



# Minutes

**Ordinary Council Meeting held 4.30 pm, 27 April 2023**

**Council Chambers, 15 Adam Street, Nannup WA 6275**

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## Contents

<b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:</b>	3
<b>2. ATTENDANCE/APOLOGIES:</b>	3
<b>2.1 ATTENDANCE</b>	3
<b>2.2 APOLOGIES</b>	3
<b>3. PUBLIC QUESTION TIME:</b>	3
<b>3.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:</b>	3
<b>3.2 QUESTION TIME:</b>	4
<b>4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:</b>	4
<b>4.1 APPROVED LEAVE OF ABSENCE:</b>	4
<b>4.2 APPLICATION FOR A LEAVE OF ABSENCE:</b>	4
<b>COUNCIL RESOLUTION 23039</b>	4
<b>5. CONFIRMATION OF MINUTES:</b>	4
5.1 Ordinary Council Meeting – 23 March 2023	4
<b>COUNCIL RESOLUTION 23040</b>	4
5.2 Local Drug Action Group – 12 April 2023	5
<b>COUNCIL RESOLUTION 23041</b>	5
<b>6. ANNOUNCEMENTS FROM PRESIDING MEMBER:</b>	5
<b>7. DISCLOSURE OF INTEREST:</b>	5
<b>8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:</b>	5
<b>9. PRESENTATIONS/DEPUTATIONS/PETITIONS:</b>	6
<b>10. REPORTS BY MEMBERS ATTENDING COMMITTEES:</b>	6
<b>11. REPORTS OF OFFICERS:</b>	7
11.1 – Development Application for a Change of Use from a Single House to a Holiday House	7
<b>COUNCIL RESOLUTION 23042</b>	15
11.2 – Delegated Planning Decisions for March 2023	16
<b>COUNCIL RESOLUTION 23043</b>	17
11.3 – Payment of Accounts – February 2023	19
<b>COUNCIL RESOLUTION 23044</b>	20
11.4 – Financial Activity Statement – February 2023	21
<b>COUNCIL RESOLUTION 23045</b>	22
11.5 – Mid Year Budget Review for the period ended 28 February 2023	23
<b>COUNCIL RESOLUTION 23046</b>	24
11.6 – Warren Blackwood Alliance – Australian Local Government Assembly Representative	26
<b>COUNCIL RESOLUTION 23047</b>	27

<b>COUNCIL RESOLUTION 23048</b> .....	27
<b>COUNCIL RESOLUTION 23049</b> .....	27
11.7 – Warren Blackwood Alliance – Climate Change Action Plan Implementation Reference Group (CCAPIRG).....	29
<b>COUNCIL RESOLUTION 23050</b> .....	32
11.8 – Review of Corporate Business Plan.....	33
<b>COUNCIL RESOLUTION 23051</b> .....	34
<b>12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:</b> .....	35
<b>13. MEETING MAY BE CLOSED:</b> .....	35
<b>COUNCIL RESOLUTION 23052</b> .....	35
13.1 – CONFIDENTIAL ITEM - Southwest Regional Waste Management Services - Contract .....	35
13.2 – CONFIDENTIAL ITEM – Application for Annual Leave and Acting Chief Executive Officer .....	35
<b>14. CLOSURE OF MEETING:</b> .....	36

## MINUTES

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:

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

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

### 2. ATTENDANCE/APOLOGIES:

#### 2.1 ATTENDANCE

Councillors	Officers
Cr Tony Dean (Shire President)	David Taylor – Chief Executive Officer
Cr Vicki Hansen (Deputy President)	Kellie Jenkins – Deputy CEO/Manager Corporate Services
Cr Brown	Jonathan Jones – Manager Infrastructure
Cr Chris Buckland	Jane Buckland – Development Services Coordinator
Cr Patricia Fraser	Sarah Dean – Governance, Risk & Assurance Officer
Cr Ian Gibb	
Cr Charles Gilbert	
Cr Bob Longmore	

Public Gallery
Wayne Leece, Jim & Isabel Green, Vicki Lamers, Stefan Murphy, John Jackson, Leo Brown.

#### 2.2 APOLOGIES

Nil.

### 3. PUBLIC QUESTION TIME:

#### 3.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

### **3.2 QUESTION TIME:**

#### Leo Brown – 151 Dean Road

**Q 1** – My question is to CEO David Taylor. After you have seen the properties on Dean Road do you still stand by the statement made to me over this application that this is none of my concern?

**A 1** - CEO responded that he is not familiar with the statement about it being none of his (Mr Brown's) concern. I did visit the properties; I can see that your property had a visual line of sight of which the distance is about 300 metres from house to house and then I measured from the boundary at the bottom of which it was about 130 metres. I can certainly appreciate the concerns I have mentioned in previous emails to yourself.

#### John Jackson – 138 Dean Road

**Q 1** – What is the criteria for who is consulted?

**A 1** – CEO responded that for non-complex cases the Shire administration staff would ask for submissions from adjacent properties. My understanding is that this is the criteria that was used for the development application you are referring to.

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

#### **4.1 APPROVED LEAVE OF ABSENCE:**

Nil.

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

#### ***COUNCIL RESOLUTION 23039***

<b><i>MOVED CR HANSEN</i></b>	<b><i>SECONDED CR BUCKLAND</i></b>
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***That Councillor Brown be granted a leave of absence for the period 1 – 27 August 2023.***

***CARRIED (8/0)***

### **5. CONFIRMATION OF MINUTES:**

#### **5.1 Ordinary Council Meeting – 23 March 2023**

#### ***COUNCIL RESOLUTION 23040***

<b><i>MOVED CR LONGMORE</i></b>	<b><i>SECONDED CR BUCKLAND</i></b>
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*That the Minutes from the Ordinary Meeting of Council held 23 March 2023 be confirmed as a true and correct record (attachment 5.1).*

**CARRIED (8/0)**

## 5.2 Local Drug Action Group – 12 April 2023

### **COUNCIL RESOLUTION 23041**

<b>MOVED CR HANSEN</b>	<b>SECONDED CR BROWN</b>
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*That the Minutes from the Local Drug Action Group meeting held 12 April 2023 be received (attachment 5.2).*

**CARRIED (8/0)**

## **6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

Nil.

## **7. DISCLOSURE OF INTEREST:**

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

Cr Brown declared an impartiality interest in agenda item 13.1 – Southwest Regional Waste Management Services – Contract. The nature of her interest is that she is part owner of Nannup Skip Bins and therefore has an interest in waste management practices in the Shire.

Kellie Jenkins declared a financial interest in agenda item 13.2 – Application for Annual Leave and Acting CEO.

David Taylor declared a financial interest in agenda item 13.2 – Application for Annual Leave and Acting CEO.

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

Nil.



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## 9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

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Mr John Jackson made a deputation regarding agenda item 11.1 - Development Application for a Change of Use from a Single House to a Holiday House.

Mr Leo Brown made a deputation regarding agenda item 11.1 - Development Application for a Change of Use from a Single House to a Holiday House.

Mr Stefan Murphy made a deputation to Council regarding agenda item 11.1 - Development Application for a Change of Use from a Single House to a Holiday House.

## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

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Meeting	Date	Councillor
Local Drug Action Group	12 April	Hansen, Brown
Warren Blackwood Alliance of Councils	14 April	Dean
WBAC Climate Change Reference Group	14 April	Hansen
WALGA – South West Zone	21 April	Dean

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Development Application for a Change of Use from a Single House to a Holiday House
LOCATION/ADDRESS:	Lot 801 (#191) on DP68663 Dean Road, Nannup
NAME OF APPLICANT:	Stefan Murphy
FILE REFERENCE:	A1687
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 April 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 - Location map 11.1.2 - Original information from the applicant 11.1.3 - Submissions 11.1.4 - Response from the applicant 11.1.5 - Extract from the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 11.1.6 - Bushfire Management Plan

### BACKGROUND:

The Shire has received a Development Application from the owner of Lot 801 (#191) Dean Road, Nannup for the change of use of an existing single house to a holiday house.

The site as shown in Attachment 11.1.1, is located on Dean Road approximately 1.3 kilometres from the intersection with Blackwood River Drive. The site is 1.7529 hectares in area and contains a single house, shed, and water tank.

Details of the proposal as provided by the applicant are shown in Attachment 11.1.2. In summary, the applicant proposes to convert the existing single house into a holiday house accommodating a maximum of eight persons for short term accommodation.

### Consultation

The Shire administration undertook consultation by inviting public comment on the Development Application for a period of 14 days by writing to 8 adjoining/nearby landowners and the North Nannup Volunteer Bushfire Brigade.

The Shire received 3 submissions on the Development Application as outlined in Attachment 11.1.3.

One submitter raised no objections to the proposed development while two submitters objected to the proposed development. In summary, key matters raised are:

- limited vehicular access to the property in the event of a fire emergency;
- potential for visitors to be unaware of the need to control activities that may increase fire risk;
- increased vehicle movements on Dean Road and the surrounding Rural Residential area;
- a lack of appropriate fencing on the northern, eastern, and southern boundaries of Lot 801 Dean Road to contain visiting pets on the property;
- amenity impacts related to noise, anti-social behaviour, and a loss of tranquillity; and
- insufficient management of the property.

In response to these submissions, the applicant has provided a letter addressing the concerns which is set out in Attachment 11.1.4.

#### Planning framework

The property is zoned 'Rural Residential' in the *Shire of Nannup Local Planning Scheme No. 4* (LPS4). The Council has the legal power under LPS4 to approve the Development Application for a change of use to a holiday house in the Rural Residential Zone. A holiday house is an 'A' use in the Rural Residential Zone as set out in the LPS4 Zoning Table meaning Council can approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions (seeking community and stakeholder comment).

LPS4 defines holiday house as 'a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.

The *Shire of Nannup Local Planning Strategy* states in Section 5.4 Tourism that its aims are to:

- a) Encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- b) Encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

The *Shire of Nannup Community Strategic Plan 2021-2036* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner and therefor is subject to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7) and the *Guidelines for Planning in Bushfire Prone Areas*.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed holiday house is a 'vulnerable land use'. This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

In summary, the above documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

Attachment 11.1.5 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

#### **COMMENT:**

##### *A) Overview*

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS4, strategies and policies.

It is recommended that Council conditionally approve the Development Application based on the plans in Attachment 11.1.2 given:

- It is overall consistent with the planning framework;
- It supports diversifying and growing the local economy and supports tourism;
- There are expected to be manageable environmental impacts;
- Increased traffic can be accommodated on local roads;
- There are no objections from other Shire officers/units;
- Bushfire Prone Planning confirms that the proposal generally addresses *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*; and
- Development conditions can assist to control the use and management of the development.

##### *B) Key Issues*

While noting the above, there are various issues associated with the proposed development which should be considered by the Council in determining the Development Application. Some of these issues are outlined below including:

- Bushfire risks and emergency management
- Traffic impacts
- Amenity impacts including noise
- Effective management of the holiday house.

### Bushfire & Emergency Management

While the proposed development is fully contained within an existing dwelling, the occupation by potentially eight persons is considered to be at a scale that is not consistent with that of a typical residential dwelling. There is significant risk to guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area.

In assessing a proposal against the bushfire protection criteria contained in Appendix 4 of the *Guidelines for Planning in Bushfire Prone Areas*, for each element the intent must be demonstrated by either addressing the relevant acceptable solutions. Where these acceptable solutions cannot be fully met, performance-based solutions can be developed to achieve the intent. The BMP identifies that the acceptable solutions to achieve the intent of Element 5: Vulnerable Tourism Land Uses cannot be fully met due to the location of the site at the southern end of Dean Road.

While noting this, Bushfire Prone Planning, through their BMP and BEP consider the application sufficiently addresses State planning requirements (refer to Attachment 11.1.6). Subject to implementation and on-going review of the BMP and BEP, it appears that associated risks can be managed.

Given that the application otherwise addresses the relevant acceptable solutions, it is recommended that a condition be included requiring that the holiday house is not to operate in catastrophic conditions and informing guests as soon as possible not to arrive in Nannup in catastrophic conditions.

Should Council approve the Development Application, there is a need for the applicant to implement recommendations in the BMP and BEP.

### Traffic Impacts

Dean Road is a local road under the control of the Shire and is sealed. Based on Council's Local Planning Policy *LPP20 Developer and Subdivider Contributions*, State Government policy and legal principles, it is suggested that no financial contribution is required from the applicant to upgrade Dean Road. In summary, the traffic generation for the holiday house throughout the year will be lower than for a family living full-time on the property.

### Amenity

The Shire acknowledges the concerns from submitters with regards to noise and anti-social behaviour. The *Environmental Protection (Noise) Regulations 1997* apply to the site (and throughout Western Australia). Should written complaints on noise be received in the future, the Shire will separately investigate.

It is recommended that if Council choose to approve the holiday house that approval be granted for a period of 3 years only. If the applicant wishes to continue operating the holiday house beyond this period, a new Development Application will need to be submitted to and

approved by the Shire prior to the expiry of the 3 year period or the use shall cease. A period of 3 years is considered to be a reasonable timeframe for the applicant to recover any costs associated with the establishment of the holiday house and while giving the Shire an opportunity to review any amenity impacts prior to granting any further approval.

#### On-going Management

The applicant has advised that it is their intention to engage a suitable local property manager but until such time, they will be managing the property themselves. They will be contactable by neighbours and guests to deal with any issues that may arise.

There are several recommended development conditions that seek to minimise land use impacts and encourage appropriate neighbourly relations. This includes a recommended condition requiring the applicant/landowner to prepare, gain approval and effectively implement a Management Plan. The Management Plan, amongst matters, should address visitor behaviour and relevant management measures to avoid adverse impacts on the area's amenity.

#### *C) Conclusion*

The Shire administration considers that the applicant has suitably addressed the concerns raised by submitters and will take steps to minimise any impact on the neighbouring properties.

It is recommended that Council conditionally approve the Development Application given:

- it is consistent with the planning framework including that LPS4 enables the holiday home use in the Rural Residential Zone;
- it is a low-key use which is expected to have manageable off-site impacts;
- it supports diversifying the local economy and supports tourism;
- no clearing of native vegetation is proposed;
- there are no environmental impacts if pets are controlled;
- there are no objections from other Shire officers/units;
- comprehensive Bushfire Management and Bushfire Emergency Plans are in place for the property; and
- development conditions can assist to control the use and management of the development.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS4.*

**POLICY IMPLICATIONS:**

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Relevant policies include *LPP20 Developer and Subdivider Contributions* and *LPP21 Bushfire Management*.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP 3.7 Planning in Bushfire Prone Areas*.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

**STRATEGIC IMPLICATIONS:**

The proposed holiday house is considered consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2021-2036*.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council approve the Development Application for a change of use from a single house to a holiday house on Lot 801 on Deposited Plan 68663 (No. 191) Dean Road, Nannup, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.

2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the Shire and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
3. This development approval is valid until 27<sup>th</sup> April 2026 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use.
4. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period.
5. No more than 8 persons are to be accommodated in the holiday house at any one time.
6. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
7. A smoke alarm must be installed in the holiday house on or near the ceiling:
  - (i) in every bedroom; and
  - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
8. A system of emergency lighting must be installed in the holiday house to assist evacuation of occupants in the event of fire and this lighting must:
  - (i) be activated by a smoke alarm(s) (required by the previous Condition); and
  - (ii) consist of:
    - a. a light incorporated within the smoke alarm(s) itself; or
    - b. lighting located within the corridor, hallway or area served by the required smoke alarm(s).
9. A Bushfire Management Plan is to be approved by the local government and then implemented prior to occupation of the holiday house. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
10. A Bushfire Emergency Plan is to be approved by the local government and then implemented prior to occupation of the holiday house. Following this, measures in the approved Bushfire Emergency Plan are to be maintained to the satisfaction of the local government.
11. The holiday house is not operate on catastrophic fire danger days where the Fire Behaviour Index (FBI) is likely to exceed FBI >100. Guests due to arrive at the holiday house on catastrophic fire danger days at to be directed as soon as possible not to arrive in Nannup.



12. The applicant is to submit and gain local government approval for a Management Plan, prior to occupation of the holiday house, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
13. The applicant shall not erect any advertising or signage at the site without the prior approval of the Shire.
14. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the Certificate of Title, at the full cost of the applicant, advising landowners that the property is located in a bushfire prone area, alerting landowners to the existence of the approved Bushfire Management Plan, and advising landowners of their obligations in respect to the use and ongoing management of the land.

#### Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 6, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the applicant/operator.
- C) In relation to Conditions 9 and 10, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk. As part of this, an Asset Protection Zone should always be permanently maintained around the holiday home.
- D) In relation to Condition 11, this is to reduce the likelihood of human exposure to bushfire by restricting occupation when the FBI is likely to exceed FBI 100. The site is within an extreme bushfire area and the applicant has a duty of care for the safety of all persons visiting and staying at the site from the harmful effects of a bushfire affecting the site.
- E) In relation to Condition 12, the Management Plan is to address matters including:
  - address the responsibility for client/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - seek the operation to be a good neighbour and be considerate including noise, trespass and the approach to reducing fire risks;
  - consider and address impacts from guests/visitors including amplified music and other noise;
  - address trespass and litter;
  - restricting the maximum number and type of, and/or managing pets;
  - not light any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
  - adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season.

- F) In relation to Condition 12, the applicant is also to make appropriate arrangements, prior to commencement of the holiday house use, outlining how they will advise patrons of the Management Plan. This should include information provided on the website, social media platforms, tourist accommodation booking platforms and at the holiday house.
- G) In relation to Condition 13, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- H) In relation to Condition 14, the notification is to state as follows:  
*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."*
- I) The applicant should ensure that a suitable Public Liability Insurance Policy is always maintained while the holiday home use is operating.
- J) The applicant is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Public Health Act 2016* and the Shire of Nannup Health Local Laws.
- K) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 7.00pm and 7.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.
- L) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

#### **COUNCIL RESOLUTION 23042**

<b>MOVED CR FRASER</b>	<b>SECONDED CR BROWN</b>
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***That the motion lies on the table.***

***CARRIED (6/2)***

***Cr Buckland and Cr Gibb voted against the procedural motion.***

**[Shire of Nannup Standing Orders Local Law](#)**

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for March 2023
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 April 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – Register of Delegated Development Approvals

### 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 on a monthly basis 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 March 2023 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 March 2023, six (6) 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 March 2023 compared to March 2022:

	March 2022	March 2023
<b>Delegated Decisions</b>	9 (\$1,211,209)	6 (\$595,000)
<b>Council Decisions</b>	1 (\$300,000)	0
<b>Total</b>	<b>10 (\$1,511,209)</b>	<b>6 (\$595,000)</b>

100% of all approvals issued in the month of March 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.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for March 2023 as per Attachment 11.2.1.

**COUNCIL RESOLUTION 23043**

**MOVED CR BROWN**

**SECONDED CR FRASER**

***That Council receives the report on Delegated Development Approvals for March 2023 as per Attachment 11.2.1.***

***CARRIED (8/0)***

AGENDA NUMBER & SUBJECT:	11.3 – Payment of Accounts – February 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	31 March 2023
ATTACHMENT:	11.3.1 – Payment of Accounts – February 2023

**BACKGROUND:**

To advise the Council of payments made from the municipal fund or trust fund for the period 1 February 2023 to 28 February 2023.

**COMMENT:**

If Council would like to ask questions about the payment of accounts, prior notice of these questions will enable officers to provide a detailed explanation in response at the Council meeting.

**Municipal Account**

Accounts paid by EFT	15523 to 15611	\$609,125.89
Accounts paid by cheque	20594	\$99.85
Accounts paid by Direct Debit	12114.1 to 12230.1	\$114,013.89
<i>Sub Total Municipal Account</i>		<u>\$723,239.63</u>

**Trust Account**

Accounts paid by EFT	15608	\$325.42
<i>Sub Total Trust Account</i>		<u>\$325.42</u>
<b>Total Payments</b>		<u><b>\$723,565.05</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 meeting of the Council to which the list is to be presented.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority

**OFFICER RECOMMENDATION:**

That Council endorses the payment of accounts totalling \$723,565.05 for the period 1 February 2023 to 28 February 2023 as per Attachment 11.3.1.

**COUNCIL RESOLUTION 23044**

<b><i>MOVED CR BROWN</i></b>	<b><i>SECONDED CR BUCKLAND</i></b>
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***That Council endorses the payment of accounts totalling \$723,565.05 for the period 1 February 2023 to 28 February 2023 as per Attachment 11.3.1.***

***CARRIED (8/0)***

AGENDA NUMBER & SUBJECT:	11.4 – Financial Activity Statement – February 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 April 2023
ATTACHMENTS:	11.4.1 – Financial Activity Statement – February 2023

### **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*, stipulates 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 28 February 2023 present the financial performance of the Shire for the 2022/23 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 Attachment 11.4.1.

The document attached includes a 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.

**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 Statement for the period ending 28 February 2023 as per Attachment 11.4.1.

**COUNCIL RESOLUTION 23045**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR GILBERT</b>
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***That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Financial Activity Statement for the period ending 28 February 2023 as per Attachment 11.4.1.***

***CARRIED (8/0)***

AGENDA NUMBER & SUBJECT:	11.5 – Mid Year Budget Review for the period ended 28 February 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Kellie Jenkins – Manager Corporate Services /Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services /Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 April 2023
ATTACHMENTS:	11.5.1 – Budget Review Report for the period ended 28 February 2023

#### **BACKGROUND:**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, states:

*“(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

*(2A) The review of an annual budget for a financial year must –*

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government’s financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*

*(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review. \*Absolute majority required.*

*(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

#### **COMMENT:**

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Direct consultation has occurred with the Chief Executive Officer and Managers.

The attached document shows a line by line comprehensive list of all amendments being sought with commentary.

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996, Regulation 33A.*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The 2022/23 adopted Budget provided for a surplus position of \$21,138. Assuming Council accepts the Officers recommendation to amend the budget as per the attached summary, the net impact on the end of year position will result in an increased surplus position of \$424,291.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Absolute Majority.

**OFFICER RECOMMENDATION:**

1. That Council, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, receives the Budget Review Report for the period ended 28 February 2023, attached as Attachment 11.5.1.
2. That Council approves amendments to the 2022/23 Budget as detailed in Attachment 11.5.1.

**COUNCIL RESOLUTION 23046**

**MOVED CR HANSEN**

**SECONDED CR LONGMORE**

- 1. That Council, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, receives the Budget Review Report for the period ended 28 February 2023, attached as Attachment 11.5.1.**
- 2. That Council approves amendments to the 2022/23 Budget as detailed in Attachment 11.5.1.**

**CARRIED (8/0)**

AGENDA NUMBER & SUBJECT:	11.6 – Warren Blackwood Alliance – Australian Local Government Assembly Representative
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Warren Blackwood Alliance of Council
FILE REFERENCE:	ADM
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 April 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	Attachment 11.6.1 – ALGA Registration Information

#### **BACKGROUND:**

At the Warren Blackwood Alliance of Council (WBAC) held in April 2023, there was a discussion about sending a single delegate from each local government to the Australian Local Government Assembly (ALGA) held on 13 – 16 June 2023 in Canberra.

#### **COMMENT:**

This is an annual event that is held for all local governments in Australia, the event covers a range of national level topics each year. It is similar to the annual WALGA conference in style but larger with more diverse topics across states and territories.

The WBAC felt as though there were a number of relevant topics being covered as part of the 2023 program and wanted to gauge the interest in sending attendees from each local government.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

#### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Conference Registration	\$895 (early bird rate) – recommended registration \$689 (virtual delegate) \$425 (regional forum)
Flights	\$1,200
Accommodation (6 nights)	\$300 per night
Total Estimate	\$4,000 per person

**STRATEGIC IMPLICATIONS:**

Strategic advocating of the region and representative local governments.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council nominates Cr \_\_\_\_\_ as the representative for the Shire of Nannup to attend the Annual Local Government General Assembly 2023 with the Warren Blackwood Alliance of Councils and on the basis that other WBAC local governments are also attending the Assembly.

***COUNCIL RESOLUTION 23047***

<b><i>MOVED CR BUCKLAND</i></b>	<b><i>SECONDED CR BROWN</i></b>
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Suspend standing orders to allow for discussion on agenda item.

**CARRIED (8/0)**

***COUNCIL RESOLUTION 23048***

<b><i>MOVED CR BUCKLAND</i></b>	<b><i>SECONDED CR BROWN</i></b>
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Resume standing orders to allow for voting on agenda item.

**CARRIED (8/0)**

***COUNCIL RESOLUTION 23049***

<b><i>MOVED CR BROWN</i></b>	<b><i>SECONDED CR BUCKLAND</i></b>
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***That Council nominates Cr Dean as the representative for the Shire of Nannup to attend the Annual Local Government General Assembly 2023 with the Warren Blackwood Alliance of Councils and on the basis that other WBAC local governments are also attending the Assembly.***

***CARRIED (8/0)***

AGENDA NUMBER & SUBJECT:	11.7 – Warren Blackwood Alliance – Climate Change Action Plan Implementation Reference Group (CCAPIRG)
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	WBAC Climate Change Action Plan Implementation Reference Group
FILE REFERENCE:	ADM 4
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 April 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	Nil

#### **BACKGROUND:**

The Warren Blackwood Alliance of Councils formed a Climate Change Action Plan Implementation Reference Group. The purpose of the group is to provide recommendations for initiatives supported by the Warren Blackwood Alliance of Council's Climate Change Action Plan for individual local government consideration.

#### **COMMENT:**

#### **WATERWISE COUNCILS PROGRAM**

The Waterwise Councils Program, run jointly by the Water Corporation and the Department of Water and Environmental Regulation, supports Shires in improving water efficiency and adopting waterwise practices in their operations and communities. In conjunction with building waterwise communities, it recognises the work of Shires leading by example and inspiring residents to save water.

Participation in the Waterwise Councils Program is free for local governments in Western Australia.

Currently, there are 64 Local Governments across Western Australia participating in the Waterwise Councils program, including 32 regional Local Governments.

The Shire currently does not have an asset management plan to guide best practices in water efficiency across its operations, or for the community. Benefits of becoming a Waterwise Council include the development and implementation of a Waterwise Action Plan, to inform and guide the Shire on sustainable and efficient water use, and training of relevant staff in best practice water management.



Consideration of the Shire joining the Waterwise Councils Program is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

Participation in the Waterwise Council Program will assist and encourage the Shire to continuously improve water efficiency and to implement waterwise principles.

**CCAPIRG Motion**

That the Chief Executive Officer investigate the Shire joining the Waterwise Councils Program, and prepare a report to Council for its consideration.

**CITIES POWER PARTNERSHIP**

The Climate Council's Cities Power Partnership (CPP) is Australia's largest network of local councils delivering on climate action. It currently comprises over 165 councils from across the country, representing almost 65 percent of the Australian population.

The CPP engages with towns and cities, via local councils, throughout Australia and incentivises councils to increase renewable energy and energy efficiency, improve transport and engage in advocacy. Members are also given access to a national knowledge hub and a project assessment and tracking tool. They can connect with cities across the country to knowledge share, access hundreds of resources and are and celebrated at events with other local leaders.

Importantly, the CCP provides Shire elected members and staff with contemporary climate change information, news and case studies, thereby assisting in building the capacity of the Shire and its community in meeting the challenges of climate change.

Membership of the Cities Power Partnership is free of charge.

Shire consideration of joining the Cities Power Partnership is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

**CCAPIRG Motion**

That the Chief Executive Officer investigate the Shire joining the Cities Power Partnership and prepare a report to Council for its consideration.

**SIGNING THE WALGA CLIMATE CHANGE DECLARATION**

In August 2022, the Warren Blackwood Alliance of Councils endorsed its Climate Change Policy and Climate Change Action Plan, respectively.

Local Governments from across Western Australia have committed to WALGA's Climate Change Declaration, that demonstrates their acknowledgment of the impacts of climate change and their commitment to developing locally appropriate mitigation and adaptation strategies to manage climate change.

To date, 51 Local Governments have signed the Climate Change Declaration, representing over 85% of Western Australia's population. WALGA encourages all Local Governments to become signatories of the Declaration, which will further support WALGA to advocate for the appropriate funding and development of legislative mechanisms to support Local Government climate change management.

The Warren Blackwood Alliance of Councils committed to sign the WALGA Climate Change Declaration at its March 2023 meeting. It is noted however that the Alliance of Councils is not a member of WALGA.

Individual member Shire consideration of signing the WALGA Climate Change Declaration is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

The Shire of Nannup signing the WALGA Climate Change Declaration would further support WALGA's advocacy efforts in relation to climate change. The WALGA Declaration wording can also be contextualise to suite the Shire of Nannup context.

#### CCAPIRG Motion

That the Chief Executive Officer investigate the Shire signing the WALGA Climate Change Declaration, and prepare a report to Council for its consideration.

#### **STATUTORY ENVIRONMENT:**

Nil.

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

Warren Blackwood Alliance of Councils Climate Change Action Plan.

*Extract from Strategic Community Plan 2021 -2036*

Our Natural Environment  
4.3 Our Sustainable Future

We will strive to transition to cleaner sources of energy, and to incorporate and support environmental sustainability through our built environment, our economy, and to create unique experiences for our visitors.

### **VOTING REQUIREMENTS:**

Simple Majority

### **OFFICER RECOMMENDATION:**

That Council instruct the Chief Executive Officer;

1. Investigate the Shire of Nannup joining the Waterwise Councils Program, and prepare a report to Council for its consideration; and
2. Investigate the Shire of Nannup joining the Cities Power Partnership and prepare a report to Council for its consideration; and
3. Investigate the Shire of Nannup signing the WALGA Climate Change Declaration, and prepare a report to Council for its consideration.

### ***COUNCIL RESOLUTION 23050***

<b><i>MOVED CR HANSEN</i></b>	<b><i>SECONDED CR LONGMORE</i></b>
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That Council instruct the Chief Executive Officer;

1. Investigate the Shire of Nannup joining the Waterwise Councils Program, and prepare a report to Council for its consideration; and
2. Investigate the Shire of Nannup joining the Cities Power Partnership and prepare a report to Council for its consideration; and
3. Investigate the Shire of Nannup signing the WALGA Climate Change Declaration, and prepare a report to Council for its consideration.

**CARRIED (8/0)**

AGENDA NUMBER & SUBJECT:	11.8 – Review of Corporate Business Plan
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 29D
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 April 2023
ATTACHMENT:	11.8.1 - Corporate Business Plan 2022-2028

### **BACKGROUND:**

All local governments are required to plan for the future of their district under the *Local Government Act 1995* with the *Local Government (Administration) Regulations 1996* outlining the minimum requirements to achieve this.

The Department of Local Government and Communities' Integrated Strategic Planning and Reporting Framework (the Framework) provides the basis for improving the practice of strategic planning in local government.

In accordance with the Framework, Council is to adopt a Strategic Community Plan that outlines strategic priorities to address the community's long-term vision. The priorities and goals of the Strategic Community Plan are driven by community engagement and take a 'whole of Shire' approach. The Strategic Community Plan is to be reviewed at least once every 4 years.

The Corporate Business Plan (tabled), also required under the Framework, defines the actions that the Shire will undertake over the next four (4) years to contribute to the achievement of the community goals and strategies outlined in the Strategic Community Plan. A local government is to review its current Corporate Business Plan every year, of which reference is made to the CBP annually when developing the annual budget.

### **COMMENT:**

As part of the annual review the content of the Corporate Business Plan has been reviewed by staff with no changes recommended and all actions remaining current.

**STATUTORY ENVIRONMENT:***Local Government Act 1995**Local Government (Administration) Regulations 1996***POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The Corporate Business Plan, once adopted by Council, will provide guidance on the priorities for resource allocations for the next four (4) years.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2021 – 2036

Corporate Business Plan 2022 – 2028

These plans set the strategic direction of the organisation.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council endorses the Shire of Nannup Corporate Business Plan 2022-2028 as being desktop reviewed with no amendments required.

**COUNCIL RESOLUTION 23051****MOVED CR BROWN****SECONDED CR BUCKLAND**

***That Council endorses the Shire of Nannup Corporate Business Plan 2022-2028 as being desktop reviewed with no amendments required.***

***CARRIED (8/0)***

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

Nil

**13. MEETING MAY BE CLOSED:*****COUNCIL RESOLUTION 23052******MOVED CR GIBB******SECONDED CR GILBERT******That the meeting be closed to the public.******CARRIED (8/0)***

The public gallery left the room and the meeting was closed to the public at 5.19pm.

AGENDA NUMBER & SUBJECT:	13.1 – CONFIDENTIAL ITEM - Southwest Regional Waste Management Services - Contract
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TEN
AUTHOR:	Jonathan Jones – Manager of Infrastructure
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 April 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	13.1.1 - Talis Consultants – Evaluation Report Southwest Regional Waste Services 13.1.2 – Annexure H Price Schedule

AGENDA NUMBER & SUBJECT:	13.2 – CONFIDENTIAL ITEM – Application for Annual Leave and Acting Chief Executive Officer
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	Employee File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

DATE OF REPORT:	15 April 2023
ATTACHMENT:	Nil

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**14. CLOSURE OF MEETING:**

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Shire President Cr Dean declared the meeting closed at 5.48 pm.