



Agenda

Ordinary Council Meeting to be held Thursday 27 October 2022

4.30pm in Council Chambers, 15 Adam Street, Nannup

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SHIRE OF NANNUP
NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers - Thursday 27 October 2022 at 4.30 pm

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

Shire President to declare the meeting open and welcome the public gallery.

Shire President to acknowledge 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

2.2 APOLOGIES

3. 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

Cr Longmore applied for leave of absence for 7 November to 13 November 2022 inclusive.

5. CONFIRMATION OF MINUTES:

5.1 Ordinary Council Meeting – 25 August 2022

EXECUTIVE RECOMMENDATION:

That the Minutes from the Ordinary Meeting of Council held 25 August 2022 be confirmed as a true and correct record (attachment 5.1).

5.2 Western Australian Local Government Association – South West Zone – 26 August 2022**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Western Australian Local Government Association – South West Zone meeting held 26 August 2022 be received (attachment 5.2).

5.3 Local Drug Action Group – 5 October 2022**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Local Drug Action Group committee meeting held 5 October 2022 be received (attachment 5.3).

5.4 Warren Blackwood Alliance of Councils – Climate Change Impact Reference Group 21 October 2022**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Warren Blackwood Alliance of Councils – Climate Change Impact Reference Group meeting held 21 October 2022 be received (attachment 5.4).

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

Nil.

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.

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

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

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Kimberley Heitman will make a deputation on behalf of the Nannup Music Club Inc. in regard to item 13.1 Confidential Item - Self Supporting Loan Request - Nannup Music Club.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for August 2022
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:	13 September 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 August 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 August 2022, 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 August 2022 compared to August 2021:

	August 2021	August 2022
Delegated Decisions	7 (\$320,370)	5 (\$112,300)
Council Decisions	2 (\$500,000)	0
Total	9 (\$820,370)	5 (\$112,300)

100% of all delegated development approvals in the month of August 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 August 2022 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for September 2022
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:	13 October 2022
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.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 September 2022 is presented in Attachment 11.2.1.

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 September 2022, 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 September 2022 compared to September 2021:

	September 2021	September 2022
Delegated Decisions	4 (\$809,000)	5 (\$134,500)
Council Decisions	0	0
Total	4 (\$809,000)	5 (\$134,500)

100% of all delegated development approvals in the month of September 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 September 2022 as per Attachment 11.2.1.

AGENDA NUMBER:	11.3 – Development Application for industry – extractive (sand)
LOCATION/ADDRESS:	Lot 121 on Deposited Plan 38209 Roberts Road, Carlotta
NAME OF APPLICANT:	L.M. & E.A. Crouch
FILE REFERENCE:	A1536
AUTHORS:	Jane Buckland - Development Services Coordinator
REPORTING OFFICER:	David Taylor - Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil.
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	13 October 2022
ATTACHMENTS:	11.3.1 - Information from applicant 11.3.2 - Location plan 11.3.3 - Submissions 11.3.4 - Applicant response to submissions 11.3.5 - Extract of Local Planning Strategy 11.3.6 - Extract of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The applicant has lodged a Development Application for an extractive industry of sand. Information submitted by the applicant is provided in Attachment 11.3.1 by Abrus Consulting Pty Ltd. The applicant has operated an extractive industry from the subject property since 2007 with the previous development approval having expired in June 2022.

The applicant originally lodged a Development Application for the extraction of both sand and gravel however following verbal concerns raised by nearby property owners, the applicant modified the application by agreeing to delete the gravel extraction component. The Development Application being considered by Council and the subject of this report is for the extraction of sand only.

The new application seeks approval to extract sand for an area of approximately 18.52 hectares with an estimated resource of 300,000m³. The average thickness of the sand resource is estimated to be 2 metres and the maximum thickness is estimated to be 3 metres.

The location of the application site is shown in Attachment 11.3.2 which is approximately 7 kilometres south of Nannup.

The site is 103.4 hectares in area, the existing extraction area is cleared, the site is in part designated as a bushfire prone area, and the property is zoned 'Agriculture Priority 2' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* and zoned 'Priority Agriculture' in the *draft Shire of Nannup Local Planning Scheme No. 4 (LPS4)*. As set out in the LPS3 Zoning Table, 'Industry - Extractive' is an 'A' use in the Agriculture Priority 2 Zone. This means a Development

Application can legally be applied for and the local government is able to determine the application following advertising.

The Shire administration invited public comment on the Development Application for a 6 week period by writing to 9 adjoining/nearby landowners, Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER), Department of Primary Industries and Regional Development (DPIRD), Main Roads WA (MRWA), Nannup VFBF Chief Bushfire Control Officer, placing details on the Shire website and having details available at the Shire office. The Shire received 4 submissions on the Development Application which are outlined in Attachment 11.3.3. There were no objections to the proposed development however some of the submissions raise matters to be addressed.

In accordance with standard practice and in order to address issues, the Shire administration provided the applicant with the submissions for their review. Attachment 11.3.4 outlines the applicant's response to the submissions.

Attachment 11.3.5 provides an extract of the *Shire of Nannup Local Planning Strategy* relating to minerals and basic raw materials. In summary, the Strategy supports the sustainable extraction of basic raw materials if relevant planning considerations are suitably met.

Attachment 11.3.6 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

It is recommended that Council approve the Development Application subject to conditions, including that the approval be time-limited to a period of ten (10) years. This follows assessment against LPS3 and draft LPS4, the Local Planning Strategy, relevant State Government documents, considering the views of the submitters and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- the extraction area is setback from watercourses and adjoining State Forest;
- no blasting is proposed;
- suitable buffer distances are proposed to nearby sensitive uses; and
- sand resources are important to the district and region.

It is suggested that if the operation is suitably managed and development conditions are met, that general amenity, environmental considerations, site rehabilitation and impact on the Shire road system can be appropriately addressed. While noting this, there are various issues associated with the industry-extractive use, its compatibility with surrounding land uses and its impact on the regional and local road network which should be considered by the Council in

determining the Development Application. Some of these issues are outlined below and other issues are outlined in Attachment 11.3.3.

A) Impact on surrounding land uses

The sand pit has operated from the site for many years without written complaint to the Shire.

As shown in Attachment 11.3.3 no concerns have been raised by two neighbours. Given the relatively small scale nature of the sand pit, it is suggested the impact on surrounding uses including on sensitive uses will be manageable. As outlined above, the conditions of development approval will further assist to manage impacts as is limiting the approval to ten years.

B) Traffic impacts and road maintenance

The applicant outlines the main haulage route is via an un-named track through the adjoining State Forest, Red Gully Road and Vasse Highway. Two main types of truck will transport the sand being 24 tonne and 48-50 tonne (road train) vehicles. The application outlines there will, on average, be 1-5 trucks making up to 5 visits to the site per day. This would result in a maximum number of approximately 25 return trips to the sand pit per day.

The un-named track and Red Gully Road are unsealed, non-dedicated roads. Red Gully Road is a DBCA-managed track.

MRWA have advised that Red Gully Road is not currently approved as a Restricted Access Vehicle (RAV) route and use of the proposed route by road trains will require further assessment. The intersection of Red Gully Road and Vasse Highway will need to be upgraded including widening, bitumen sealing and clearing sightlines as necessary, with the intersection designed and constructed to the specifications and satisfaction of MRWA.

There will be on-going impacts on Red Gully Road over the life of the extractive industry operation. DBCA have advised that any damage to Red Gully Road by haulage vehicles is to be repaired at the proponent's cost to the satisfaction of DBCA, and any proposed upgrades to accommodate increased vehicle movements or larger vehicles are to be assessed by DBCA prior to any works commencing.

Given the above, the Shire administration recommends various conditions and advice be included with the approval relating to traffic impacts and road maintenance. For instance:

- requiring the applicant to upgrade the intersection of Red Gully Road and Vasse Highway to the specifications and satisfaction of MRWA;
- requiring the applicant to appropriately maintain Red Gully Road, between the site's entry and Vasse Highway during the approval period, to the satisfaction of DBCA;
- installing and maintaining road signs along transport routes warning other road users of trucks entering and using the public road system; and
- minimising the potential for conflict between heavy haulage vehicles and small passenger vehicles.

C) Length of development approval

The applicant estimates the project life will be 10 years. It is recommended that Council grant development approval for the full 10 years given that no concerns have been raised by adjoining and nearby property owners. The applicant can reapply to seek to extend the industry-extractive use.

D) On-going management and safety

The applicant will need to address on-going management and safety. This includes restricting access to unauthorised persons through fencing, gates and signage.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, LPS3 and draft LPS4. The Shire has no guidelines or local laws on extractive industries. Extractive industry operators are bound to comply with various levels of State Government legislation. Additionally, self-auditing of operations and review of environmental monitoring is paramount.

POLICY IMPLICATIONS.

Various Local Planning Policies are relevant in assessing the Development Application including *Local Planning Policy No. 20 - Developer and Subdivider Contributions*. 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.

There are also various State Planning Policies relevant to the application including *Environment and Natural Resources Policy, Basic Raw Materials*, and *State Industrial Buffer Policy*. Other publications include the WAPC *Basic Raw Materials Applicants' Manual* and the Environmental Protection Authority (EPA) *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*. The EPA guidance recommends a generic buffer distance of 300-500 metres for sand and limestone extraction (where there is no grinding or milling works and depending on the size of the operation), from 'sensitive' uses (e.g. dwellings). For non-hard rock extractive industries, the separation distance is on a case by case basis where grinding, milling and sieving are proposed.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Sand is an important resource within the district and region.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council approve the Development Application for an industry-extractive use (sand pit) at Lot 121 on Deposited Plan 38209 Roberts Road, Carlotta, subject to the following conditions:

General

1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. This development approval is valid until 27 October 2032 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 for an extended period.

Pit operation

3. Operation of the pit shall be restricted to the hours of 7:00am to 5:00pm Monday to Saturday. No operation at all on Sundays or Public Holidays.
4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.
5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.

Road upgrading and maintenance

6. The intersection of Red Gully Road and Vasse Highway is to be upgraded, designed and constructed to the specifications and satisfaction of Main Roads WA, at the full cost of the proponent, with the works to be undertaken by 31 December 2023.

7. The applicant to appropriately maintain Red Gully Road, between the site's entry and Vasse Highway during the course of the approval, to the satisfaction of the Department of Biodiversity, Conservation and Attractions.

Safety of road users

8. The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the local government in locations approved in writing by the local government.

Safety on site

9. The site shall be fenced, gated and sign-posted against unauthorised entry, and such features shall thereafter be permanently maintained to the satisfaction of the local government.

Environmental management

10. The applicant shall implement the submitted Management Plan to the satisfaction of the local government.
11. No extraction activities are to occur within 10 metres of any native tree crown drip zone.
12. Any major environmental incident shall be immediately reported to the local government and will require remediation to the local government's acceptance prior to further sand extraction.
13. The applicant shall implement the submitted Site Rehabilitation Plan immediately following the conclusion of the extractive industry.

Storm water management

14. The applicant shall implement the submitted Drainage Management Plan, including retaining all run-off within the extraction area, to the satisfaction of the local government.

Advice

- A) The applicant should ensure that its heavy vehicle operators drive responsibly on Red Gully Road, and on other roads in the Shire of Nannup.
- B) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Water and Environmental Regulation.
- C) Weeds should be appropriately controlled in accordance with Department of Primary Industries and Regional Development guidelines. This in part should address the

management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.

- D) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.
- E) The applicant is encouraged to prepare a Works Safety Plan which is then appropriately implemented.
- F) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.
- G) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- H) If an applicant or owner 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.

AGENDA NUMBER & SUBJECT:	11.4 – Payment of Accounts – July, August and September 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	21 October 2022
ATTACHMENT:	11.4.1 – Payment of Accounts – July, August and September 2022

BACKGROUND:

To advise Council of payments made from the municipal fund or trust fund for the period 1 July to 30 September 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

Accounts paid by EFT	14927 to 15158	\$1,781,532.26
Accounts paid by cheque	20580 to 20586	\$27,701.78
Accounts paid by Direct Debit	11681.2 to 11880.7	\$173,305.65
<i>Sub Total Municipal Account</i>		<u>\$1,982,539.69</u>

Trust Account

Accounts paid by EFT	Nil	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
Total Payments		<u>\$1,982,539.69</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 endorse the payment of accounts totally \$1,982,539.69 for the period 1 July 2022 to 30 September 2022 as per Attachment 11.4.1.

AGENDA NUMBER & SUBJECT:	11.5 – Corporate Business Plan 2022 – 2026
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 29E
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 October 2022
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	11.5.1 – Corporate Business Plan 2022 - 2026

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* outline 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 new Strategic Community Plan was adopted by Council at its Ordinary Council Meeting held on 28 July 2022 Resolution 22109.

The priorities and goals of the Strategic Community Plan are driven by community engagement and takes a 'whole of Shire' approach. The Strategic Community Plan covers a 10 year period and undergoes a review at least once every 4 years.

The Corporate Business Plan 2022-2026 (tabled), also required under the Framework, defines the initiatives and 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.

COMMENT:

The Strategic Community Plan (SCP) 2021 – 2036 was endorsed by Council at its Ordinary Council Meeting held on 28 July 2022 Resolution 22110 and had the following priorities.



The Corporate Business Plan 2022 – 2026 has been developed in conjunction with the SCP and finalised since its endorsement.

Strategic Themes and Focus Points

Our Shire

We listen to our community, are transparent, and act with integrity.

- We will listen to, engage and partner with our community leaders and groups, including the Traditional Owners, the Wardandi and Bibbulmun people.
- We will support our community groups and encourage them to work together.
- We will communicate the plans and decisions of the Shire with our residents, and seek input and insight from all our diverse groups.
- We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community.

Our Community

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

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

- We respect and value our aged, and we seek to ensure they are supported.
- Youth and young families are important and we will focus on making Nannup a great place to grow up where families can thrive.

Our Economy

Well planned, managed, sustained growth is the key to Nannup's future.

- We will grow our economy in ways that add value to our community and create diverse opportunities for our residents.
- We will work together to attract people, investment and innovation to our Shire.
- Our Shire will be recognised as an important source of food production for Western Australia, and we will support the agriculture sector to grow and diversify.

Our Health

We aim to improve the health outcomes of all people living in our community.

- We will plan a COVID safe and healthy outcome.
- We will strive to prevent harm from unsafe use of alcohol, drugs, solvents and tobacco.
- We will provide adequate recreation facilities and healthy, affordable food choices.
- We will provide access to relevant health services for all demographics.
- We will provide environmental health protection to reduce risks to health.

Our Built Environment

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

- We will protect and enhance the charm and fabric of our unique Shire.
- We will develop the amenity and housing in line with the existing character of the town.
- We will provide quality planning outcomes for community benefit through quality consultation.
- We will advocate to increase the coverage of our communication systems.

Our Natural Environment

We are surrounded by nature, which we strive to celebrate and protect.

- We will protect, manage and enhance our natural assets, including our forests, managed bushland, rivers, agriculture and our pristine coastline.
- We will continue to ensure that our built environments exist in harmony with our natural landscapes.
- 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.

Under the Focus Point there are a total of 154 detailed actions and initiatives corresponding with planned year of action, whether the action/initiative is third party dependent and links to other adopted strategic documents.

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:

The Corporate Business Plan 2022 – 2026 will become a major guiding document.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council endorse the Shire of Nannup Corporate Business Plan 2022 – 2026 as attached.

AGENDA NUMBER & SUBJECT:	11.6 – Local Government Reforms – Election Transition Arrangements
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:	17 October 2022
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.6.1 – Letter from the Minister for Housing; Lands; Homelessness; Local Government 11.6.2 – Ward and Representation Review 2022

BACKGROUND:

On 3 July 2022, the Minister for Housing; Lands; Homelessness; Local Government announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023.

Many of the reform proposals related to council representation are based on recent trends, and are intended to provide greater consistency between districts. Accordingly, for more than half of all local governments across Western Australia, the reforms will not require any specific change to the size or structure of the council. However, the reform proposals do require some local governments to:

- Reduce the number of elected members on council in accordance with population thresholds;
- Change from a council elected mayor or president to a directly elected mayor or president (this reform affects only band 1 and 2 local governments); or
- Abolish wards (for band 3 and 4 local governments with wards); or
- Implement more than one of the above.

The Amendment Act will also provide that optional preferential voting will apply for all local government elections. As you may know, optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.

Many councils have expressed a proactive intent to implement reforms as early as possible. I also acknowledge that, for some local governments, it may be desirable to implement changes to the size of the elected council over two ordinary election cycles. The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that your local government may need to abolish wards and change the number of council members under the proposed reforms. As you would know, the Act already provides that local governments may initiate proposals to change arrangements related to the size or structure of the council.

Voluntary Pathway

Your local government may formulate a plan to implement these changes on a voluntary basis. This pathway will require your local government to make the steps outlined below, and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

If your council wishes to undertake this process, it should, by 28 October 2022:

- Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.

The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met.

While the Ward and Representation Review can consider the size of the council, any changes should not diverge from the proposed reforms.

Reform Election (Involuntary) Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023.

This pathway would provide that all of the council's offices can be declared vacant, all wards can be abolished, and the number of council offices would be set based on the reform proposals. Elections would then be held to fill all council offices, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle.

Your council may specifically decide to follow the Reform Election Pathway. If this is the council's intention, I request that you advise the DLGSC by 28 October 2022.

It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:

- Does not advise of an intention to follow the Voluntary Pathway, or

- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates outlined in this letter.

COMMENT:

The reforms impacting the Shire of Nannup (being a Tier 4 Local Government Authority) are;

1. Reduction in number of councillors from 8 to 7.
2. Abolishment of the Ward systems.
3. Implement the preferential voting system during elections.

Part 1) and 2) are instructed and the Shire does not have a choice in the matter.

If the Shire were not to do anything, then the involuntary election pathway will be triggered and the changes will be automatically implemented for the 2023 local government elections process. The risk with this pathway is that it will mean all council positions will be declared vacant. This pathway will attract higher election costs and may impact the business continuity of the strategic direction of the Shire of Nannup.

The Voluntary Pathway provides an outcome whereby the reform instructions are adhered to whilst maintaining council stability and business continuity for the organisation. The disadvantage to this pathway is that the Shire has to undertake a Ward and Representation Review. The reason the Ward Review is a disadvantage is because the outcomes of the review have already been stipulated by the Minister and the local government/community do not have any choice to amend these outcomes, therefore making the Ward Review a tick box scenario. This review will consume CEO time, however, it is believed that undertaking the review is more favourable than not undertaking the review and risking the Minister enforcing the Involuntary Pathway as a result.

It is important for the community to know that the Shire of Nannup has no choice regarding the reduction from 8 councillors to 7 and the abolishment of electoral wards.

The adoption of a preferential voting system will bring the local government election process in alignment with the State and Federal systems and will aid in a more robust election process.

Formal written advice on the preferred pathway to the DLGSC is required by 28 October 2022. Given the timeframes already established in the Act, the Minister has advised that no extension will be possible.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY IMPLICATIONS:

The Shire of Nannup as of the 2023 elections will no longer have an electoral ward system and will reduce to 7 councillors, which will be completed by having three instead of four positions available for nomination.

FINANCIAL IMPLICATIONS:

Chief Executive Officer resource. The Ward and Representation Review is not a good use of the CEO's time as the review is not able to alter the outcomes instructed by the Minister through the Local Government Reform Program. Nonetheless, the Shire is still obligated to undertake the review.

STRATEGIC IMPLICATIONS:

The structure of the Shire of Nannup local government elections is changing as part of the instructed reforms, effective 2023 elections.

The number of councillors is reducing as part of the instructed reforms, effective 2023 elections.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Adopt the "voluntary pathway" for the election transition arrangement as part of the local government reform process;
2. Comply with the Minister for Housing; Lands; Homelessness; Local Government instruction for the "voluntary pathway" as outlined in Attachment 11.6.1;
3. Elect to implement a preferential voting system for the 2023 Local Government elections;
4. Endorse the Ward and Representation Review paper for the Shire of Nannup for a period of public consultation being no less than six weeks as provided in Attachment 11.6.2;
5. Endorse the high level plan provided as Attachment 11.6.1 to notify the Department of Local Government, Sport and Cultural Industries of the Shire of Nannup's election transition arrangements by 28 October 2022.
6. Acknowledge that the number of Councillors comprising the Council will reduce from eight to seven as part of the Ward and Representation Review;
7. Acknowledge that the electoral Wards will be abolished as part of the Ward and Representation Review.

AGENDA NUMBER & SUBJECT:	11.7 – <i>Building Act 2011</i> Delegations
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM22 & ADM22A
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	24 October 2022
ATTACHMENTS:	11.7.1 – Proposed Shire of Nannup <i>Building Act 2011</i> Delegations 11.7.2 – Current Shire of Nannup Register of Delegations

BACKGROUND:

Delegations provide mechanism to enable the day to day business of the Shire to be handled administratively in a timely and efficient manner. Alternatively, all decisions made under delegation would need to be considered formally by Council. This could have timing implications, potentially reduce customer satisfaction of the Shire’s ability to make efficient, consistent decisions.

Due to a change in staff roles and operational requirements, the Shire of Nannup *Building Act 2011* delegations have been reviewed for Council consideration.

COMMENT:

The delegations to the Chief Executive Officer the *Building Act 2011* in the current Register of Delegations is as follows, please see Attachment 11.7.2 for full details;

PROPOSED FOR REVOCATION	
BA 1 – Buildings – Issue of Building Orders	Section 110
BA 2 – Buildings Unfit for Human Occupation, Unlawful Works and Dangerous Buildings	Section 112
BA 3 – Strata Titles	Section 50
BA 4 – Demolition Permits	Section 21
BA 5 – Building – Extension of Time for Building or Demolition Permit	Section 65
BA 6 – Building Permits	Section 20

The proposed delegations are:

PROPOSED FOR ENDORSEMENT
2.1.1 – Grant a Building Permit
2.1.2 – Demolition Permits
2.1.3 – Occupancy Permits or Building Approvals Certificates
2.1.4 – Designate Employees as Authorised Persons
2.1.5 – Building Orders
2.1.6 – Inspection and Copies of Building Records
2.1.7 – Referrals and Issuing Certificates
2.1.8 – Private Pool Barrier – Alternative and Performance Solutions
2.1.9 – Smoke Alarms – Alternative Solutions
2.1.10 – Appointment of approved officers and authorised officers

For full details of the proposed delegations and sub delegations please see attachment 11.7.1.

STATUTORY ENVIRONMENT:

Building Act 2011

Local Government Act 1995

Section 5.42 – Delegation of some powers or duties to the CEO

Section 5.44 – CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute majority.

OFFICER RECOMMENDATION:

That Council:

1. Revoke the delegations and authorisations under the *Building Act 2011* as listed below (and as they appear in Attachment 11.7.2):

- BA 1 – Buildings – Issue of Building Orders
- BA 2 – Buildings Unfit for Human Occupation, Unlawful Works and Dangerous Buildings
- BA 3 – Strata Titles
- BA 4 – Demolition Permits
- BA 5 – Building – Extension of Time for Building or Demolition Permit
- BA 6 – Building Permits

and;

Endorse the proposed delegations as listed below (and as they appear in Attachment 11.7.1):

- 2.1.1 – Grant a Building Permit
- 2.1.2 – Demolition Permits
- 2.1.3 – Occupancy Permits or Building Approvals Certificates
- 2.1.4 – Designate Employees as Authorised Persons
- 2.1.5 – Building Orders
- 2.1.6 – Inspection and Copies of Building Records
- 2.1.7 – Referrals and Issuing Certificates
- 2.1.8 – Private Pool Barrier – Alternative and Performance Solutions
- 2.1.9 – Smoke Alarms – Alternative Solutions
- 2.1.10 – Appointment of approved officers and authorised officers

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

Simple Majority

12.1 COUNCILLOR MOTION: SHIRE PRESIDENT DEAN

That Council endorse the “Uluru Statement from the Heart” as a starting point to support the referendum on its inclusion into the constitution of Australia.

BACKGROUND TO MOTION:

The Uluru Statement from the Heart is an invitation to the Australian people. It asks Australians to accept an invitation to walk with Aboriginal people in a movement of the Australian people for a better future. We call for the establishment of a First Nations Voice enshrined in the Constitution and a Makarrata Commission to supervise a process of agreement-making and truth-telling about our history.

Shire President Dean became aware of the statement at a Western Australian Local Government (WALGA) Committee meeting whereby the statement was not endorsed to be tabled at the WALGA State Council meeting. It was felt that this denied robust debate at the State Council level on its support for the statement.

Shire President Dean felt as though it is an important point to discuss at a local government level.

CHIEF EXECUTIVE OFFICER COMMENT:

The below has been taken from the Uluru Statement website <https://ulurustatement.org>

In May 2017, over 250 Aboriginal and Torres Strait Islander Delegates from all points of the Southern Sky gathered in Mutitjulu in the shadow of Uluru and put their signatures on a historic statement. The Uluru Statement from the Heart addressed to the Australian people invited the nation to create a better future via the proposal of key reforms.

The Statement

“Voice

Enshrining a First Nations Voice in the Australian Constitution.

Makarrata

The coming together after a struggle to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem.

This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

IN 1967 - we were counted.

IN 2017 - we seek to be heard.

We leave base camp and start our trek across this vast country.

We invite you to walk with us in a movement of the Australian people for a better future.”

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implication

The Shire does not have a formal Reconciliation Plan. That being said, the Shire has been actively making steps that ordinarily a reconciliation plan would identify. Supporting this statement would be one of those actions that would support reconciliation.

VOTING REQUIREMENTS

Simple Majority

12.2 COUNCILLOR MOTION:**SHIRE PRESIDENT DEAN****VOTING REQUIREMENTS**

Simple Majority

That Council;

1. Endorse that the Shire of Nannup sign the Western Australian Local Government Association (WALGA) Climate Change Declaration as attached;
2. The Shire of Nannup appoint a consultant to review our Strategic Plan and provide the Shire with written amendments to the plan incorporating where possible the Warren Blackwood Alliance of Council's Strategic Climate Change document recommendations. This be done as a matter of priority.

Attachment 12.2.1 – Climate Change Declaration Template**BACKGROUND TO MOTION:**

This is a declaration has already been signed by 40 local governments within Western Australia which represents 60% of the State's population.

CHIEF EXECUTIVE OFFICER COMMENT:

The Warren Blackwood Alliance of Councils launched the Warren Blackwood Alliance of Councils Climate Change Policy and Action Plan on the 2 August 2022.

A Committee has been established at the same time to progress and prioritise initiatives within the Action Plan.

Supporting our environment was a significant theme within the surveying for the Strategic Community Plan 2021 -2036 and this initiative strongly correlates to that theme.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Estimated to be \$3,000 - \$5,000 excluding GST.

Strategic Implication

Supporting our environment was a significant theme within the surveying for the Strategic Community Plan 2021 -2036 and this initiative strongly correlates to that theme.

13. MEETING MAY BE CLOSED:

AGENDA NUMBER & SUBJECT:	13.1 – Confidential Item - Self Supporting Loan Request - Nannup Music Club
LOCATION/ADDRESS:	19 Brockman Street, Nannup
NAME OF APPLICANT:	Nannup Music Club
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 October 2022
PREVIOUS MEETING REFERENCE:	Nil

14. CLOSURE OF MEETING:

Attachments

Item #	Attach	Title
5.1		Shire of Nannup Ordinary Council Meeting 25 August 2022
5.2		Local Emergency Management Committee Meeting 11 August
5.3		LDAG 5 October 2022 Minutes
5.4		WBAC Climate Change Impact Reference Group Minutes 21 October 2022
11.1	1	Planning Approval Register – August 2022
11.2	1	Planning Approval Register – September 2022
11.3	1	Information from applicant
	2	Location Map
	3	Submissions
	4	Response from applicant
	5	Extract of LPS
	6	Extract of Regs
11.4	1	Payment of Accounts – July, August and September 2022
11.5	1	Corporate Business Plan 2022 - 2026
11.6	1	Letter from the Minister for Housing; Lands; Homelessness; Local Government
	2	Ward and Representation Review 2022
11.7	1	Proposed Shire of Nannup <i>Building Act 2011</i> Delegations
	2	Shire of Nannup Building Act 2011 Delegations
12.2	1	Climate Change Declaration Template