



# **Minutes**

**Ordinary Council Meeting held Thursday 24 November 2022**

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

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

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Deputy Shire President, Cr Hansen, declared the meeting open at 4.30pm and welcomed the public gallery.

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

## 2. ATTENDANCE/APOLOGIES:

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### 2.1 ATTENDANCE

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

Public Gallery
Rita Stallard, Wayne Leece

### 2.2 APOLOGIES

Cr Tony Dean (Shire President)

## 3. PUBLIC QUESTION TIME:

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### *Rita Stallard – East Nannup Rd*

Q 1. Are the councillors aware that the gate at Marinko Park is to be lowered? Pursuant to that, could someone with expertise look at the topography of the path and make the gate a suitable height? When you try to open it from one side the incline is so steep it is extremely difficult to open, especially for those in wheelchairs.

A 1. CEO responded that the Councillors would not be aware of the gate being lowered as it is an operational matter. CEO responded that a solution is being investigated and work would be completed dependent upon budget.

Q 2. I am advised in regard to watsonia on the river bank, that the Shire is liaising with the Department of Water and Environmental Regulation as the land is under their control. Therefore the watsonia on the road verge on East Nannup Road; would that come under the management of the Shire and could it be mowed as the grass is?

A 2. CEO responded that the road side reserves are managed by the Shire. In theory the Shire could mow the watsonia but the Shire has been advised the best way to eradicate the weed is to spray with herbicide.

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

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Nil.

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

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5.1 Ordinary Council Meeting – 27 October 2022

##### ***COUNCIL RESOLUTION 22169***

<b><i>MOVED CR BUCKLAND</i></b>	<b><i>SECONDED CR FRASER</i></b>
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***That the Minutes from the Ordinary Meeting of Council held 27 October 2022 be confirmed as a true and correct record (attachment 5.1).***

***CARRIED (7/0)***

5.2 Special Council Meeting – 28 October 2022 and 5.3 Special Council Meeting – 2 November 2022 were moved via en bloc resolution.

##### ***COUNCIL RESOLUTION 22170***

<b><i>MOVED CR BROWN</i></b>	<b><i>SECONDED CR LONGMORE</i></b>
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***That the Minutes from the Special Meeting of Council held 28 October 2022 be confirmed as a true and correct record (attachment 5.2).***

***That the Minutes from the Special Meeting of Council held 2 November 2022 be confirmed as a true and correct record (attachment 5.3).***

***CARRIED (7/0)***

5.4 Warren Blackwood Alliance of Councils – Climate Change Impact Reference Group 21 October 2022

**COUNCIL RESOLUTION 22171**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR LONGMORE</b>
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*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).*

**CARRIED (7/0)**

5.5 Bush Fire Advisory Committee – 8 November 2022

**COUNCIL RESOLUTION 22172**

<b>MOVED CR BROWN</b>	<b>SECONDED CR FRASER</b>
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*That the Minutes from the Shire of Nannup Bush Fire Advisory Committee meeting held 8 November 2022 be received (attachment 5.5).*

**CARRIED (7/0)**

**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

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Nil.

**7. DISCLOSURE OF INTEREST:**

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Nil.

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

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Nil.

**9. PRESENTATIONS:**

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Nil.

#### 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

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Meeting	Date	Councillor
Nannup Chamber Commerce & Industry	2 November	Gibb
Bush Fire Advisory Committee	8 November	Fraser, Brown

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for October 2022
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:	11 November 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 October 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 October 2022, six (6) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for October 2022 compared to October 2021:

	October 2021	October 2022
<b>Delegated Decisions</b>	5 (\$583,700)	6 (\$163,320)
<b>Council Decisions</b>	1 (\$1,050,000)	1 (\$200,000)
<b>Total</b>	<b>6 (\$1,633,700)</b>	<b>7 (\$363,320)</b>



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

***COUNCIL RESOLUTION 22173******MOVED CR BUCKLAND******SECONDED CR LONGMORE***

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

***CARRIED (7/0)***

AGENDA NUMBER & SUBJECT:	11.2 - Proposed Ordinary Council Meeting Dates for 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 18
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	9 November 2022
ATTACHMENTS:	Nil

## BACKGROUND:

At the Ordinary Council meeting held on 25 November 2022, with respect to meeting times, location and frequency for 2022, Council resolved as follows (Resolution No. 21146);

*“That in accordance with Section 12 of the Local Government (Administration) Regulations 1996, the following schedule of meeting time and dates for the 2022 calendar year be endorse by Council resolution, and then advertised as per the requirements of Section 12 of the Local Government Administration Regulations 1996.*

*Monthly ordinary council meetings to commence at 4.30pm on the following dates:*

- *Thursday 20 January*
- *Thursday 24 February*
- *Thursday 24 March*
- *Thursday 28 April*
- *Thursday 26 May*
- *Thursday 23 June*
- *Thursday 28 July*
- *Thursday 25 August*
- *Thursday 22 September*
- *Thursday 27 October*
- *Thursday 24 November*
- *Thursday 15 December”*

## COMMENT:

Section 12 of the *Local Government (Administration) Regulations 1996* requires that the dates, times and place where the ordinary council meetings are to be held must be published on the website by the Chief Executive Officer; before the beginning of the year in which the meetings are to be held.

The proposed meeting schedule for 2023 is based on the Council’s current meeting frequency being on the fourth Thursday of every month.

Council is at liberty to amend the meeting days, times and frequency for the next 12 months, noting that pursuant to Regulations, Council is required to provide public notice of its meeting schedule for the ensuing twelve months.

Proposed meeting schedule for 2023:

DATE	LOCATION
19 January **	Council Chambers, 15 Adam Street, Nannup
23 February	Council Chambers, 15 Adam Street, Nannup
23 March	Scott River/Jasper Bush Fire Brigade Shed Milyeannup Coast Road, Scott River
27 April	Council Chambers, 15 Adam Street, Nannup
25 May	Council Chambers, 15 Adam Street, Nannup
22 June	Council Chambers, 15 Adam Street, Nannup
27 July	Council Chambers, 15 Adam Street, Nannup
24 August	Council Chambers, 15 Adam Street, Nannup
28 September	Darradup Bush Fire Brigade Shed Johnston Road, Jalbarragup
26 October	Council Chambers, 15 Adam Street, Nannup
23 November	Council Chambers, 15 Adam Street, Nannup

*\*\* The January 2023 proposed meeting date is the third Thursday due to the fourth Thursday being Australia Day.*

## STATUTORY ENVIRONMENT:

The following legislation relates to Council meeting dates:

*Local Government Act 1995*

### 5.3 Ordinary and special council meetings

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

### 5.4 Calling council meetings

An ordinary or a special meeting of a council is to be held –

- a) If called for by either –
  - i. The mayor or president; or
  - ii. At least 1/3 of the councillors,  
In a notice to the CEO setting out the date and purpose of the proposed meeting; or
- b) If so decided by the council.

Section 12(1) of the *Local Government (Administration) Regulations 1996* relates to a local government's requirement to give local public notice of the dates, and the time and place at which the ordinary council meetings are to be held in the next twelve months.

Pursuant to Section 5.5 of the *Local Government Act 1995*; Convening council meetings, the Chief Executive Officer is to provide each elected member an Agenda at least seventy two (72) hours prior to the meeting.

**POLICY IMPLICATIONS:**

*ADM 10 – Councillor Fees & Reimbursements*

**FINANCIAL IMPLICATIONS:**

Cost of advertising in Nannup Telegraph.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017 – 2027 – Our Council Leadership – Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

**VOTING REQUIREMENTS:**

Simple majority.

**OFFICER RECOMMENDATION:**

That with respect to the Ordinary Meetings of Council to be held in 2023, Council;

1. Retain a 4.30pm commencement time for all Ordinary Council meetings in 2023; and
2. Endorse the proposed dates and locations as shown in the Officer Report, with the first meeting commencing on Thursday, 19 January 2023; and
3. Advertise the dates, times and locations in recommendation part 1 and 2 in the Nannup Telegraph, on Council's website, on Council's Public Notice Boards and on the Shire's Facebook page.

**COUNCIL RESOLUTION 22174**

<b>MOVED CR LONGMORE</b>	<b>SECONDED CR GIBB</b>
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***That with respect to the Ordinary Meetings of Council to be held in 2023, Council;***

***1. Retain a 4.30pm commencement time for all Ordinary Council meetings in 2023; and***

***2. Endorse the proposed dates and locations as shown in the Officer Report, with the first meeting commencing on Thursday, 19 January 2023; and***

***3. Advertise the dates, times and locations in recommendation part 1 and 2 in the Nannup Telegraph, on Council's website, on Council's Public Notice Boards and on the Shire's Facebook page.***

***CARRIED (7/0)***



AGENDA NUMBER & SUBJECT:	11.3 – Appointment of Bush Fire Control Officers
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FRC 1
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	Kellie Jenkins – Deputy Chief Executive Officer/Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 November 2022
PREVIOUS MEETING REFERENCE:	25 August 2022
ATTACHMENT:	Nil

### **BACKGROUND:**

On 25 August 2022, Council appointed Bush Fire Control Officers for all volunteer bush fire brigades excluding Peerabeelup because the two officers were pending completion of training.

A Bush Fire Control Officer is required as part of a volunteer bush fire brigade function.

### **COMMENT:**

On 18 October 2022, The Department of Fire and Emergency Services confirmed Brett Fowler and John Jonker being the nominated Fire Control Officers for Peerabeelup Bush Fire Brigade completed training on 9 August 2022.

The Peerabeelup Bush Fire Brigade, has a new bush fire control officer position, this will improve fire response and preparation at the remote Donnelly Huts. This position will be Peerabeelup Volunteer Bush Fire Brigade, Coastal Bush Fire Control Officer and John Jonker accepted this position.

On 8 November 2022, the Bush Fire Advisory Committee (BFAC) meeting recommended the following motion to Council:

*That Council endorsed the following until revoked or no longer hold their positions:*

- 1. Bush fire Control Officer Brett Fowler for the Peerabeelup Volunteer Bush Fire Brigade.*
- 2. Coastal Bush Fire Control Officer John Jonker for the Peerabeelup Volunteer Bush Fire Brigade.*

## **STATUTORY ENVIRONMENT:**

### *Bush Fire Act 1954*

Section 38 a Local government may appoint bush fire control officer.

Section 38 (2E) the appointed Bush Fire Control Officers are to be published at least once in a newspaper circulating the district under.

Section 38 (2E) a bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government.

## **POLICY IMPLICATIONS:**

BFC 1 – Brigade Administration

## **FINANCIAL IMPLICATIONS:**

Identification card expenditure of approximately \$40 each is included in the 2022/23 Budget

## **STRATEGIC IMPLICATIONS:**

Extract from the 2021-2036 Nannup Community Strategic Plan:

*6.2 WORKING TOGETHER - We will support our community groups and encourage them to work together. Ordinary Council Meeting 25 August 2022 20 Recognise and support existing and emerging community volunteers and groups, and provide opportunities to contribute to our community Support the connecting and networking of major community groups to share resources and goals.*

## **VOTING REQUIREMENTS:**

Simple Majority

### **OFFICERS RECOMMENDATION**

1. Council appoint the following until revoked or no longer hold their positions:
  - 1.1. Bush Fire Control Officer Brett Fowler for the Peerabeelup Volunteer Bush Fire Brigade



1.2. Coastal Bush Fire Control Officer John Jonker for the Peerabeelup Volunteer Bush Fire Brigade.

2. Council approve the appointed Bush Fire Control Officers are published in a newspaper circulating the district and are issued an authorised person identification card.

**COUNCIL RESOLUTION 22175**

**MOVED CR BROWN**

**SECONDED CR FRASER**

**1. Council appoint the following until revoked or no longer hold their positions:**

- 1.1. Bush Fire Control Officer Brett Fowler for the Peerabeelup Volunteer Bush Fire Brigade**  
**1.2. Coastal Bush Fire Control Officer John Jonker for the Peerabeelup Volunteer Bush Fire Brigade.**

**2. Council approve the appointed Bush Fire Control Officers are published in a newspaper circulating the district and are issued an authorised person identification card.**

**CARRIED (7/0)**

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

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Nil.

**13. MEETING MAY BE CLOSED:**

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Nil.

**14. CLOSURE OF MEETING:**

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Cr Hansen declared the meeting closed at 4.50pm.