk, determined by the commitment from the internal works department to prioritise tasks that support the festival, dedicating time to the festival over regular works.

### STRATEGIC IMPLICATIONS:

**OUR COMMUNITY:** We role model sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events.

#### 1.1 Who We Are

We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live.

**OUR ECONOMY:** Well planned, managed, sustained growth is the key to Nannup's future.

#### 2.2 Tourism and Attraction

We will work together to attract people, investment and innovation to our Shire.

## VOTING REQUIREMENTS

Simple Majority

### OFFICER RECOMMENDATION:

That Council endorse the MOU and authorises the Chief Executive Officer to execute the MOU with the Nannup Garden Village Inc.

### **COUNCIL RESOLUTION 270225.7**

**MOVED: CR HANSEN**

**SECONDED: CR GIBB**

***That Council endorse the MOU and authorises the Chief Executive Officer to execute the MOU with the Nannup Garden Village Inc.***

**CARRIED**

**TOTAL VOTES FOR: 5**

***Cr Dean, Cr Hansen, Cr Fraser, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

**\*Cr Curtis and Cr Brown returned to the room at 5.08pm\***

**\*David Taylor, CEO returned to the room at 5.08pm\***

AGENDA NUMBER & SUBJECT:	11.4 – Nannup Event Ready Business Case
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Nicole Botica
FILE REFERENCE:	FNC 6
AUTHOR:	Nicole Botica, Economic & Community Development Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	31 January 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.4.1 – Grant Agreement

### **BACKGROUND:**

The Shire of Nannup seeks a grant to complete a business case for event infrastructure to support tourism and enhance liveability. This project aims to address infrastructure limitations and improve the town's capacity to host large events, thereby boosting the local economy and community well-being.

Historically reliant on the timber industry, Nannup has transitioned towards tourism, attracting visitors with its quaint, traditional character. This charm drew the producers of the movie *Drift*, portraying Nannup as a 1970s Margaret River.

Recently, Nannup has emerged as a mountain biking destination. The SEVEN gravel race, part of the UCI series since 2017, and the 2022 opening of Tank 7 Mountain Bike Park have boosted its appeal. Nannup will host the 2026 UCI World Gravel Championships, expected to draw 4,000-5,000 participants and up to 30,000 visitors.

Current events like the Nannup Music Festival and the Nannup Flower and Garden Festival attract 10,000-15,000 visitors, straining local infrastructure. During these events, mobile networks are overwhelmed, and power, water, and wastewater systems struggle to meet demand. The local water infrastructure also fails to adequately support new residential developments.

### **COMMENT:**

The Shire has identified infrastructure limitations and potential solutions to not only accommodate large events like the UCI World Gravel Championships but also improve Nannup's overall liveability. This will attract new residents and support the town's ongoing viability.

A comprehensive business case is needed to secure funding for these infrastructure improvements. By considering all elements as a single project, we can present a coherent argument for the social, environmental, and economic benefits. Combining these elements strengthens our case, highlighting both direct economic impacts and broader social advantages.

Councillors have been previously briefed in respect to an application for funding with regard to the Nannup Event Ready Business Case.

Having received feedback from Councillors, to proceed with an application, a grant from the Department of Primary Industries and Regional Development via South West Development Commission has been sourced in the amount of \$30,000 Ex GST.

The total cost of the “Nannup Event Ready” business case is \$47,630 Ex GST resulting in a required contribution by the Shire of \$17,630.

It is proposed that the own source funding of \$17,630 be funded from the Strategic Initiatives Reserves. The Strategic Initiatives Reserves is currently budgeted to have a closing balance of \$128,510, should this proposal be approved, the Reserve will have a projected balance of \$110,880.

#### **STATUTORY ENVIRONMENT:**

Part 6 – “Financial Management” of the Local Government Act 1995.  
Local Government (Financial Management) Regulations 1996

#### **POLICY IMPLICATIONS:**

Policy FNC 6 - Acceptance of Grant Funding.

#### **FINANCIAL IMPLICATIONS:**

Proposed budget amendments will have no impact on the 2024/2025 Budget surplus position.

#### **RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and have identified the contractor risk is milestones within the Financial Assistance Agreement may not be met, this was assessed as a LOW Risk; acceptable with adequate controls, managed by routine procedures and subject to ongoing monitoring.

#### **STRATEGIC IMPLICATIONS:**

The Shire of Nannup Corporate Business Plan 2022 -2028:

- Strategic Theme 1: Our Built Environment
- Focus point 3.1: Our Shire and Streetscape; 3.2: Our Amenity; 3.3 Planning and Building; 3.4: Our Communications.

Keeping the charm and fabric of Nannup while expanding infrastructure, housing and amenity.

#### **VOTING REQUIREMENTS:**

Absolute Majority



**OFFICER RECOMMENDATION:**

That Council:

1. Accepts the signed Financial Assistance Agreement between the State of Western Australia via the South West Development Commission and the Shire of Nannup for the Nannup Event Ready Business Case,
2. Approves the following amendments to the Shire of Nannup adopted 2024/2025 Annual Budget to enable the inclusion of the Nannup Event Ready business case expenditure and income:

COA	Description	Current Budget	Change in Budget	Proposed Budget
2130253	TOUR - Consultants - Event Ready Bussiness Case	-	47,630	47,630
3130211	TOUR - Grants SWDC Event Ready Bussiness Case Funding	-	- 30,000	- 30,000
9674303	Strategic Initiatives Reserves - Payments	- 227,283	- 17,630	- 244,913
		- 227,283	-	- 227,283

**COUNCIL RESOLUTION 270225.8**

**MOVED: CR HANSEN**

**SECONDED: CR SLY**

**That Council:**

1. *Accepts the signed Financial Assistance Agreement between the State of Western Australia via the South West Development Commission and the Shire of Nannup for the Nannup Event Ready Business Case,*
2. *Approves the following amendments to the Shire of Nannup adopted 2024/2025 Annual Budget to enable the inclusion of the Nannup Event Ready business case expenditure and income:*

COA	Description	Current Budget	Change in Budget	Proposed Budget
2130253	TOUR - Consultants - Event Ready Bussiness Case	-	47,630	47,630
3130211	TOUR - Grants SWDC Event Ready Bussiness Case Funding	-	- 30,000	- 30,000
9674303	Strategic Initiatives Reserves - Payments	- 227,283	- 17,630	- 244,913
		- 227,283	-	- 227,283

**CARRIED BY ABSOLUTE MAJORITY**

**TOTAL VOTES FOR: 7**

**Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Curtis, Cr Gibb, Cr Sly**

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.5 – Amendments to the current Fees and Charges 2024/2025
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC10
AUTHOR:	Lisa Atkinson, Executive Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive officer
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE	Nil
DATE OF REPORT	13 February 2025
ATTACHMENTS:	11.5.1 – ATO Determination – GST on Grant of Right of Burial

## **BACKGROUND**

Council adopted its 2024/2025 Municipal Budget and Schedule of Fees and Charges at a Special Council meeting held on 29 August 2024.

Since adoption changes have occurred that make it necessary to make amendments to the current Adopted Schedule of Fees and Charges, these include the following:

- Implementation of the Non-Urgent Patient Transfer Service new fees,
- Grant of Rights of Burial – Amendment to fee, and
- Trail Town Merchandise.

## **COMMENT:**

### **NON-URGENT PATIENT TRANSFER VEHICLE SERVICE**

The new Non-Urgent Patient transfer vehicle service was launched on 3 February 2025. It provides transport for residents that need to get to medical appointments but are unable to drive themselves.

This service was not previously in operation, and there is a need to establish a fee structure for its use. The proposed fees to adopt into the 2024/2025 Fees and Charges Schedule are:

- Travel to Busselton - \$15 return (\$7.50 each way)
- Travel to Bunbury - \$30 return (\$15 each way)
- Travel to Perth - \$100 return (\$50 each way)

### **GRANT OF RIGHT OF BURIALS**

The Shire of Nannup has received an update from William Barrett & Sons regarding changes to the GST indicator on the Grant of Right of Burials. Please refer to Attachment 11.5.1 for detailed information.

Effective from 4 December 2024, the Australian Taxation Office (ATO) Determination GSTD 2021/D2, titled *“Goods and Services Tax: Is the supply of a burial right in respect of a public cemetery subject to GST?”* has been enacted. This determination effectively removes the tax mechanism that previously subjected the provision of the Grant of Right of Burial in public cemeteries to GST charges

In accordance with this ATO determination, the Shire of Nannup is required to amend its schedule of Fees & Charges to reflect the correct treatment of GST. This change ensures our compliance with the latest tax rulings and reflects our commitment to providing transparent and accurate fee structures.

### **TRAIL TOWN MERCHANDISE**

The Shire of Nannup has been working on sustainable revenue mechanisms to support the maintenance of trails developed through the Trail Town Project. One strategy is the Trail Merchandise website, which has been in development over the past 18 months.

The website will include the sale of apparel using a selection of trail icons to raise revenue to service the maintenance of the world class trail infrastructure. This includes T-shirts, Hoddies, Hat / Cap and Camping Cup branded with Tank 7, Experience Nannup and the Nannup Jump Park logos.

### **STATUTORY ENVIRONMENT:**

#### **Local Government Act 1995**

#### **6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

*\* Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

#### **6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

#### **Local Government Act 1995**

#### **1.7 Local Public Notice**

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

### **Local Government (Administration) Regulations 1996**

#### **3A. Requirements for local public notice (Act s. 1.7)**

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
  - (a) the period specified in or under the Act in relation to the notice; or
  - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
  - (a) publication in a newspaper circulating generally in the State;
  - (b) publication in a newspaper circulating generally in the district;
  - (c) publication in 1 or more newsletters circulating generally in the district;
  - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
  - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
  - (f) exhibition on a notice board at the local government offices and each local government library in the district for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
  - (g) posting on a social media account administered by the local government for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Fees and charges amendment being sought for Right of Burial and Non-Urgent Transfer Vehicle services will result in additional revenue to the Shire, this not expected to be of any significant impact.

The Trail Town Merchandise Revenue will be used to offset against any maintenance cost associated with trails that fall under the responsibility of the Shire, at this stage the level of revenue is unknown.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified with respect to the officers recommendation.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council, by absolute majority, approves the following Fees and Charges noting that for Right of Burials it is only the GST indicator being changed to comply with Australian Taxation Office (ATO) Determination GSTD 2021/D2:

Fee Name	Unit	GST	Current Fee	Proposed Fee
<b>RIGHT OF BURIAL</b>				
Grant of Exclusive Right of Burial - 25 Year Period	Each	N	\$905.00	\$905.00
Grant of Exclusive Right of Burial Niche Wall/Rose Garden - 25 Year Period	Each	N	\$220.00	\$220.00
Renewal of Grant of Exclusive Right of Burial - 25 Year Period	Each	N	\$160.00	\$160.00
Registration of Transfer of Form of Grant of Right of Burial	Each	N	\$35.00	\$35.00
Pre-need purchase of certificate for grave site - same fees applicable as Grant Exclusive Right of Burial	Each	N	\$905.00	\$905.00
Pre-need purchase of certificate for burial Niche Wall/Rose Garden- same fees applicable as Grant Exclusive Right of Burial	Each	N	\$220.00	\$220.00
Re-fund of Pre-need certificate not to exceed the amount originally paid less an administration fee	Each	N	\$95.00	\$95.00
<b>Non-Urgent Patient Transfer Vehicle Service</b>				
Travel to Busselton (Return)	Each	Y	\$0.00	\$15.00
Travel to Bunbury (Return)	Each	Y	\$0.00	\$30.00
Travel to Perth (Return)	Each	Y	\$0.00	\$100.00
<b>TRAIL TOWN MERCHANDISE *</b>				
T-shirt	Each	Y	\$0.00	\$35.00
Hoodie	Each	Y	\$0.00	\$65.00
Camping Cup	Each	Y	\$0.00	\$25.00
Hat / Caps	Each	Y	\$0.00	\$25.00
* Additional Charges apply for postage at cost				

**COUNCIL RESOLUTION 270225.9****MOVED: CR BROWN****SECONDED: CR GIBB****Procedural Motion: Standing Orders be suspended to allow for discussion on the item.****CARRIED****TOTAL VOTES FOR: 7****Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly****TOTAL VOTES AGAINST: 0**

**COUNCIL RESOLUTION 270225.10****MOVED: CR GIBB****SECONDED: CR BROWN*****Procedural Motion: Standing Orders to be resumed to allow for voting.*****CARRIED****TOTAL VOTES FOR: 7*****Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly*****TOTAL VOTES AGAINST: 0**

**COUNCIL RESOLUTION 270225.11****MOVED: CR HANSEN****SECONDED: CR BROWN****OFFICER RECOMMENDATION:**

*That Council, by absolute majority, approves the following Fees and Charges noting that for Right of Burials it is only the GST indicator being changed to comply with Australian Taxation Office (ATO) Determination GSTD 2021/D2:*

Fee Name	Unit	GST	Current Fee	Proposed Fee
<b>RIGHT OF BURIAL</b>				
Grant of Exclusive Right of Burial - 25 Year Period	Each	N	\$905.00	\$905.00
Grant of Exclusive Right of Burial Niche Wall/Rose Garden - 25 Year Period	Each	N	\$220.00	\$220.00
Renewal of Grant of Exclusive Right of Burial - 25 Year Period	Each	N	\$160.00	\$160.00
Registration of Transfer of Form of Grant of Right of Burial	Each	N	\$35.00	\$35.00
Pre-need purchase of certificate for grave site - same fees applicable as Grant Exclusive Right of Burial	Each	N	\$905.00	\$905.00
Pre-need purchase of certificate for burial Niche Wall/Rose Garden- same fees applicable as Grant Exclusive Right of Burial	Each	N	\$220.00	\$220.00
Re-fund of Pre-need certificate not to exceed the amount originally paid less an administration fee	Each	N	\$95.00	\$95.00
<b>Non-Urgent Patient Transfer Vehicle Service</b>				
Travel to Busselton (Return)	Each	Y	\$0.00	\$15.00
Travel to Bunbury (Return)	Each	Y	\$0.00	\$30.00
Travel to Perth (Return)	Each	Y	\$0.00	\$100.00
<b>TRAIL TOWN MERCHANDISE *</b>				
T-shirt	Each	Y	\$0.00	\$35.00
Hoodie	Each	Y	\$0.00	\$65.00
Camping Cup	Each	Y	\$0.00	\$25.00
Hat / Caps	Each	Y	\$0.00	\$25.00
* Additional Charges apply for postage at cost				

**CARRIED BY ABSOLUTE MAJORITY****TOTAL VOTES FOR: 7****Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly****TOTAL VOTES AGAINST: 0**



AGENDA NUMBER & SUBJECT:	11.6 – 2024 Compliance Audit Return
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 14
AUTHOR:	Nicky Barker – Governance Officer
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 February 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.6.1 – 2024 Compliance Audit Return

### BACKGROUND:

The Council to consider the Shire of Nannup's (Shire) legislative compliance audit and completion of the 2024 Compliance Audit Return (CAR) for the period 1 January 2024 to 31 December 2024.

Western Australian local government authorities are required to complete an Annual Compliance Audit Return (CAR) in accordance with the provisions of the *Local Government (Audit) Regulations 1996* (the Regulations).

The CAR is to be submitted to the Department of Local Government, Sport and Cultural Industries (Department) by 31 March 2024.

The completed return is required to be –

- Reviewed by the Audit and Risk Committee;
- Considered and adopted by Council;
- Certified by the Shire President and Chief Executive Officer following Council adoption; and
- Submitted together with a copy of the Council Minutes to the Department by 31 March 2025.

The CAR assists the Shire in monitoring legislative compliance by examining a range of prescribed requirements under Regulation 13 of the Regulations.

The draft 2024 Compliance Audit Return is attached. The CAR was reviewed by the Audit and Risk Committee on 12 February 2024 and is now being submitted to Council for final endorsement before submission to the Department.

### COMMENT:

CAR questions were assigned to relevant officers who were expected to review their processes to determine compliance and provide evidence to support their response, where required. Responses were collated and provided to the Chief Executive Officer for review.

Where non-compliance was identified, officers were requested to provide comments relating to corrective actions. In some cases, an immediate response has been applied to resolve the non-compliance and for others, processes are being reviewed to support effective future regulatory compliance.

The 2024 CAR comprised 94 questions, grouped into 11 categories of which the option is a Yes, No or Not Applicable response. To note, there are two instances in the CAR where a 'no' response has been given however the Shire is still compliant in these areas.

The attached CAR includes comments and references to documents to support the response provided.

**STATUTORY ENVIRONMENT:**

Section 7.13(1)(i) of the *Local Government Act 1995* requires local governments to carry out an audit of compliance with statutory requirements prescribed in the *Local Government (Audit) Regulations 1996*.

**POLICY IMPLICATIONS:**

Policies, procedures and processes will be reviewed or developed to support legislative compliance in the future.

**FINANCIAL IMPLICATIONS:**

Nil.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

**STRATEGIC IMPLICATIONS:**

The review of the Shire's legislative compliance obligations through the completion of the CAR aligns with the Shire's Strategic Community Plan strategy to provide a stable, consistent and honest government.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council:-

1. Accepts the recommendation of the Audit and Risk Committee and ADOPTS the Local Government Annual Compliance Audit return for the period 1 January 2024 to 31 December 2024 as shown in Attachment 11.6.1;
2. Notes that the Chief Executive Officer and the Shire President will certify the Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024; and
3. Notes that Administration will submit the completed Local Government Annual Compliance Audit Return for the period 1 January 2024 to 31 December 2024 to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

**\*Cr Hansen advised the year in the officer recommendation is incorrect and asked for it to amended to the correct year of 2025\***

**COUNCIL RESOLUTION 270225.12**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

**That Council:-**

1. ***Accepts the recommendation of the Audit and Risk Committee and ADOPTS the Local Government Annual Compliance Audit return for the period 1 January 2024 to 31 December 2024 as shown in Attachment 11.6.1;***
2. ***Notes that the Chief Executive Officer and the Shire President will certify the Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024; and***
3. ***Notes that Administration will submit the completed Local Government Annual Compliance Audit Return for the period 1 January 2024 to 31 December 2024 to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.***

**CARRIED**

**TOTAL VOTES FOR: 7**

***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.7– Articulated Wheel Loader
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK7
AUTHOR:	Damon Lukins – Executive Manager Infrastructure
REPORTING OFFICER:	Damon Lukins – Executive Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.7.1 – CJD Equipment L70H2S3 Quote 11.7.2 – CJD Equipment L90H2S3 Quote 11.7.3 – CJD Equipment L90H2S5 Quote 11.7.4 – Hitachi Construction ZW160-7 Quote 11.7.5 – Hitachi Construction ZW180-7 Quote 11.7.6 – Komatsu Australia WA270-8 Quote 11.7.7 – Westrac Pty Ltd CAT 938 Quote 11.7.8 – 2024/25 Articulated Wheel Loader Evaluation

#### **BACKGROUND:**

The Shire's 2024/2025 Plant Replacement Program allows for the purchase of an Articulated Wheel Loader at a budgeted purchase cost of \$350,000. The old loader will be disposed of through auction.

Plant No. P81 – 2014 Volvo L90F – NP3007

Request for Tender RFT2024-05 was advertised using the WALGA eQuotes system with the request being sent to fleet suppliers on the WALGA Preferred Supplier Panel.

#### **COMMENT:**

At the close of the Tender period, four (4) suppliers provided a response and all four suppliers submitted tenders through eQuotes. All the tenders were compliant. The following is a list of the four suppliers that submitted tenders.

1. CJD Equipment – Volvo L90F and L70F.
2. Hitachi Construction – ZW160-7 and ZW180-7.
3. Komatsu Australia – WA270-8.
4. Westrac Pty Ltd – CAT 938-IT

The Tenders were opened at the Shire office by the Executive Manager of Corporate Services and the Executive Manager of Works and Services (EMWS) on 25 November 2025. The tender was evaluated by the EMWS and the Building Maintenance and Asset Coordinator (BMAC), as well as consultation with Works and Services leading hands.

Members of the Shire's Works and Services Department conducted a test drive of a Komatsu WA 250PZ-6 at the City of Busselton. Additionally, Davmech provided a Luigong 848T wheel loader for comparison, despite it not being part of the tender process. The EMWS also reached out to various contractors, including Harbecks Transport and Dronows Contracting, to gather insights on their experiences with Komatsu and Cat wheel loaders. The Shire, having previously operated Volvo L90 wheel loaders, and is also well-acquainted with their performance.

The evaluation determined that the Komatsu WA270-8 was the preferred choice. After test-driving the Komatsu and consulting with other contractors, the assessment team concluded that it provided the best value for money. While Hitachi models lacked a proven track record, and Volvo and Caterpillar loaders were well-established but exceeded the budget, the Komatsu stood out as the most cost-effective option.

The Shire has encountered difficulties with after-hours service from CJD, the Volvo agent. In contrast, it has had no issues with Komatsu's after-hours service for its grader.

Although the Komatsu has slightly less power than its competitors, discussions with works supervisors—who test-drove a smaller Komatsu—confirmed that it would still deliver sufficient performance for the intended tasks.

The preferred supplier has stated that the unit may not be delivered within this financial year. If the delivery is delayed beyond the current financial year, a budget carryover will be required for the plant item.

#### **STATUTORY ENVIRONMENT:**

Section 3.57(1) of the Local Government Act 1995 requires a local government to invite tenders before entering a contract of a prescribed kind under which another person is to supply the goods or services.

#### **POLICY IMPLICATIONS:**

Council Policy – ADM 4 Purchasing Policy.

#### **FINANCIAL IMPLICATIONS:**

The funding allocation for this tender is included in the 2024/25 Annual Budget.

#### **RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

**STRATEGIC IMPLICATIONS:**

The purchase is in-line with the Shires 10-year Plant Replacement Plan

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council;

1. Award tender RFT2024-05 to Komatsu Australia to supply an Articulated Wheel Loader to the value of \$271,915.85.
2. Considers the carryover of funds as part of the budget deliberations for the 2025/2026 Draft Annual Budget should delivery not occur in the 2024/2025 financial year.

**COUNCIL RESOLUTION 270225.13**

**MOVED: CR BROWN**

**SECONDED: CR SLY**

**That Council:-**

1. ***Award tender RFT2024-05 to Komatsu Australia to supply an Articulated Wheel Loader to the value of \$271,915.85.***
2. ***Considers the carryover of funds as part of the budget deliberations for the 2025/2026 Draft Annual Budget should delivery not occur in the 2024/2025 financial year.***

**CARRIED**

**TOTAL VOTES FOR: 7**

***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

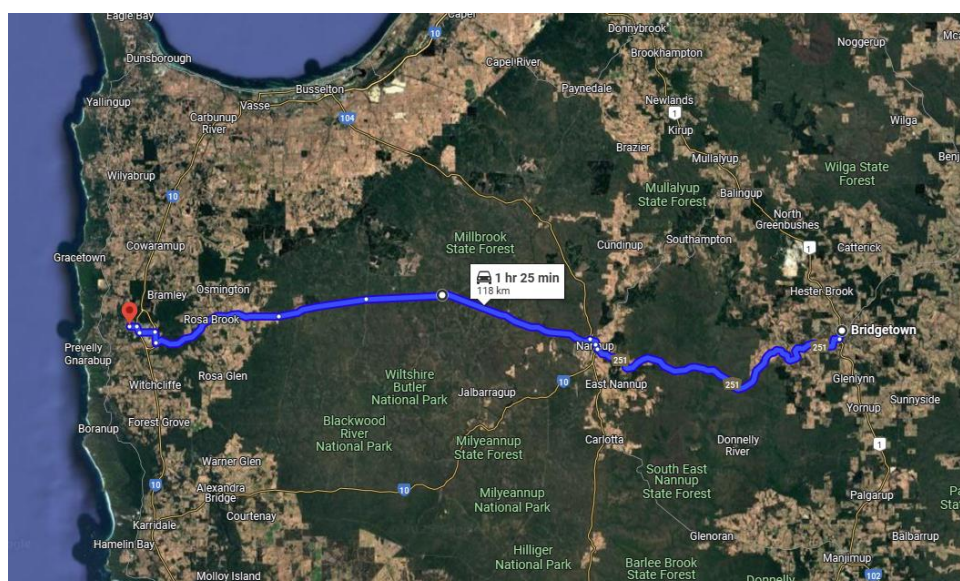
AGENDA NUMBER & SUBJECT:	11.8 – Reclassification of Mowen Road and Graphite Road – Bridgetown and Nannup Road
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK25
AUTHOR:	Damon Lukins – Executive Manager Infrastructure
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.8.1 - Shire Letter to Main Roads

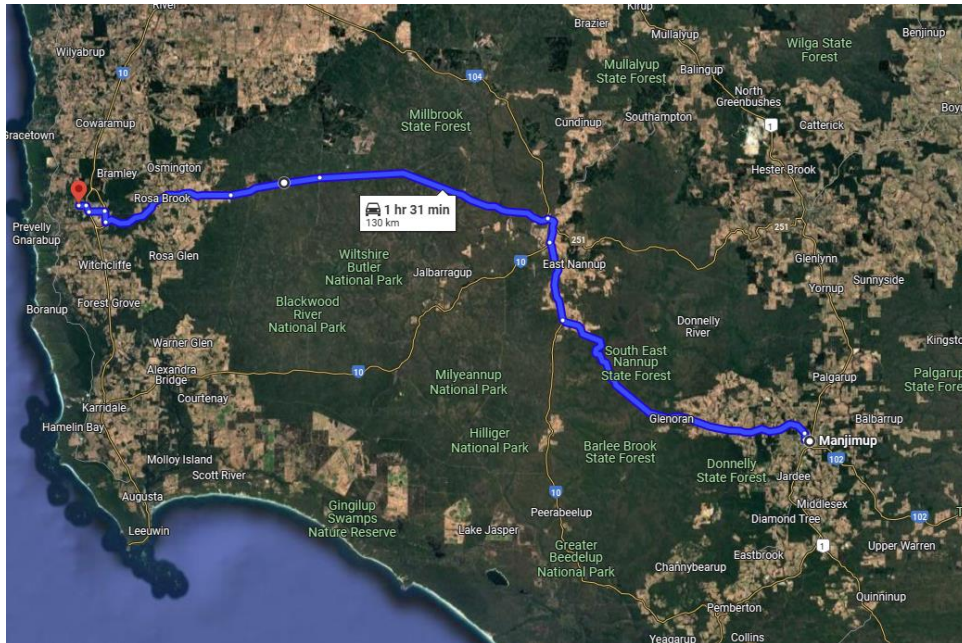
### BACKGROUND:

The Shire has recently been in discussions with Main Roads WA (MRWA) regarding the potential reclassification of certain primary distributor roads from local government control to state-managed roads. This transfer requires an Administrative Classification assessment, which evaluates factors such as strategic importance, traffic types, traffic volumes, and connectivity to key infrastructure and employment hubs.

As part of this process, the Shire and MRWA are exploring the feasibility of an east-west corridor linking Nannup with the Shires of Bridgetown-Greenbushes or the Shire of Manjimup in the east and the Shire of Margaret River in the west. Currently, Mowen Road serves as the primary distributor in the western section and is a strong candidate for reclassification, meeting most of MRWA's criteria. In the eastern section, Bridgetown-Nannup Road and Graphite Road are under consideration as potential routes.

Additionally, the Shire of Manjimup Council has endorsed a proposal to collaborate with the Shire of Nannup and MRWA on transferring control of Graphite Road within the Shire of Manjimup to MRWA. There has been no consultation with the Shire of Bridgetown -Greenbushes regarding Bridgetown Nannup Rd.





*The two route options for divesting to MRWA*

#### **COMMENT:**

For reclassification to proceed, MRWA will only approve a single east-west corridor. In the west, Mowen Road is the clear choice. In the east, the options under consideration are Bridgetown-Nannup Road or Graphite Road.

Bridgetown-Nannup Road is a 23.5 km sealed, two-lane, two-way road within the Shire of Nannup. Divesting this road would represent a larger asset transfer for the Shire compared to Graphite Road, reducing capital works and maintenance costs.

Graphite Road, an 18 km sealed, two-lane, two-way road, within the Shire of Nannup offers strategic benefits as a potential cargo route, facilitating the transport of fruit and vegetables from the Southern Forest region to Busselton-Margaret River Airport.

Between the two options, Bridgetown-Nannup Road holds slightly less strategic and connective significance at both the state and regional levels. The difference in funding impact from state government agencies between the two options would be minimal. Therefore the Officers recommendation is the Mowen Road/Graphite Road option.

#### **STATUTORY ENVIRONMENT:**

Local Government Act 1995

#### **POLICY IMPLICATIONS:**

Nil.



**FINANCIAL IMPLICATIONS:**

The Shire may experience a minor decline in revenue from its Financial Assistance Grants, State Direct Grants, and Roads to Recovery Grants. That being said this is expected to be offset with savings with maintaining road infrastructure and managing roadside vegetation for the Roads in question.

The following table shows expenditure on the subject roads over the past 5 financial years

Job	Description	30/06/2024	30/06/2023	30/06/2022	30/06/2021	30/06/2020	Total	Average
RM109	Bridgetown - Nannup Road - Road Maintenance	23,801	23,644	253,264	38,103	4,718	343,531	68,706
RRG109	Bridgetown - Nannup Road	-	85,389	-	-	-	85,389	17,078
RM119	Graphite Road - Road Maintenance	26,423	15,772	19,672	67,753	2,751	132,371	26,474
RM047	Mowen Road - Road Maintenance	6,262	10,848	5,265	1,661	3,627	27,664	5,533
R2R047	Mowen Road	119,870	-	-	-	-	119,870	23,974
Total		176,357	135,653	278,201	107,517	11,096	708,824	141,765

Not having to maintain these Roads will also help to alleviate the pressures on the Shire workforce and allow more maintenance to be undertaken on other Road infrastructure.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise the only risk identified is that of a financial nature. Officers believe that given the offset in potential loss of grant funding compared to current levels of expenditure with regard to the subject roads and removal of any future capital renewal or upgrade works that the risk is extremely low.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council directs the Chief Executive Officer to liaise with the Shire of Manjimup and Main Roads Western Australia to divest the portion of Mowen Road and Graphite Road within the Shire of Nannup to Main Roads Western Australia.

**COUNCIL RESOLUTION 270225.14****MOVED: CR BROWN****SECONDED: CR SLY***Procedural Motion: Standing Orders be suspended to allow for discussion on the item.***CARRIED****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0****COUNCIL RESOLUTION 270225.15****MOVED: CR GIBB****SECONDED: CR SLY***Procedural Motion: Standing Orders to be resumed to allow for voting.***CARRIED****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0****COUNCIL RESOLUTION 270225.16****MOVED: CR HANSEN****SECONDED: CR GIBB***That Council directs the Chief Executive Officer to liaise with the Shire of Manjimup and Main Roads Western Australia to divest the portion of Mowen Road and Graphite Road within the Shire of Nannup to Main Roads Western Australia.***CARRIED****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.9– 2024/25 Differential Rates Concession Application
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Tim Prosser
FILE REFERENCE:	A545
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.9.1 – A545 Concession Application

**\*Cr Dean declared and Impartiality Interest and remained in the room\***

**BACKGROUND:**

The differential rating system allows local governments to set varying rates for different property categories, promoting equity in the distribution of rates revenue.

Historically, concessions have been provided to eligible applicants of “Plantation Properties” and “GRV Short-Term Properties” who demonstrate percentage of non-plantation use or shared use of the property, respectively. The parameters for these concessions reviewed and adopted annually as part of the budget process.

For the 2024/25 financial year, while the budget was adopted, the associated parameters and thresholds for ratepayer concessions were not formally established. This has created the need for Council to approve the granting of any concession in accordance with Sec. 6.47 of the Local Government Act 1995 on a case-by-case basis.

Following guidance provided by Council at a recent Concept Forum, it is proposed that the same parameters and thresholds used in the previous year (2023/24) be applied to ensure consistency and fairness. The goal is to provide clarity for ratepayers, uphold Council's commitment to supporting eligible applicants, and ensure the process aligns with past practices, even in the absence of pre-adopted parameters.

2023/24 Parameters were as follows:

UV Plantation Concession Requirements: All applications must be submitted with a signed and witnessed Statutory Declaration and an accompanying map clearly indicating the arable land areas on your property (excludes bush and undeveloped land) is not used for plantation as per below:

- 1% concession for properties with 25%-50% arable land is not used for plantation
- 2.5% concession for properties with 50%-75% arable land is not used for plantation
- 4% concession for properties with 75%+ arable land is not used for plantation

GRV Short Term Concession Requirements: All applications must be put forward as a Signed and Witnessed Statutory Declaration stating the property is also your primary place of residence as at 1 July of that rating year.

- 3% concession

**COMMENT:**

The absence of adopted concession parameters for the 2024/25 financial year requires Council to approve the granting of any concession in accordance with Sec. 6.47 of the Local Government Act 1995.

Applying prior parameters ensures fairness, avoids delays, and minimizes administrative effort.

This ensures timely support for eligible ratepayers and provides consistency with established practices. A full review of the concession guidelines can be scheduled as part of future budget preparations to address any longer-term adjustments, if any.

The adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575. Approving the one (1) application of \$624.06 as presented will still leave an amount of \$710.14 should further requests for concessions be sought, as two (2) previous applications have been received and accepted, totalling \$240.80.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Section 6.47*

***“Concessions***

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*Absolute majority required.”*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575. Approving the one (1) application as presented will still leave an amount of \$710.14 should further requests for concessions be sought, *as two (2) previous applications have been received and accepted, totalling \$240.80.*

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes that no risks have been identified given that the adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

*That Council, in accordance with Section 6.47 of the Local Government Act 1995, grant the following Rate Concessions:*

1. *Assessment A545, 1237 Milyeannup Coast Road a Rate Concession of \$624.06.*

**COUNCIL RESOLUTION 270225.17**

**MOVED: CR BROWN**

**SECONDED: CR CURTIS**

***That Council, in accordance with Section 6.47 of the Local Government Act 1995, grant the following Rate Concessions:***

1. ***Assessment A545, 1237 Milyeannup Coast Road a Rate Concession of \$624.06.***

**CARRIED BY ABSOLUTE MAJORITY**

**TOTAL VOTES FOR: 7**

***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.10 - Annual Financial Statements and Audit Opinion 2023/2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC1
AUTHOR:	Kim Dolzadelli -Executive Manager Corporate Services
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.10.1 - Shire of Nannup Audited Annual Financial Report - 2023/24 11.10.2 – Audit Opinion 2023/24 11.10.3 – Interim Management Letter 2023/24 11.10.4 – Final Management Letter 2023/24

#### **BACKGROUND:**

The Local Government Act 1995 and the Local Government (Audit) Regulations 1996 stipulate that the Office of the Auditor General (OAG) is to conduct the financial audit of all local governments in Western Australia, noting that approximately 85% of WA local governments annual financial audits are further outsourced by the OAG.

The Audit and Risk Committee (ARC) conducted a formal meeting with the Shire’s external Auditor required in accordance with section 7.12(A)(2) of the local government Act 1995 on Friday, 31 January 2025.

During this meeting, the ARC took part in an “Audit Exit” meeting with representatives from the Office of the Auditor General (OAG), the Auditor, and OAG appointed Auditors AMD Chartered Accountants.

The OAG has completed the Audit of the Annual Financial Report for the year ended 30 June 2024. The Independent Auditor’s Opinion was issued on 4 February 2025 and is attached to this item for reference.

No matters were raised in the Audit Report that requires any action to be taken by the local government in accordance with the Local Government Act 1995, Part – 7 Audit.

The Interim and Final Audit Management reports are also attached to this Agenda with Managements responses included as attachments to this agenda.

#### **COMMENT:**

The audit opinion is qualified based on prior year carry values for land, buildings, and infrastructure assets, however, concludes that the report fairly represents the results of the operations of the Shire for the period ended 30 June 2024.

**Excerpt from OAG Opinion:**

*"In my opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion section of my report, the financial report:*

- is based on proper accounts and records.*
- presents fairly, in all material respects, the results of the operations of the Shire for the year.*
- ended 30 June 2024 and its financial position at the end of that period.*
- is in accordance with the Local Government Act 1995 (the Act) and, to the extent that they*
- are not inconsistent with the Act, Australian Accounting Standards.*

**Basis for qualified opinion****Land and buildings and infrastructure.**

*My opinion in the prior year was qualified because land, buildings, and infrastructure with carrying values of \$1,615,000, \$8,737,435 and \$100,957,611 respectively disclosed in Notes 8(a) and 9(a) of the financial report as at 30 June 2023, had not been revalued as required by the regulations. The Shire was unable to correct these prior year figures in the current year.*

*Consequently, my opinion on the current year financial report is also modified because of the possible effect of this matter on the comparability of the current period's figures and the corresponding figures."*

The qualification has been made on the basis of prior year comparisons for land, buildings and infrastructure that had not been revalued as at 30 June 2023, there was and is no action that the Shire could have undertaken to remove this prior year qualification.

Four minor finding were raised in the Interim Management letter and two moderate findings were raised in the Final Management letter from the OAG.

Given no significant findings have been raised, no report to the Minister is required in accordance with 7.12A(4)(b) of the *Local Government Act 1995*.

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT:**

Index of findings	Potential impact on audit opinion	Rating			Prior year finding
		Significant	Moderate	Minor	
1. Outdated policy - risk management	No			✓	✓
2. Disaster recovery plan	No			✓	
3. Council minute inconsistency	No			✓	
4. Payment exceptions	No			✓	

### Comments in relation to Interim Audit Findings:

1. Risk Management Policy updated to reference the current Risk Management standard ISO 31000:2018. Adopted at the Ordinary Council meeting held 22 August 2024 Resolution 220824.14,
2. *This will be undertaken in the 2024/25 Financial Year,*
3. *Agree with Auditors observation and recommendation – checks and balances in place, and*
4. Purchase order raised after invoice date, more scrutiny be applied to this issue with any occurrences being reported and explanation sort from officers.

### FINDINGS IDENTIFIED DURING THE FINAL AUDIT

Index of findings	Potential impact on audit opinion	Rating			Prior year finding
		Significant	Moderate	Minor	
1. Assessment of capital grant liabilities	No		✓		✓
2. Information technology framework	No		✓		

### Comments in relation to Final Audit Findings:

1. Framework now in place and part of end of moth procedures, and
2. To be completed by 30 June 2025.

The Audit and Risk Committee considered the Annual Financial Report, Audit Opinion, Financial Management Letter, and Interim Audit Management Letter for the year ending 30 June 2024 at it's meeting held 12 February 2025 and made the following resolution.

*"Committee RESOLUTION 120225.4*

*MOVED: CR SLY*

*SECONDED: CR FRASER*

*That the Audit and Risk Committee recommend to Council that it:*

1. *Receive the Annual Financial Report, Audit Opinion, Financial Management Letter, and Interim Audit Management Letter for the year ending 30 June 2024 as attached; and*
2. *Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the Local Government Act 1995, for the year ending 30 June 2024, is not required.*

*CARRIED*

*TOTAL VOTES FOR: 6*

*Cr Dean, Cr Hansen, Cr Brown, Cr Fraser, Cr Gibb, Cr Sly*

*TOTAL VOTES AGAINST: 0"*



## STATUTORY ENVIRONMENT:

### Local Government Act 1995

#### Division 4

#### 7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
  - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
  - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must—
  - (aa) examine an audit report received by the local government; and
  - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4)A local government must—
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

### Local Government (Audit) Regulations 1996

#### Regulation 16.

#### 16. *Functions of audit committee*

*An audit committee has the following functions —*

- (a) *to guide and assist the local government in carrying out —*
  - (i) *its functions under Part 6 of the Act; and*
  - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
  - (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council;*

- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
  - (i) *regulation 17(1); and*
  - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
  - (i) *is required to take by section 7.12A(3); and*
  - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
  - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
  - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before the Council and advise that no risks have been identified in relation to the recommendation before the Council.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Absolute majority.

**AUDIT AND RISK COMMITTEE RECOMMENDATION**

The Audit and Risk Committee recommends to Council that it:

1. Receive the Annual Financial Report, Audit Opinion, Financial Management Letter, and Interim Audit Management Letter for the year ending 30 June 2024 as attached; and
2. Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the Local Government Act 1995, for the year ending 30 June 2024, is not required.

**COUNCIL RESOLUTION 270225.18**

**MOVED: CR SLY**

**SECONDED: CR BROWN**

*The Audit and Risk Committee recommends to Council that it:*

1. *Receive the Annual Financial Report, Audit Opinion, Financial Management Letter, and Interim Audit Management Letter for the year ending 30 June 2024 as attached; and*
2. *Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the Local Government Act 1995, for the year ending 30 June 2024, is not required.*

**CARRIED BY ABSOLUTE MAJORITY**

**TOTAL VOTES FOR: 7**

*Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly*

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.11 – Acceptance of Shire of Nannup Annual Report 2023/24 and Setting a Date for the Annual General Meeting of Electors
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 17
AUTHOR:	Kim Dolzadelli -Executive Manager Corporate Services
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.11.1 Annual Report 2023/24

### **BACKGROUND:**

Each local government is to prepare an Annual Report for each financial year. The Annual Report is a record of the Council's activities for the financial year and is part of the accountability principles established for Local Government.

The Audit and Risk Committee (ARC) conducted a formal meeting with the Shire's external Auditor required in accordance with section 7.12(A)(2) of the local government Act 1995 on Friday, 31 January 2025.

During this meeting, the ARC took part in an "Audit Exit" meeting with representatives from the Office of the Auditor General (OAG), the Auditor, and OAG appointed Auditors AMD Chartered Accountants.

The OAG has completed the Audit of the Annual Financial Report for the year ended 30 June 2024. The Independent Auditor's Opinion was issued on 4 February 2025 and is attached to this item for reference. Given the date of receipt of the Auditor's Opinion the Annual Report is to be accepted by the local government no later than 2 months after the auditor's report becomes, being 4 April 2025.

A draft Annual Report has been circulated under separate cover for consideration.

### **COMMENT:**

The Annual Report contains all the statutory information required, including the Annual Financial Statements for the year under review and will also form the main document for scrutiny at Council's Annual Electors Meeting.

The Annual Elector's Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given. Should Council Accept the attached Annual Report this effectively means that the Annual Electors Meeting must be held no later than, 24 April 2024.

Officers would encourage that the Annual Electors Meeting be held as soon as is practicable noting that Section 5.29(1) requires that the CEO gives at least 14 days' local public notice of the date, time, place and purpose of the meeting.

The officer notes that the setting of the date has previously been discussed with Councillors at a concept forum and Thursday 20<sup>th</sup> March 2025 was the preferred date and the meeting is to be held in the Shirely Humble Room located within the Shire Administration Building, 15 Adam Street Nannup.

## **STATUTORY ENVIRONMENT:**

### **Local Government Act 1995 – Division 5**

#### **5.53. Annual reports**

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO; and
  - [(c), (d) *deleted*]
  - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
  - (f) the financial report for the financial year; and
  - (g) such information as may be prescribed in relation to the payments made to employees; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
  - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
    - (i) the number of complaints recorded in the register of complaints; and
    - (ii) how the recorded complaints were dealt with; and
    - (iii) any other details that the regulations may require; and
    - (i) such other information as may be prescribed.

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.  
*\* Absolute majority required.*
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

### 5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

### Local Government (Administration) Regulations 1996 – Part 5 Division 2

#### 19B. Information to be included in annual report (Act s. 5.53(2)(g) and (i))

- (1) In this regulation —  
*remuneration* has the meaning given in the *Salaries and Allowances Act 1975* section 4(1).
- (2) For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following —
  - (a) the number of employees of the local government entitled to an annual salary of \$130 000 or more;
  - (b) the number of employees of the local government entitled to an annual salary that falls within each band of \$10 000 over \$130 000;
  - (c) any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;
  - (d) any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;
  - (e) the remuneration paid or provided to the CEO during the financial year;
  - (f) the number of council and committee meetings attended by each council member during the financial year;
  - (g) if available, the gender, linguistic background and country of birth of council members;
  - (h) if available, the number of council members who are aged—
    - (i) between 18 years and 24 years; and
    - (ii) between 25 years and 34 years; and
    - (iii) between 35 years and 44 years; and
    - (iv) between 45 years and 54 years; and
    - (v) between 55 years and 64 years; and
    - (vi) over the age of 64 years;
  - (i) if available, the number of council members who identify as Aboriginal or Torres Strait Islander;
  - (j) details of any modification made to a local government's strategic community plan during the financial year;
  - (k) details of any significant modification made to a local government's corporate business plan during the financial year.

#### POLICY IMPLICATIONS:

Nil

#### FINANCIAL IMPLICATIONS:

Nil

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before the Council and advise that no risks have been identified in relation to the recommendation before the Council.

**STRATEGIC IMPLICATIONS:**OUR SHIRE:**6.3 LEAD, LISTEN, ADVOCATE, REPRESENT AND PROVIDE**

- Provide a listening leadership that represents the people through ongoing community engagement

**6.4 WE ARE ONE** We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community:

- Provide a stable, consistent and honest government

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council by absolute majority;

1. Accept the Annual Report for the Shire of Nannup for the year ended 30 June 2024 as required by section 5.54(1) and 5.54(2) of the Local Government Act 1995, and
2. Sets Thursday, 21 March 2025 at 5:30pm as the Date for the Annual Electors Meeting, to be held in the Shirley Humble Room located within the Shire Administration Building, 15 Adam Street Nannup as the place for the meeting.

**COUNCIL RESOLUTION 270225.19****MOVED: CR HANSEN****SECONDED: CR GIBB***Procedural Motion: Standing Orders be suspended to allow for discussion on the item.***CARRIED****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0****COUNCIL RESOLUTION 270225.20****MOVED: CR BROWN****SECONDED: CR SLY***Procedural Motion: Standing Orders to be resumed to allow for voting.***CARRIED****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0**

\*Council requested that the three columns from Committee Meeting Attendance table on page 7 of the Annual report be removed, Local Drug Action Group Committee, Tourism Committee and The Australia Day Committee \*

**COUNCIL RESOLUTION 270225.21****MOVED: CR HANSEN****SECONDED: CR BROWN***That Council by absolute majority*

1. *Accept the Annual Report for the Shire of Nannup for the year ended 30 June 2024 as required by section 5.54(1) and 5.54(2) of the Local Government Act 1995, and*
2. *Sets Thursday, 21 March 2025 at 5:30pm as the Date for the Annual Electors Meeting, to be held in the Shirley Humble Room located within the Shire Administration Building, 15 Adam Street Nannup as the place for the meeting.*

**CARRIED BY ABSOLUTE MAJORITY****TOTAL VOTES FOR: 7***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***TOTAL VOTES AGAINST: 0**

\*The incorrect date for the proposed Annual Electors meeting was listed in the Officer recommendation. The correct date for the meeting is Thursday, 20 March 2025. Councillors were informed of the error and advised with their permission that the meeting will be held on 20 March 2025, not 21 March as previously voted on\*



AGENDA NUMBER & SUBJECT:	11.12– Payment of Accounts – January 2025
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.12.1 – Payment of Accounts – January 2025

### BACKGROUND:

To advise Council of payments made for the period 1 January to 31 January 2025.

### COMMENT:

Payments of \$517,283.55 as detailed in the payment of accounts listing for the period 1 January to 31 January 2025 as per Attachment 11.12.1 have been approved under delegated authority.

#### Municipal Account

Accounts paid by EFT	18015 - 18152	\$397,917.72
Accounts paid by cheque	20638 - 20640	\$870.24
Accounts paid by Direct Debit	13751.1 – 13837.18	\$118495.59
<i>Sub Total Municipal Account</i>		<u>\$517,283.55</u>

#### Trust Account

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
<b>Total Payments</b>		<u><b>\$517,283.55</b></u>

### STATUTORY ENVIRONMENT:

Regulation 13(2) of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction, and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of payments made using the purchasing cards showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes by Council receiving these reports of payment of accounts, that no risks have been identified.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council notes the payment of accounts totalling \$517,283.55 for the period 1 January to 31 January 2025 as per Attachment 11.12.1.

**COUNCIL RESOLUTION 270225.22**

**MOVED: CR CURTIS**

**SECONDED: CR SLY**

*That Council notes the payment of accounts totalling \$517,283.55 for the period 1 January to 31 January 2025 as per Attachment 11.12.1.*

**CARRIED**

**TOTAL VOTES FOR: 7**

*Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly*

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.13– Financial Activity Statements – January 2025
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.13.1 – Financial Activity Statement – January 2025

### **BACKGROUND:**

The financial statements are presented to Council in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, stipulate that a Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds.

Section 6.4 of the *Local Government Act 1995*, requires that financial reports be prepared and presented in the manner and form prescribed in the *Local Government (Financial Management) Regulations*.

The requirement is for a Statement of Financial Activity with a report detailing material variances. The Financial Report presented includes this as well as other statements and supplementary information.

### **COMMENT:**

The Financial Statements for the period ending 31 January 2025 present the financial performance of the Shire for the 2024/25 financial year and compare year to date expenditure and revenue against the corresponding year to date budget.

Attached for consideration is the completed Monthly Financial Report as per Attachments 11.13.1.

The document attached includes Statement of Financial Activity by Nature or Type, Notes to the financial statements and an explanation of material variances.

### **STATUTORY ENVIRONMENT:**

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

### **POLICY IMPLICATIONS:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Nil.

**RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes by Council receiving these Statements of Financial Position, that no risks have been identified.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statements for the period ending 31 January 2025 as per Attachment 11.13.1.

**COUNCIL RESOLUTION 270225.23**

**MOVED: CR SLY**

**SECONDED: CR CURTIS**

***That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Financial Activity Statements for the period ending 31 January 2025 as per Attachment 11.13.1.***

**CARRIED**

**TOTAL VOTES FOR: 7**

***Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly***

**TOTAL VOTES AGAINST: 0**

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**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**


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Nil.

**13. MEETING MAY BE CLOSED:**


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**COUNCIL RESOLUTION 270225.24**
**MOVED: CR HANSEN**
**SECONDED: CR CURTIS**
**Procedural Motion: That the meeting be closed to the public.**
**CARRIED**
**TOTAL VOTES FOR: 7**
**Cr Dean, Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Gibb, Cr Sly**
**TOTAL VOTES AGAINST: 0**

**\*The meeting was closed to the public at 6.01pm\***

**\*Chief Executive Officer, David Taylor and other staff left the room at 6.02pm\***

AGENDA NUMBER & SUBJECT:	13.1 – Confidential Item - Chief Executive Officer Annual Performance Appraisal
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Employee File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Financial Interest - Chief Executive Officer
DATE OF REPORT:	19 February 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	13.1.1 – Confidential – Nannup CEO Review 13.1.2 – Confidential -CEO Performance Self-Acquittal 2024

**\*\*Financial Interest – Chief Executive Officer\*\*.**

**The Chief Executive Officer has an interest in this matter and will leave the room.**

**The CEO has supported the Council administratively by preparing this report.**

**14. CLOSURE OF MEETING:**


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Shire President declared the meeting closed at 6.04pm.

### **Attachments**

Item	Attachment	Title
3.1.1	1	Response to Ken and Kerry Wild
11.1.1	1	Delegated Planning Decisions – November and December 2024
11.2.1	1	Delegated Planning Decisions – January 2025
11.3.1	1	MOU between the Shire of Nannup and Nannup Garden Village Inc 2025-2030
11.4.1	1	Grant Agreement
11.5.1	1	ATO Determination – GST on Grant of Right of Burial
11.6.1	1	Compliance Audit Return
11.7.1	1	CJD Equipment L70H2S3
11.7.2	1	CJD Equipment L90H2S3
11.7.3	1	CJD Equipment L90H2S5
11.7.4	1	Hitachi Construction ZW160-7 Quote
11.7.5	1	Hitachi Construction ZW180-7 Quote
11.7.6	1	Kamatsu WA270 8 Quote
11.7.7	1	Westrac Pty Ltd CAT 938 Wheel Quote
11.7.8	1	2024-25 Articulated Wheel Loader Evaluation
11.8.1	1	Main Roads Future State Roads Proposal
11.9.1	1	S545 Concession Application
11.10.1	1	Financial Report Shire of Nannup- 30 June 2024
11.10.2	1	Opinion Shire of Nannup – 30 June 2024
11.10.3	1	Interim Management Letter Shire of Nannup – 30 June 2024
11.10.4	1	Final Management Letter – Shire of Nannup – 30 June 2024
11.11.1	1	Annual Report 2023/24
11.12.1	1	Payment of Accounts – January 2025
11.13.1	1	Financial Activity Statements – January 2025
13.1.1	1	Confidential – Nannup CEO Review (emailed direct to Council)
13.1.2	1	Confidential – CEO Performance Self-Acquittal 2024 (emailed direct to Council)