Attachment 5.1



Minutes

Ordinary Council Meeting held Thursday 28 July 2022

Council Chambers, 15 Adam Street, Nannup

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Ordinary Council Meeting Minutes - Thursday 28 July 2022

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

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

The 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	Staff
Cr Tony Dean (Shire President)	David Taylor – Chief Executive Officer
Cr Vicki Hansen (Deputy President)	Kellie Jenkins – Manager Corporate
	Services/Deputy Chief Executive
Cr Cheryle Brown	Jonathan Jones – Manager Infrastructure
Cr Chris Buckland	Jane Buckland – Development Services
	Coordinator
Cr Patricia Fraser	
Cr Ian Gibb	
Cr Charles Gilbert	
Cr Bob Longmore	

Nil.

Public Gallery

2.2 APOLOGIES

Nil.

3. PUBLIC QUESTION TIME:

Nil.

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

COUNCIL RESOLUTION 22100

MOVED CR LONGMORE	SECONDED CR FRASER

Cr Brown applied for a leave of absence from the 22 September 2022 Ordinary Council Meeting.

CARRIED (8/0)

5. CONFIRMATION OF MINUTES:

5.1 Ordinary Council Meeting – 23 June 2022

COUNCIL RESOLUTION 22101

MOVED CR HANSEN SECONDED CR BUCKLAND

That the Minutes from the Ordinary Meeting of Council held 23 June 2022 be confirmed as a true and correct record (attachment 5.1).

CARRIED (8/0)

5.2 Western Australian Local Government Association – South West Zone – 24 June 2022

COUNCIL RESOLUTION 22102

MOVED CR BUCKLAND	SECONDED CR BROWN

That the Minutes from the WALGA South West Zone meeting held 24 June 2022 be received (attachment 5.2).

CARRIED (8/0)

5.3 Bush Fire Advisory Committee - 3 May 2022

COUNCIL RESOLUTION 22103

MOVED CR BROWN	SECONDED CR FRASER

That the Minutes from the Bush Fire Advisory Committee meeting held 3 May 2022 be received (attachment 5.3).

Nil.

7. DISCLOSURE OF INTEREST:

Nil.

The Shire of Nannup Declaration Register is on our website here.

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

Nil.

9. PRESENTATIONS:

9.1 PETITIONS Nil.

9.2 PRESENTATIONS

Cr Gibb read aloud an apology in regard to a breach of the Shire of Nannup Code of Conduct for Council Members, Committee Members & Candidates that was proven at the <u>10 March</u> <u>2022 Special Meeting of Council</u> -

Thank you councillors and members of the public for your attendance; especially the members of the public because without you this would lack public apology status. With the alleged now proven breach of code of conduct this is a great example of why the public have a sceptical view of local government from time to time. Something that could have been resolved within a fifteen second decision has consumed in excess of 60 hours of labour and a hundred pages of text, such is the priority of Councillors. Cr Buckland declared recently at a Council meeting that we have learnt a lot from this and I'm saying only time will tell.

The panel's paragraph 34, and I quote – "Although the panel sympathises with Cr Gibb's frustration as to the electoral matter, this is simply not the appropriate environment to negatively refer to an employee as incompetent and I flagged about another five clauses that have come out of the panel's decision but I won't bore you with them; I was going to but I won't; so I'll move straight into the apology.

In addressing the Council on the 25th of November 2021 at the Concept Forum meeting I acknowledge the selection of words I used breached sections of the Shire of Nannup's Code of Conduct for Council Members, Committee Members and Candidates and have the potential to bring the name of the Shire and employee into disrepute I unreservedly retract those comments and apologise for my actions on that day.

9.3 DEPUTATIONS

Nil.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Meeting	Date	Councillor
Nannup Chamber of Commerce & Industry	Not provided	Gibb

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for June 2022
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL 18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 July 2022
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – 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 2022 is presented in Attachment 11.1.1.

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 2022, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for June 2022 compared to June 2021:

	June 2021	June 2022
Delegated Decisions	5 (\$392,947)	4 (\$360,050)
Council Decisions	0	0
Total	5 (\$392,947)	4 (\$306,050)

100% of all delegated development approvals 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

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for June 2022 as per Attachment 11.1.1.

COUNCIL RESOLUTION 22104

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That Council receives the report on Delegated Development Approvals for June 2022 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 – Financial Activity Statement – May 2022
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:	19 July 2022
ATTACHMENTS:	11.2.1 – Financial Activity Statement – May 2022

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

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

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

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

COMMENT:

The Financial Statements for the period ending 31 May 2022 present the financial performance of the Shire for the 2021/22 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 11.2.1.

The document attached includes Statements of Financial Activity by Program, and Nature or Type, Notes to the financial statements, an explanation of material variances as well as a summary of bank account balances, loan repayments, and reserve account status.

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 31 May 2022 as per Attachment 11.2.1.

COUNCIL RESOLUTION 22105

MOVED CR BROWN	SECONDED CR BUCKLAND
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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 31 May 2022 as per Attachment 11.2.1.

AGENDA NUMBER & SUBJECT:	11.3 – Payment of Accounts – May and June 2022
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:	19 July 2022
ATTACHMENT:	11.3.1 – Payment of Accounts – May and June 2022

To advise Council of payments made from the municipal fund or trust fund for the period 1 May to 30 June 2022.

COMMENT:

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

Municipal Account

Total Payments		\$2,953,275.40
Sub Total Trust Account		\$0.00
Trust Account Accounts paid by EFT	Nil	\$0.00
Accounts paid by Direct Debit Sub Total Municipal Account	11600.1 to 11673.18	\$132,405.74 \$2,953,275.40
Accounts paid by cheque	20567 to 20575	\$37,416.57
Accounts paid by EFT	14738 to 14926	\$2,783,453.09

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 endorse the payment of accounts totalling \$2,953,275.40 for the period 1 May 2022 to 30 June 2022 as per Attachment 11.3.1.

COUNCIL RESOLUTION 22106

MOVED CR HANSEN	SECONDED CR BUCKLAND
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That Council endorse the payment of accounts totalling \$2,953,275.40 for the period 1 May 2022 to 30 June 2022 as per Attachment 11.3.1.

AGENDA NUMBER & SUBJECT:	11.4 – Western Australian Local Government Association Annual General Meeting 2022 – Voting Delegates
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	DEP 14
AUTHOR:	David Taylor - Chief Executive Officer
REPORTING OFFICER:	David Taylor - Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	19 July 2022
ATTACHMENT:	Nil

Western Australian Local Government Association (WALGA) writes to advise that all Member Councils are entitled to be represented by two (2) voting delegates at the Annual General meeting of WALGA to be held at the Crown Towers Perth on **Monday 3 October 2022**.

WALGA is therefore seeking the names of the voting delegates together with proxy voting delegates.

COMMENT:

This is a standing annual agenda item seeking voting delegated in writing. Only registered delegates and proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or the Chief Executive Officer if there are not enough Elected Members attending the Annual General Meeting.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council nominates the Shire President and Cr ______as its Voting Delegates to the Western Australia Local Government Association Annual General meeting to be on Monday 3 October 2022 with Cr ______and Cr ______being appointed as the proxy delegates.

COUNCIL RESOLUTION 22107

MOVED CR BROWN	SECONDED CR BUCKLAND
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That Council nominates the <u>Shire President</u> and <u>Cr Vicki Hansen</u> as its Voting Delegates to the Western Australia Local Government Association Annual General meeting to be on Monday 3 October 2022; with <u>Cr Chris Buckland</u> and <u>Cr Bob Longmore</u> being appointed as the proxy delegates.

AGENDA NUMBER & SUBJECT:	11.5 – Sponsorship of Blackwood Valley Wine Show 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ASS 5
AUTHOR:	Nicole Botica – Economic & Community Development Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	21 July 2022
ATTACHMENT:	11.5.1 – Blackwood Valley Wine Industry Association Letter

The Blackwood Valley Wine Industry Association covers four Shires in the region including Nannup, Balingup, Boyup Brook and Bridgetown. For the past 20 years, they have conducted an annual wine show, which Nannup sponsored in 2015 and 2020 through the Community Grant Scheme.

The wine show provides an opportunity to highlight the premium wines being produced by smaller wineries and growers across the state as well as promoting the Blackwood Valley Wine Region. Traditionally the wine show has been held in Bridgetown, and in 2021 the show was moved to Nannup.

The event in 2021 was held in Nannup for the first time. The sponsorship was \$3,279 and the Shire of Nannup was the major sponsorship with naming rights for the two most prestigious trophies. The 2021 event was a huge success with the use of the Nannup Community Meeting Room and Function Centre. The new format provided excellent facilities in a positive and supportive location. It is this service that has encourage the group to host the event in Nannup on 22 - 25 November 2022. The sponsorship request for 2022 value is \$4,044.

COMMENT:

The Blackwood Valley Wine Industry Association is an industry driven association representing grape growers and wine producers within the Blackwood Valley Region. Their main purpose is to showcase the premium wines being tailor made by boutique producers and offer the public the chance to taste them.

They are seeking space to host the event that will cater to the event program and includes a judging room, storage space with access to glass washer and a kitchen space. Their request is for the following:

- 1. Use of the Nannup Function Centre for four days
- 2. Use of the Community Meeting Room for four days
- 3. Accommodation for seven judges for two days
- 4. Accommodation for four associate judges for two days

The Sponsorship proposition includes:

- Recognition as a major sponsor
- Naming rights of two of the most prestige trophies being:
 - o Shire of Nannup Most Successful Boutique Exhibitor
 - Shire of Nannup Best Wine of Show
- 3 x Mixed carton of show wines
- Use of Shire logo on all event promotional material and entry forms
- Use of Shire promotional banners, Experience Nannup
- Exclusive promotional opportunities within the Shire of Nannup including Social Media shout outs.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

FNC 3 – Community Groups and Donations

FINANCIAL IMPLICATIONS:

The booking fee for four-day hire of the facilities and accommodation equates to \$4,044 and includes:

Community Meeting Room (four days)	(\$116 p/day) ~ \$339
Function Centre, four days	(\$200 p/day) ~ \$600
Accommodation for judges	(\$130 p/night) ~ \$1820
Accommodation for associate judges	(\$120 p/night) ~ \$960
Total Sponsorship value	~ \$4044

(NB the above fees and changes are from the 2021 2022 fees and charges and maybe subject to change with the budget approval process).

STRATEGIC IMPLICATIONS:

Extract from the 2021-2036 Nannup Community Strategic Plan:

Our Community

- 1.1 Who we are
- We will retain our pride in being small, unique and friendly town that is a vibrant and engaging place to live

Our Economy

2.2 Tourism and attraction

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council provides sponsorship to the maximum amount of \$4,500, to support the Blackwood Valley Wine Association to host the Blackwood Valley Wine Show 2022 in Nannup by:

- 1. Waiving the fees to hire the Community Meeting Room for four days;
- 2. Cover the fees associated to the hire of the Function Centre for four days; and
- 3. Cover the cost for the preferred accommodation options for the judges and associate judges.

COUNCIL RESOLUTION 22108

MOVED CR BUCKLAND	SECONDED CR LONGMORE
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That Council provides sponsorship to the maximum amount of \$4,500, to support the Blackwood Valley Wine Association to host the Blackwood Valley Wine Show 2022 in Nannup by:

1. Waiving the fees to hire the Community Meeting Room for four days;

- 2. Cover the fees associated to the hire of the Function Centre for four days; and
- 3. Cover the cost for the preferred accommodation options for the judges and associate judges.

AGENDA NUMBER & SUBJECT:	11.6 – Mining Tenement Communication Policy DRAFT
SUBJECT:	Mining Tenement Communication Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 9
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 July 2022
ATTACHMENTS:	11.6.1 – ADM 23 Mining Tenement Communication Policy DRAFT

Council at its Ordinary Meeting of Council held on 24 March 2022 endorsed the following;

COUNCIL RESOLUTION 22059

MOVED CR HANSEN

SECONDED CR LONGMORE

That Council;

A). Authorise the Chief Executive Officer to develop a policy position regarding how the Shire of Nannup responds to mining tenement applications in the Shire of Nannup, particularly relating to tenements near high population areas.

B). Request the CEO to prepare and publish a summarised briefing of the existence of tenement E70/5662 to the Nannup community.

CARRIED (8/0)

The background to the above endorsement was due to Chief Executive Officer (CEO) receiving a concern from a resident as they had recently received a Permit to Enter from a mining company to explore for minerals on their property. The permit related to exploration tenement E70/5662 was granted previously in October 2021.

This wasn't a new exploration tenement in terms of the relative exploration area. It does have a new tenement number and company attached to it, however, is exactly the same physical area as previous tenement E70/4964 that was granted in late 2017 and surrendered on the 13 November 2020.

COMMENT:

At the time the CEO contacted the Regional Mining Registrar at the Department of Mines Industry Regulation and Safety (DMIRS) to understand more about the tenement and any processes relating to their consultation and approvals.

The Registrar advised that there are two types of tenements; surface tenements and subsurface tenements.

Surface tenements relate to the first 30m below the surface and Sub-surface tenements relate to depths of 30m+ below the surface. Surface tenements requires the mining company to write to each individual landowner, whereas, subsurface tenements only require written communication to the local government.

There are several mining tenements throughout the Shire of Nannup and the Shire has received communications asking for comment on sub-surface mining tenements.

The Shire has never had a policy on informing impacted parts of the community when a subsurface tenement communications are received. The aim of this policy is to address that level of communication.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Additional policy to be added to the policy manual.

FINANCIAL IMPLICATIONS:

Minimal costs associated with informing impacted land owners.

STRATEGIC IMPLICATIONS:

Extract from the Strategic Community Plan 2021 – 2036

Our Shire

5.3 Lead, Listen, Advocate, Represent and Provide – We will communicate the plans and decisions of the Shire with our residents, and seek input and insight from all our diverse groups.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the attached policy ADM 23 Mining Tenement Communication as per Attachment 11.6.1.

COUNCIL RESOLUTION 22109

MOVED CR HANSEN SECONDED CR BUCKLAND

That Council endorse the attached policy ADM 23 Mining Tenement Communication as per Attachment 11.6.1.

AGENDA NUMBER & SUBJECT:	11.7 – Shire of Nannup Strategic Community Plan 2021- 2036
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 3
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 July 2022
ATTACHMENTS:	11.7.1 - Updated - Strategic Community Plan 2021 – 2036

The Shire of Nannup Strategic Community Plan 2021-2036 was adopted by Council at its Ordinary Meeting of Council held in December 2021, resolution number 21164.

In April 2022 Council adopted its Public Health Plan, resolution number 22065.

The Strategic Community Plan 2021-2036 has been updated to include a Health section which incorporates the components from the Public Health Plan.

COMMENT:

The updates from the previous version of the Strategic Community Plan 2021-2036 are as follows;

Cover page: Updated 'Strategic update completed 2021' to 'Strategic update completed 2022'.

Page 14: Added 'Our Health' icon and sentence to the community statement.

Page 15: Added Our Health sentence the Community Statement, Added Our Health Section.

Page 17: Removed statement about health (last point under 1.2 Our Aged).

Page 19: Removed statement about health (last point under 3.2 Our Amenity).

Page 21: Added Our Health section as point 5.

Page 26: Change 'Health Plan' to 'Public Health Plan', Change 'Local Planning Scheme 3' to 'Local Planning Scheme 4', add 'Local Planning Strategy'.

STATUTORY ENVIRONMENT:

Section 5.56 of the *Local Government Act 1995* Section 19C of the *Local Government (Administration) Regulations 1996*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Our Leadership – A listening leadership that provides for and represents all.

Our Community Leadership – We listen to our community leaders.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council adopt the Shire of Nannup Strategic Community Plan 2021-2036 as per Attachment 11.7.1.

COUNCIL RESOLUTION 22110

MOVED CR HANSEN	SECONDED CR BUCKLAND
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That Council adopt the Shire of Nannup Strategic Community Plan 2021-2036 as per Attachment 11.7.1.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

13. MEETING MAY BE CLOSED:

Nil.

14. CLOSURE OF MEETING:

The Shire President declared the meeting closed at 4.52pm.