



Agenda

Council Meeting to be held Thursday 22 July 2021

Commencing at 5.30pm in Council Chambers, Adam Street, Nannup

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SHIRE OF NANNUP**NOTICE OF ORDINARY COUNCIL MEETING**

To be held at the Council Chambers
Thursday 22 July 2021 at 5.30 pm

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

The Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.
The Shire President to declare the meeting open and welcome the public gallery.

2. ATTENDANCE/APOLOGIES:

2.1 ATTENDANCE**2.2 APOLOGIES**

Cr Corlett is an apology for the 22 July Ordinary Council meeting.

3. PUBLIC QUESTION TIME:

3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

3.2 PUBLIC QUESTION TIME**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

4.2.1 – Cr Brown has applied for a leave of absence from the 16 September 2021 Ordinary Council meeting.

4.2.2 – Cr Corlett has applied for a leave of absence from the August, September and October 2021 Ordinary Council meeting.

5. CONFIRMATION OF MINUTES:

5.1 Shire of Nannup Ordinary Council Meeting – 24 June 2021

EXECUTIVE RECOMMENDATION:

That the Minutes from the Ordinary Meeting of Council held 24 June 2021 be confirmed as a true and accurate record (attachment 5.1).

5.2 Bush Fire Advisory Committee – 3 May 2021

EXECUTIVE RECOMMENDATION:

That the Minutes of the meeting of Bush Fire Advisory Committee meeting held 3 May 2021 be received (attachment 5.2).

5.3 Tourism Committee – 8 July 2021

EXECUTIVE RECOMMENDATION:

That the Minutes of the meeting of Tourism Committee meeting held 8 July 2021 be received (attachment 5.3).

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

7. DISCLOSURE OF INTEREST:

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

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

Nil.

9. PRESENTATIONS:

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

- Deputation 1 – the applicant/representatives for agenda item 12.1 will provide a deputation relating to the item in question.
- Deputation 2 – to be confirmed – an invitation has been extended for the neighbouring properties to provide a deputation relating to agenda item 12.1.

10. URGENT BUSINESS:

11. REPORTS BY MEMBERS ATTENDING COMMITTEES:

12. REPORTS OF OFFICERS:

AGENDA NUMBER:	12.1 - Reconsideration of Development Application – Private Airstrip – State Administrative Tribunal (SAT) Orders
LOCATION/ADDRESS:	Lot 2 on Diagram 70077 (No. 40) Rivergum Way, Darradup
NAME OF APPLICANT:	Evernow Pty Ltd ATF Whisperwind
FILE REFERENCE:	A 770
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 July 2021
ATTACHMENTS:	12.1.1 - Location Map 12.1.2 - Original plans and information from applicant 12.1.3 - Submissions (1 st round of consultation) 12.1.4 - Updated plans and information from applicant 12.1.5 - Updated current airstrip alignment and application plans 12.1.6 - Submissions (2 nd round of consultation) 12.1.7 - Extract of planning framework 12.1.8 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> 12.1.9 - Special Council Meeting Minutes 11 February 2021 12.1.10 - Acoustic modelling report 12.1.11 - Independent planning report 12.1.12 - Addendum from independent planner

BACKGROUND:

The Shire of Nannup Councillors considered a Development Application for a private airstrip at Lot 2 (No. 40) Rivergum Way, Darradup at a Special Meeting of Council held on the 11th February 2021 with the overall result being that the development application was refused for the following reasons;

1. The applicant has not sufficiently demonstrated, through a site specific noise assessment by a qualified acoustic consultant, that predicted noise levels from the airstrip operation will retain suitable amenity for adjoining and nearby residents.
2. The Development Application does not appropriately address matters set out in Clause 67(m) and (n) of Schedule 2 – Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* given

the potential for off-site noise impacts and the associated potential for land use conflict and a loss of character in the locality.

3. The Development Application is inconsistent with the *Shire of Nannup Local Planning Scheme No. 3* aims in clause 1.6.2(d) to “achieve compatibility between land uses” and the objectives for the Agriculture Zone in clause 3.13.1.1(a) “To preserve the rural character and setting of the zone”.
4. The application is inconsistent with the *Shire of Nannup Local Planning Strategy* including Strategy 23 to “encourage the retention of native vegetation and correspondingly restrict inappropriate clearing of native vegetation on privately owned land so that the biodiversity and landscape values of the Shire are maintained and enhanced”.

The Applicant exercised their right to appeal the decision to the State Administrative Tribunal (SAT) and lodged an application on the 10th March 2021.

A Mediation Session was conducted by the SAT between the SAT Member, Shire of Nannup and the Applicant on the 10th May 2021 with the following Orders being issued;

1. *The respondent is to provide additional information as discussed at the mediation to the applicant by 21 June 2021.*

These being;

- a. Obtain an independent site specific acoustic sound modelling detailing the sound emission levels of the individual aircraft within the application during their take-offs and landings on the proposed airstrip.
- b. Obtain a second independent planning report on the development application.
2. *Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 22 July 2021.*
3. *The matter is listed for directions hearing to be conducted by teleconference, on 30 July 2021 at 9:30am.*
4. *By not later than 48 hours prior to the directions hearing, the parties are to provide their contact number for the teleconference.*

Part 1 of the SAT Order, being the site specific acoustic sound modelling and a second independent planning report have been completed and are included as Attachments 12.1.10, 12.1.11 & 12.1.12 to this report.

Part 2 of the SAT Order specifically requires a report be presented to Council to reconsider the decision to refuse the application made on 11th February 2021.

All of the relevant background information relating to the original Development Application is included as Attachments 12.1.1 – 12.1.9.

OFFICER COMMENT:

The original planning report that was considered at the Special Meeting of Council on the 11th February 2021 recommended approval with a number of conditions for the private airstrip at Lot 2 (No. 40) Rivergum Way, Darradup. Please refer to Attachments 12.1.1 – 12.1.9 for all the associated information behind this recommendation.

The second independent planning report that has been received recommends refusal of the Development Application for a private airstrip at Lot 2 (No. 40) Rivergum Way, Darradup. Please refer to Attachments 12.1.10, 12.1.11 & 12.1.12 for all associated information behind this recommendation.

Comparison between the main concepts of the original report and the second independent assessment

The following comparison provides a summary of the differences between the planning assessment provided in Council Agenda Item 6.1 dated 11 February 2021 (R1) and the independent planning assessment report dated 17 June 2021 (IPA) which arrived at differing conclusions and recommendations. The summary addresses the key conclusions and overview of each report.

The R1 assessed the Development Application against the planning framework, submissions and information provided by the applicant, and recommending that the proposal was conditionally suitable. The R1 report identified that noise impacts and the potential resultant loss of amenity were the primary planning considerations when assessing the application. The writing of the report centred around resolving the planning considerations, and site suitability through applying conditions to mitigate impacts of the proposal. There was no acoustic report provided for inclusion within R1.

The IPA also assesses the Development Application against the planning framework, submissions and information provided by the application, and an acoustic report, recommending that the proposal does not adequately address matters set out in Clause 67(2) of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The IPA assessment suggests the proposal is not compatible with the primary use of the land and due to location is likely to have an adverse impact on the amenity values of the adjacent landholdings. The IPA concludes that the application is deficient in demonstrating the overall impact of the proposal. The report suggests that the proposal is not suitable to the location, and contrary to orderly and property planning and provisions and objectives of the local and state planning policy framework.

Statements made in the respective reports are compared below to demonstrate the assessment process and planning considerations that inform the recommendations. The references are provided directly from each report to ensure that there is no inference of meaning, and reference to the report page or paragraph is provided for further explanation and context. The statements from the R1 are in **bold** and the statements from the IPA are in *italics* for readability.

Determination

- The Development Application is considered to be conditionally suitable (Page 4 of R1).
- *The proposed Airstrip as a 'use not listed' is determined to be inconsistent with the objectives of the 'Agriculture' zone and is therefore not permitted (Paragraph 52 of IPA).*

Operation and suitability of proposal

- The number of take-offs and landings and the size of the proposed aircraft have been clarified. Importantly, the number of take-offs have been reduced from 365 per year to 120 per year along with a corresponding reduction in landings from 365 to 120 per year; (page 5 of R1). The revised proposal, now centrally located on the site, has setbacks of around 200 metres to the eastern boundary or around 220 metres to the closest off-site dwellings; (Page 6 of R1)
- *Limiting aircraft disruption to daylight hours, and reducing movement by a third originally proposed, recognises that the adjacent residents will be impacted by the use. Although separation distances under SPP2.5 do not apply to this use, there is limited scope to further minimise adverse impacts as the airstrip cannot reasonably be located further west due to site constraints (Paragraph 49 of IPA).*
- It is suggested the private airstrip should not detrimentally detract from the amenity of the local area. It is suggested that the health, well-being, amenity and safety of local residents and the environment should be suitably protected from the impacts of noise, air emissions, odour and other impacts through appropriate management and adequate separation distances. It is suggested that:
 - Provided reasonable conditions are attached to any approval, including limiting flight numbers, timing of take-offs and landings and the size of the aircraft, the private airstrip use could proceed without causing unacceptable noise impacts or loss of amenity for surrounding residences;
 - The revised proposal is considered to have far lower impacts than the original proposal. This includes that noise impacts are also lessened due to take-offs and landings in daylight hours;
 - There is a maximum of 120 take-offs and 120 landings per year; and
 - The noise source is limited to day time hours, is short in duration and affected parties are provided with substantial respite from this intrusion (Page 6 of R1).
- *From a review of the documentation, it is considered that the application is deficient in terms of providing a comprehensive site plan, and supportive technical documentation to determine the suitability of the site for the proposed development. A proposal of this nature should include the following information as a minimum:*
 - *A comprehensive site plan detailing runway turning areas, areas for parking of aircraft or potential hangers, any supporting aviation equipment (if necessary), location of the fuel trailer, area of vegetation to be cleared to facilitate the runway, and all existing buildings and agriculture infrastructure to be retained.*

- *The environmental assessment addresses any requirement to obtain approval for clearing, and a section 40 ministerial to take or destroy fauna.*
- *Demonstrate any further potential off-site impacts this proposal may have by responding to principles referred to in National Airports Safeguarding Framework (NASF) as may apply and be relevant to the scale and size of the proposed airstrip; including public safety areas, location of aviation facilities, building restricted areas, operational airspace, vegetation height clearance, and wildlife and cattle hazards etc.*
- *A bushfire management plan is required for all development applications in a bushfire prone area, and particularly as the site is adjacent to the DBCA managed lands with extreme bushfire hazard.*
- *Noise management and community engagement plan relating to the operation of the airstrip (Paragraph 50 of IPA).*

Scheme objectives

- **Although there may be alternate locations to operate the proposed use, this is not sufficient grounds to recommend the application be refused, particularly considering the proposed development is not considered to conflict with LPS3 (Page 8 of R1). The application does not conflict with LPS3 objectives (Page 6 of R1).**
- ***The scale and operation of the proposed Airstrip are not ancillary to, or compatible with the predominant use of the land, and therefore the proposed Airstrip is inconsistent with the objectives of the 'Agriculture' zone as stated in Clause 3.13.1.1 (b) under the Shire of Nannup Local Planning Scheme No. 3. The proposal is likely to have an adverse impact on the expected residential amenity values currently enjoyed in the adjacent 'Special Rural' zone, and by reason of its location is inconsistent with Clause 3.13.10.1 (b) of the Shire of Nannup Local Planning Scheme No 3 (Page 17 of IPA).***

Strategic Planning

- **The applicant complies with various components of the Local Planning Strategy, while other components can be mitigated through development conditions in the recommendation. (Page 9 of R1).**
- ***In the absence of a strategic planning policy framework to guide development of aerial landing areas or airstrips adjacent to established rural living areas in the Shire of Nannup, the proposal is considered premature to orderly and proper planning and contrary to section 3.2.3 of the Local Planning Strategy and Clause 5.12.1 of State Planning Policy 2.5. (Page 17 of IPA).***

Noise and Amenity

- **It is suggested that determining 'amenity' can be subjective and can be interpreted differently depending on an individual's viewpoints regarding environmental qualities. This is evidenced by a combination of acceptance, support and opposition for the proposed airstrip. It is suggested that the health, well-being, amenity and safety of local residents and the environment should be suitably protected from the impacts of noise,**

air emissions, odour and other impacts through appropriate management and adequate separation distances. (P.6 of R1). There are no EPA buffer standards for airstrips (page 10 of R1). Provided reasonable conditions are attached to any approval, including limiting flight numbers, timing of take-offs and landings and the size of the aircraft, the private airstrip use could proceed without causing unacceptable noise impacts or loss of amenity for surrounding residences;

- *Whilst the acceptable level of noise cannot be confirmed with the information at hand and translated into a requirement for a buffer or other controls under planning policy at this stage, the acoustic report does provide some guidance in terms of assessing an expected level of amenity in a rural area. The expected level of noise as described by Guidance Statement 33 in a rural area is around 25-30 dB(A), and therefore it may be accepted that the noise disruption up to 83dB(A) potentially four times a week ongoing will be a nuisance, and negatively impact on the expected level of amenity. Reasonable and genuine concerns about impacts on amenity must be given weight notwithstanding conclusions that the noise levels proposed may be acceptable in an urban environment (Paragraph 46 IPA).*
- *While some noise is to be expected, consistent aircraft noise is not comparable to the "usual" but largely transient and intermittent sounds that residents might be exposed to in a rural living environment (Paragraph 47 of IPA).*

The recommendation for this meeting has been structured so that Councillors have two (2) options available:

1. Uphold the previous refusal of Development Application for a private airstrip with reasons (refer to Option 1 of recommendation); or
2. Rescind the previous decision and approve the Development Application for a private airstrip with conditions (refer to Option 2 recommendation).

STATUTORY ENVIRONMENT:

Section 31 of the State Administrative Tribunal Act 2004 (WA), Local Government Act 1995, Local Government (Administration) Regulations 1996 Regulation 10, Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Nannup Local Planning Scheme No.3.

POLICY IMPLICATIONS:

Local Planning Policy *LPP20 Developer and Subdivider Contributions* is a non-statutory document which is 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. Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP2*

Environment and Natural Resources, SPP2.5 Rural Planning 2.5 and SPP3.7 Planning in Bushfire Prone Areas.

FINANCIAL IMPLICATIONS:

Additional requirements per State Administrative Tribunal (SAT);

- | | |
|--|------------|
| 1. Site specific Acoustic Report | \$4,378.00 |
| 2. Independent Planning Consultant – 2 nd opinion | \$4,493.60 |

Legal Fees associated with upholding the decision of Council from 11 February 2021 to date are \$36,226.85.

The applicant has a Right of Review to the State Administrative Tribunal on the Council's decision.

STRATEGIC IMPLICATIONS:

Shire of Nannup Local Planning Strategy

VOTING REQUIREMENTS

Option 1 - Simple Majority

Option 2 - Absolute Majority

RECOMMENDATION

That Council **choose** either Option 1 **or** Option 2 below;

Option 1

1. Uphold Decision 21009 - Refusal of Development Application Private Airstrip at Lot 2 (No. 40) Rivergum Way, Darradup as the proposal does not adequately address matters set out in Clause 67(2) of the Deemed Provisions as stated below:
 - a. The scale and operation of the proposed Airstrip are not ancillary to, or compatible with the predominant use of the land, and therefore the proposed Airstrip is inconsistent with the objectives of the 'Agriculture' zone as stated in Clause 3.13.1.1 (b) under the *Shire of Nannup Local Planning Scheme No. 3*.

- b. The proposed Airstrip as a 'use not listed' is determined to be inconsistent with the objectives of the 'Agriculture' zone and is therefore not permitted in accordance with 3.4.2.(c) of the Scheme.
- c. The proposal is likely to have an adverse impact on the expected residential amenity values currently enjoyed in the adjacent 'Special Rural' zone, and by reason of its location is inconsistent with Clause 3.13.10.1 (b) of the *Shire of Nannup Local Planning Scheme No 3*.
- d. In the absence of a strategic planning policy framework to guide development of aerial landing areas or airstrips adjacent to established rural living areas in the Shire of Nannup, the proposal is considered premature to orderly and proper planning and contrary to section 3.2.3 of the *Local Planning Strategy* and Clause 5.12.1 of *State Planning Policy 2.5*.
- e. The proposal does not demonstrate appropriate consideration of environmental, bushfire, noise, and operational aspects of the proposal to the satisfaction of the Shire of Nannup and therefore is considered a deficient application.

Option 2

1. Rescind Decision 21009 – Refusal of Development Application Private Airstrip at Lot 2 (40) Rivergum Way, Darradup; and
2. That Council approve the Development Application, set out in Attachment 12.1.5 (western 900 metre length alignment), for a private airstrip at Lot 2 on Diagram 70077 (No. 40), Rivergum Way, Darradup subject to the following conditions:

General

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) 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 must be carried out in accordance with the plans and documentation set out in Attachment 12.1.4 and in Attachment 12.1.5 (western alignment), addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

Aircraft operations

3. A maximum of 120 take-offs and 120 landings are permitted per year.

4. The applicant must, for the life of the development, maintain a flight logbook, which contains records of all flight movements to and from the approved airstrip, including visitor flights. Flight records must include the aircraft used, and the date in which the flight/s was carried out. At the request of the local government, the logbook must be made available to the local government for review.
5. Use of the airstrip is to Light Aircraft Classification with maximum take-off weight (MTOW) below 5,700 kilograms. Additionally, the airstrip is not used for commercial or recreational activities.
6. Operation of the private airstrip shall be restricted to daylight hours.
7. Any material likely to degrade water (e.g. fuels, oils, lubricants, solvents, coolants, degreasing agents etc.) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.
8. The airstrip and driveway are to be designed, constructed, sealed and drained prior to use of the airstrip by a suitably qualified engineer to the satisfaction of the local government.
9. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.
10. The use of the site must not adversely affect the amenity of the locality by reason of noise.

Stormwater drainage/water quality

11. Prior to commencement of any works, a Stormwater Management Plan shall be submitted for approval by the local government and thereafter implemented and maintained to the satisfaction of the local government. Amongst matters, the Plan should:
 - a. Ensure that all stormwater from the airstrip and other impervious areas are collected, detained and suitably treated on site for the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event;
 - b. Address surface water management for larger 1 in 20 year and 1 in 50 year storm events to prevent stormwater causing soil erosion on the application site, on neighbouring properties and on public infrastructure; and
 - c. Be designed in accordance with the *Stormwater Management Manual for Western Australia*.

12. Any aircraft wash down area/s is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways or watercourses.
13. An emergency spill containment kit must be kept on site at all times and used when a spill occurs to prevent the escape of any contaminants off-site.

Managing fire risks

14. The applicant shall prepare and implement a Bushfire Management Plan to the satisfaction of the local government prior to the use of the airstrip.
15. The development is to be provided with a source of water for fire-fighting purposes of not less than 50,000 litres. This may be satisfied by the provision of an accessible dam or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm Camlock fitting. The outlet from the tank water supply or the dam shall be located in an accessible position.
16. No flight take-off or landings are to occur on days where either a Total Fire Ban or a Harvest and Vehicle Movement Ban has been declared for the Shire of Nannup.

Environmental management

17. The applicant lodges a Conservation Covenant under the *Soil and Land Conservation Act 1945*, to the Soil Commissioner, prior to the commencement of site works. The applicant is to provide written evidence of the registration to the local government.
18. No native vegetation shall be removed in the construction of the private airstrip, unless permitted by a clearing licence or permit issued by the Department of Water and Environmental Regulation.

ADVICE

- A) The Shire has no plans in the foreseeable future to seal Rivergum Way between Lot 2 (No. 40) Rivergum Way and Helyar Road.
- B) The property is entirely located in an area which has been declared as bushfire prone by the Fire and Emergency Services Commissioner. The applicant is advised to prepare and implement an Emergency Management and Evacuation Plan prior to occupation. The applicant should also take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- C) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.
- D) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.

E) The applicant is encouraged to work with nearby residents who may be concerned with aircraft emissions impacting water quality into their rainwater tanks. This could include financially contributing to an independent assessment of water quality in tanks prior to the airstrip use commencing and monitoring after two years of operations.

AGENDA NUMBER & SUBJECT:	12.2 - Delegated Planning Decisions for June 2021
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 July 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 – 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.3 (LPS3) 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 June 2021 is presented in Attachment 12.2.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During June 2021, 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 June 2021 compared to June 2020:

	June 2020	June 2021
Delegated Decisions	8 (\$941,000)	5 (\$392,947)
Council Decisions	0	0
Total	8 (\$941,000)	5 (\$392,947)

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

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS3.

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 LPS3 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.

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for June 2021 as per Attachment 12.2.1.

AGENDA NUMBER & SUBJECT:	12.3 - Request to support a Designated Area Representative for a Sponsored South West Region Designated Area Migration Agreement.
LOCATION/ADDRESS:	The City/Shire of Nannup, Augusta-Margaret River, Bridgetown-Greenbushes, Boyup Brook, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup.
NAME OF APPLICANT:	Shire of Dardanup as a Designated Area Representative (DAR) for the South West region Designated Area Migration Agreement (DAMA).
FILE REFERENCE:	ADM 16 & ADM 36
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 July 2021
ATTACHMENT:	Nil

BACKGROUND:

The following link provides information explaining for the purposes of this report;

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-agreements/designated-area-migration-agreements>

A Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. It provides access to more overseas workers than the standard skilled migration program. DAMA's operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions.

A DAMA is a two-tier framework covering a defined regional area. The first tier is an overarching five-year deed of agreement (head agreement) with the region's representative. The second tier comprises individual labour agreements with employers under the settings of the head agreement for that region.

DAMA labour agreements are between the Australian Government and endorsed employers operating within the relevant region.

They:

- are generally in effect for five years; and
- use the subclass 482 Temporary Skills Shortage (TSS), subclass 494 Skilled Employer Sponsored Regional (Provisional)*, and subclass 186 Employer Nominated Scheme (ENS) visa programs.

Employers must seek and gain endorsement from the Designated Area Representative (DAR) before lodging a labour agreement request.

Under the DAMA framework, employers in designated areas experiencing skills and labour shortages can sponsor skilled and semi-skilled overseas workers. Individuals cannot directly access a DAMA. Individuals need to be sponsored by an employer operating in a designated region for an occupation that is specified in the head agreement.

DAMA's ensure employers recruit Australian citizens and permanent residents as a first priority. Among other things, employers must demonstrate a genuine attempt to recruit Australians prior to getting access to a DAMA labour agreement.

Responding to a labour shortage across the South West region, the private sector with the support of Federal Member Hon. Nola Marino MP, explored the opportunity of a South West region DAMA by funding an investigation through consultants, Perdaman. Whilst the viability of this opportunity was clearly established, the investigation also determined that the private sector was unable to be the DAR as this role had to be undertaken by a regional, state or territory authority. It is understood this is where the Shire of Dardanup became significantly involved in the investigative process of establishing a South West region DAMA and commenced a process of seeking the support of the other eleven South West region Local Governments.

On 27 November 2020 at the meeting of the South West Country Zone of the Western Australian Local Government Association (SWALGA) a presentation from Perdaman addressed SWALGA representatives and the following motion was passed including the support of the Shire of Nannup:

“That the South West Country Zone of WALGA support the establishment of a DAMA across the South West region and requests individual local government to consider contributing towards a 5 year MOU to support the implementation of the DAMA through a Designated Area Representative body (DAR), which is still to be determined.”

OFFICER COMMENT:

A draft business case from Perdaman has now been completed but is currently the subject of confidentiality. If Councillors would like to view the business case prior to the Council meeting they are able to do so by meeting with the CEO prior to the Council meeting. To establish a South West region DAMA, this business case needs to be lodged and approved by the Commonwealth Government. A major part of the role of Perdaman in producing the business case was to undertake a labour assessment of unmet need and ensure there is no conflict with other existing agreements (such as in the case of agricultural workers).

To give Council some understanding of the identified labour shortage occupations likely to be endorsed in the South West region, the following table is provided:

Occupation	ANSCO Code	Skill Level	Assessing Authority
Hospitality, Accommodation, Tourism, and Retail Sector			
Accommodation and Hospitality Manager	141999	2	VETASSESS
Baker	351111	3	TRA
Bar Attendant (Supervisor)	070499#	4	VETASSESS
Café or Restaurant Manager	141111	2	VETASSESS
Cook	351411	3	TRA
Hospitality Workers	431999	5	N/A At least 2-3 years of experience required
Hospitality, Retail and Service Manager	149999	2	VETASSESS
Hotel or Motel Manager	141311	2	VETASSESS
Hotel Service Manager	431411	3	VETASSESS
Pastry Cook	351112	3	TRA
Retail Supervisor	621511	4	N/A At least 2-3 years of experience required
Waiter	431511	4	N/A At least 2-3 years of experience required
Waiter (Supervisor)	070499#	4	VETASSESS
Carers, Health and Welfare Workers			
Aged or Disabled Carer	423111	4	VETASSESS
Child Care Worker	421111	3	ACECQA
Community Worker	411711	2	ACWA
Disabilities Services Officer	411712	2	ACWA
Enrolled Nurse	411411	2	ANMAC
Family Support Worker	411713	2	ACWA
Nursing Support Worker	423312	4	VETASSESS
Residential Care Worker	411715	2	ACWA
Welfare Worker	272613	1	ACWA
Youth Worker	411716	2	ACWA
Plant Operators			
Backhoe Operator	721212	4	N/A At least 2-3 years of experience required
Earthmoving Plant Operator	721211	4	N/A At least 2-3 years of experience required

Excavator Operator	721214	4	N/A At least 2-3 years of experience required
Loader Operator	721216	4	N/A At least 2-3 years of experience required
Transport And Logistics			
Truck Driver (General)	733111	4	N/A At least 2-3 years of experience required
Timber Industry			
Logging Plant Operator	721112	4	N/A At least 2-3 years of experience required
Sawmill or Timber Yard Worker	839412	5	N/A At least 2-3 years of experience required
Technician and Other occupations			
Concreter	821211	5	N/A At least 2-3 years of experience required
Driller	712211	4	VETASSESS
Sand Blaster	711913	4	N/A At least 2-3 years of experience required
Steel Fixer	821713	4	N/A At least 2-3 years of experience required
Tyre Fitter	899415	4	N/A At least 2-3 years of experience required
Construction Industry and Engineers			
Construction Project Manager	133111	1	VETASSESS
Civil Engineer	233211	1	Engineers Australia
Mechanical Engineer	233512	1	Engineers Australia
Production or Plant Engineer	233513	1	Engineers Australia
Transport Engineer	233215	1	Engineers Australia
Dairy Industry			
Dairy Product Maker	831114	5	N/A At least 2-3 years of experience required
Medical			
Sonographer	251214	1	ASMIRT
General Practitioner	253111	1	MedBA
Technology			
ICT project Manager	135112	1	ACS

If approved by the Commonwealth Government any employer in the South West region may access the DAMA via the DAR after providing sufficient evidence (based on a set criteria) satisfying that they have been unable to attract appropriate Australian citizen and permanent resident candidates to an employment vacancy. Council should also be aware that once a DAMA is in place for the South West region, the listed labour shortage occupations can be amended with approval to capture additional areas of unmet need as required.

Taking on the role of DAR is considerable and the Shire of Dardanup should be commended for this initiative. As the funding contribution can only be requested and not mandated from South West region Local Governments, the inherent financial risks associated of taking on the role of the DAR by the Shire of Dardanup are significant if consensus funding support is not achieved. Although it is already understood that several Local Governments have provided a five year funding commitment to the project, if one or more Local Government chooses not to make a funding contribution the DAMA will not exclude access to the program for their local businesses, however this action would place undue financial pressure on the Shire of Dardanup to operate as a DAR and damage relationships between South West local governments.

It is clear in the Shire of Nannup district that there are significant labour shortages across a number of occupations proposed under the South West region DAMA. The DAMA will provide future opportunities to local businesses (potentially including the Shire of Nannup) to meet current employment requirements and expand businesses into the future.

The only risk to the Shire of Nannup's investment is if the DAMA is established and local businesses fail to participate in the program. Given what is known with local labour shortages in occupations identified through the proposed South West region DAMA, it is considered that certain businesses will welcome the opportunity provided by the DAMA to fill employment vacancies.

STATUTORY ENVIRONMENT:

The Commonwealth *Migration Act 1958* enables the establishment of a DAMA and the *Local Government Act 1995* establishes the mechanism for expenditure of public funds by Local Governments.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

5 year commitment of \$5,000 per local government.

An allocation has been included within the 2021/22 Draft Annual Budget (yet to be approved by Council).

STRATEGIC IMPLICATIONS:

Extracts from the Shire of Nannup Strategic Community Plan 2017-2027.

Our Economy

2.1 The Big Picture – we will have a sustainable, innovative and equitable economy.

2.2 Tourism / Recreation – working together to attract people to our amazing Shire

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council resolve to:

- a) Support the establishment of a South West region Designated Area Migration Agreement;
- b) Acknowledge the Shire of Dardanup as the Designated Area Representative for the South West region Designated Area Migration Agreement; and
- c) Commit to a \$5,000 per annum contribution to the Shire of Dardanup for five years commencing 2021/22 to operate as the Designated Area Representative for the South West region Designated Area Migration Agreement.

AGENDA NUMBER & SUBJECT:	12.4 – Monthly Accounts for Payment June 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	14 July 2021
ATTACHMENT:	12.4.1 – Accounts for Payment June 2021

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 June 2021 to 30 June 2021 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently one corporate credit cards in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

Municipal Account

Accounts paid by EFT	13655 to 13772	468,963.55
Accounts paid by cheque	20517	0
Accounts paid by Direct Debit	11183.1 to 11219.13	54,256.19
<i>Sub Total Municipal Account</i>		<u>523,219.74</u>

Trust Account

Accounts paid by EFT	13728, 13729	164.55
<i>Sub Total Trust Account</i>		<u>164.55</u>
Total Payments		<u>\$523,384.29</u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal and Trust Account fund totalling \$523,384.29 1 June 2021 to 30 June 2021 in the attached schedule(s) be endorsed.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

AGENDA NUMBER:	13.1 - Notice of Motion – Cr Dean – Aged Care in Nannup
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Cr Dean
FILE REFERENCE:	WLF 1
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 July 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	Nil.

BACKGROUND:

A Notice of Motion was provided to the Chief Executive Officer on the 13th July 2021 by Cr Dean.

Cr Dean states in his Motion the following;

“In our current Strategic Community Plan we talk about the aged in section 1.2 which only has two very limiting strategies. One is to provide an aged friendly environment and the second is to support the Nannup Hospital in providing an exemplary service. The second one is purely an advocacy role and the first one is just to provide information.

In Section 6.1 of the Strategic Community Plan, Our Council Leadership, we are urged to “Lead, Listen, Advocate, Represent and Provide “. I don’t think we do that well when it comes to aged care.

Over the last few weeks I have been approached by concerned citizens, who are also care givers, in the broadest sense, to help with aged matters. There was very little I felt I could do as I am not in possession of relevant facts and contacts. So this motion is framed with that background.”

COMMENT:

There are many services relating to an ageing population, with some being, but limited to;

- Social activities
- Transport activities
- Physical care activities
- Support care activities
- Domestic help activities

- Aged housing
- And many more

The involvement from a Local Government can vary dependent on the levels of assistance by external service providers. Often it is a significant issue in attracting service providers into regional communities, such as the Wheatbelt. As a result, there are Local Governments that take on being a service provider such as conducting social activities, transport services and the like.

The current *Strategic Community Plan 2017 – 2027* under *Section 1.2 Our Aged* includes a strategy to ‘provide an aged friendly environment’ via the action of ‘provide a range of information for the community relating to the Shire’s aged activities’. The other areas of this Section 1.2 relate to supporting the hospital by sharing information.

A recent survey relating to the review of the Strategic Community Plan revealed that there is a significant demand from our community for services and activities relating to Nannup’s ageing population. These survey results will drive new strategies as the new plan develops and the information obtained via this Motion will assist.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Chief Executive Officer and other staff allocation of time and resources.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2017 – 2027
1.2 Our Aged – Provide an aged friendly environment

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

Moved Cr A Dean that;

1. Council instruct the Chief Executive Officer to prepare the following :
 - a. A list of available services, both hospital and home care provisions. E.g. What is available for bathing, shopping, meal preparation cleaning and companionship.
 - b. Who provides this help? E.g. Silver Chain, Meals on Wheels, Compassionate communities, others.
 - c. What external help is available for transport for shopping, banking, medical appointments and other related activities?
 - d. What regular social activities are available for seniors? Is there a designated senior social organiser?
 - e. Do we have health certified facilities available to provide regular meals for those in need? Is there a volunteer service for food delivery?
 - f. How many people in the community are requiring regular assistance? Is there a waiting list for services? If so can they be listed?
 - g. Are rural Councils, like Nannup, able to access State or Federal funding to provide aged services? If yes list and detail.
 - h. Does the shire have a budget allocation for aged care, provision of services?
 - i. Chief Executive Officer report back to the September meeting detailing progress to date.

AGENDA NUMBER & SUBJECT:	13.2 - Notice of Motion – Cr Mellema – Revoke Decision
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Cr Mellema
FILE REFERENCE:	ADM 2
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 July 2021

BACKGROUND:

Cr Mellema has made a Notice of Motion to revoke Council Resolution 21070 that was carried at the Ordinary Meeting of Council held on the 24th June 2021 relating to the appointing of the Western Australian Electoral Commission (WAEC) to carry out the 2021 Ordinary Election as a Postal Election.

The reasons for this form part of the Cr Mellema’s Recommendation at the end of this report.

The Resolution passed at the Ordinary Meeting of Council on the 24th June 2021 is as follows;

“COUNCIL RESOLUTION 21070

MOVED: CR STEVENSON SECONDED: CR BROWN

That Council;

- 1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commission to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required, and*
- 2. Decide in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election, and*
- 3. Included provision in its 2021/22 Budget for the costs associated with the WA Electoral Commission running the 2021.*

CARRIED BY ABSOLUTE MAJORITY (5/2)

CR DEAN AND CR BUCKLAND VOTED AGAINST MOTION”

Per requirements under the Local Government (Administration) Regulations 1996 – Regulation 10 the Motion has been supported by the following Councillors;

Support for the Motion Cr Dean

Supporter for the Motion Cr Buckland

COMMENT:

The upcoming elections in 2021 are to be held on the third Saturday in October 2019 with five positions up for election.

Historically, the Shire of Nannup have conducted elections in-house with the Chief Executive Officer being the returning officer with assistance being provided from the Manager Corporate Services.

In accordance with Section 4.20 of the *Local Government Act 1995*, the Chief Executive Officer is the Returning Officer for Local Government Elections unless other arrangements are made, such as the appointment of the WA Electoral Commissioner being appointed as the Returning Officer and authorised to conduct the elections.

STATUTORY ENVIRONMENT:

Shire of Nannup Standing Orders Local Law 2010 Section 4.12

Local Government Act 1995

Local Government (Administration) Regulation 1996

“Regulation 10. Revoking or changing decisions (Acts. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation(1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:Option 1 - WA Electoral Commission conducted election

WA Electoral Commission Quotation estimate \$12,800 Exc GST (\$14,000 Inc GST).

Option 2 – Shire of Nannup In-House conducted election

Internal Staff Costs are estimated to be \$8,000 –, which includes wages, on-costs, advertising and consumables. This calculation excludes election day staff costs in order to align costings with the WAEC quotation.

This results in an estimated difference of \$4,800 in election costs.

STRATEGIC IMPLICATIONS:Shire of Nannup Strategic Community PlanOur Council Leadership

6.1 Lead, Listen, Advocate, Represent and Provide - A listening Leadership that provides and represents all.

Our Council Leadership

6.2 We are one – To do what is right and fair for the people.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council;

1. To rescind the decision that was made on Thursday 24th June 2021 Recommendation 12.10 which endorsed the WAEC to perform the Shire of Nannup 2021 Local Government Elections, and;
2. That the Shire of Nannup run the 2021 Local Government Elections internally.
3. The reasons for the rescission are the following;
 - a. I believe the money saved through an in - house process can be better used to serve the community on other priority areas.

b. I feel that the move away from in-house to a WAEC process creates a perception that the Council and its Officers are distancing themselves from the community.

c. I feel that by using the WAEC and its postal voting only option, which does not allow for in-person voting on the day does not serve our community well based on historical voting statistics.

d. Further to part C, that historically, the Nannup communities voting behaviours have been in person rather than via postal and by moving to a postal election I feel may discourage the comparatively good turnout.

e. That Council consider the additional workload to Officers that the above will bring when deciding on priority areas throughout the election period.

14. MEETING MAY BE CLOSED:

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED:

AGENDA NUMBER & SUBJECT:	14.1 - Confidential Item - Acting Chief Executive Officer
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor
FILE REFERENCE:	Employee File PSN File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Financial Interest - David Taylor – Chief Executive Officer Financial Interest – Jon Jones – Manager Infrastructure
DATE OF REPORT	14 July 2021
ATTACHMENT:	Nil.

The Chief Executive Officer declares a Financial Interest as this item relates to employment conditions.

The Manager Infrastructure declares a Financial Interest as this item relates to employment conditions.

10.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC:

15. CLOSURE OF MEETING:



Attachments

Item	Attach	Title
5.1		Shire of Nannup Ordinary Council Meeting – 24 June 2021
5.2		Bush Fire Advisory Committee – 3 May 2021
5.3		Tourism Committee Minutes – 8 July 2021
12.1	1	Location Map
	2	Original Plans and information from applicant
	3	Submissions (1 st round of consultation)
	4	Updated plans and information from applicant
	5	Updated current airstrip alignment and application plans
	6	Submissions (2 nd round of consultation)
	7	Extract of planning framework
	8	Extract from <i>Planning and Development (Local Planning Scheme, Regulations 2015)</i>
	9	Special Council Meeting Minutes 11 February 2021
	10	Acoustic modelling report
	11	Independent planning report
	12	Addendum from independent planner
12.2	1	Delegated Development Approvals for June 2021
12.4	1	Accounts for Payment June 2021