



Agenda

Ordinary Council Meeting Thursday 23 January 2025

4.30 pm in Council Chambers, Nannup

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Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:	2
2. ATTENDANCE/APOLOGIES:	2
2.1 ATTENDANCE	2
2.2 APOLOGIES	2
3. PUBLIC QUESTION TIME:	2
4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:	2
4.1 APPROVED LEAVE OF ABSENCE:	2
4.2 APPLICATION FOR A LEAVE OF ABSENCE:	2
5. CONFIRMATION OF MINUTES:	3
5.1 - Warren and Blackwood Alliance of Councils (WABC) -Climate Alliance Reference Group	3
5.2 - South West Country Zone	3
5.3 - South West Regional Road Group	3
5.4 - Shire of Nannup Ordinary Council Meeting	3
5.5 - Warren Blackwood Alliance of Councils (WBAC) Board Meeting	3
6. ANNOUNCEMENTS FROM PRESIDING MEMBER:	4
7. DISCLOSURE OF INTEREST:	4
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:	4
9. PRESENTATIONS/DEPUTATIONS/PETITIONS:	4
10. REPORTS BY MEMBERS ATTENDING COMMITTEES:	4
11. REPORTS OF OFFICERS:	5
11.1– Delegated Planning Decisions for November & December 2024	5
11.2- Amendment No.2 to the Shire of Nannup Local Planning Scheme No. 4: considering submissions	8
11.3 – Proposed Draft Local Development Plan	13
11.4 – 2025 Local Government Elections	20
11.5 –Payment of Accounts – November and December 2024	23
11.6 – Financial Activity Statement – November 2024 and December 2024	25
11.7 – Budget Amendment Request – Micro Surfacing Project	27
12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	30
13. MEETING MAY BE CLOSED:	30
14. CLOSURE OF MEETING:	30

A G E N D A

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

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

The 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

Shire President	Anthony (Tony) Dean
Deputy Shire President	Vicki Hansen
Councillor	Lynette Curtis
Councillor	Patricia Fraser
Councillor	Cheryle Brown
Councillor	Timothy Sly

Chief Executive Officer	David Taylor
Executive Manager Corporate Services	Kim Dolzadelli
Executive Manager Works and Services	Damon Lukins
Development Services Coordinator	Jane Buckland
Executive Support Officer	Lisa Atkinson

2.2 APOLOGIES

Nil

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:

Nil.

5. CONFIRMATION OF MINUTES:

- 5.1 Warren Blackwood Alliance of Councils (WBAC) – Climate Alliance Reference Group – 15 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Warren Blackwood Alliance of Councils (WBAC) – Climate Alliance Reference Group held on 15 November 2024 be received (attachment 5.1).

- 5.2 South West Country Zone – 22 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the South West Country Zone held on 22 November 2024 be received (attachment 5.2)

- 5.3 South West Regional Road Group – 25 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the South West Regional Road Group held on 25 November 2024 be received (attachment 5.3)

- 5.4 Shire of Nannup Ordinary Council Meeting – 28 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Shire of Nannup Ordinary Council Meeting held on 28 November 2024 be confirmed as a true and correct record (attachment 5.4).

- 5.5 Warren Blackwood Alliance of Councils (WBAC) Board Meeting – 10 December 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Warren Blackwood Alliance of Councils (WBAC) Board Meeting held on 10 December 2024 be received (attachment 5.5)

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

7. DISCLOSURE OF INTEREST:

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

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

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

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

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

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Paul Meschiati from Paul Meschiati and Associates Pty Ltd will make a presentation to Council regarding agenda item 11.3 - Proposed Draft Local Development Plan

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1– Delegated Planning Decisions for November & December 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower–Development Services Officer
REPORTING OFFICER:	David Taylor- Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 January 2025
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.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council monthly 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 November and December 2024 is presented in Attachment 11.1.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During November 2024, eight (8) 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 November 2024 compared to November 2023:

	November 2023	November 2024
Delegated Decisions	3 (\$22,500.00)	8 (\$593,500.00)
Council Decisions	0	0 (\$0)
Total	3 (\$22,500.00)	(\$593,500.00)

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

During December 2024, 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 December 2024 compared to December 2023:

	December 2023	December 2024
Delegated Decisions	7 (\$313,399.00)	4 (\$1,245,000.00)
Council Decisions	0	0 (\$0)
Total	7 (\$313,399.00)	4 (\$1,245,000.00)

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

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS4.

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS4 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for November and December 2025 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2- Amendment No.2 to the <i>Shire of Nannup Local Planning Scheme No. 4</i> : considering submissions
LOCATION/ADDRESS:	Lot 11 Cundinup-Dudinyillup Rd, Nannup
NAME OF APPLICANT:	Harley Dykstra and J Brockman
FILE REFERENCE:	TPL2-02
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli- Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 December 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.2.1 - Documentation from applicant 11.3.2 - Location Plan 11.3.3 - Submissions 11.4.4 - Schedule of Submissions

BACKGROUND:

The purpose of this report is for Council to consider the submissions received during the advertising period and to determine whether or not to support Amendment 2.

The applicants seek Council’s adoption of a scheme amendment to rezone a portion of Lot 11 Cundinup-Dudinyillup Rd, Nannup (the subject site) from ‘Priority Agriculture’ to ‘Rural’, and subsequently remove the Additional Site Requirement No.4 (ASR4) from the subject site as it relates specifically to land zoned Priority Agriculture.

The applicant’s documentation is provided in Attachment 11.2.1. The documentation provides the necessary information and justification required by the *Shire of Nannup Local Planning Scheme No.4* (LPS4) including details of the current and surrounding land uses, physical characteristics, infrastructure and access, and supporting rationale. The documentation provides background information which is generally not repeated in this report.

Site context and features

The site’s location is shown in Attachment 11.2.2. The total area of the lot is 109.86 hectares and predominantly pasture cleared with the exception of a small grouping of trees in the north east. The northern section, subject to the scheme amendment request, is approximately 50 hectares.

There are no structures on the subject site (northern section) however the balance of Lot 11 contains a dwelling and associated outbuildings. The site is undulating with significant slopes in some areas.

Planning framework

The subject land on this lot is zoned ‘Priority Agriculture’ in LPS4 and is subject to ASR4 which states that tree farms will not be supported by the Local Government. The lot is also partially within Special Control Area SCA7 General (Landscape Values Area).

Council resolution

At the Council meeting on 27 June 2024, the Council passed the following motion at minute No 24075:

'That Council,

1. *In accordance with Section 75 of the Planning and Development Act 2005 resolve to adopt Amendment 2 to the Shire of Nannup Local Planning Scheme No.4 as follows:*
 - a) *Amend the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Priority Agriculture' to Rural'.*
 - b) *Remove the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Additional Site Requirements 4'.*
 - c) *Amending the scheme map accordingly.*
2. *In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 2 of the Shire of Nannup Local Planning Scheme No. 4 is a complex amendment for the following reasons:*
 - a) *The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and*
 - b) *The amendment is not addressed by any local planning strategy.*
3. *Refer Scheme Amendment 2 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.*
4. *Submit Scheme Amendment 2 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the Planning and Development Act 2005.*
5. *Advertise Scheme Amendment 2 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 60 days.'*

EPA decision, WAPC approval to advertise and community/stakeholder consultation

The Environmental Protection Authority (EPA) determined that Amendment 2 was not required to be formally assessed. Following the receipt of the EPA decision, the Shire submitted Amendment 2 to the Western Australian Planning Commission (WAPC) for approval to advertise.

The WAPC requested minor modifications to the amendment documents as follows:

The CEO's signing and dating of the initiating resolution page (page 3).

- (b) Relocate Council adoption and Council resolution to advertise (page 4) prior to Council recommendation (page 18).
- (c) The 'proposed zoning' map showing the adjusted 'ASR4' boundary to exclude the subject site.

The amendment documents were subsequently modified and resubmitted to the WAPC, with approval to advertise being granted on 29 August 2024. The Shire met the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* through seeking public comment on Amendment 2 for a six-week period through:

- writing to adjoining/nearby neighbours along with relevant State Government departments, servicing agencies and other stakeholders;
- placing public notices in local papers and on the Shire office notice board; and
- details being provided on the Shire's website.

Submissions

The Shire received 3 submissions on Amendment 2 which are set out in Attachment 11.2.3 and summarised in the Schedule of Submissions in Attachment 11.2.4. The submissions raise no objections and provide general advice.

In accordance with standard practice, the Shire administration provided the applicant the opportunity to review and provide a response to the submissions. The applicant chose not to provide a response.

COMMENT:

Following an assessment of the submissions against LPS4, the Local Planning Strategy (LPS), relevant State planning policies (SPP) and local planning policies, site conditions and information provided by the applicant, it is suggested that Amendment 2 be supported with no further modifications. The reasons in support of Amendment 2 include:

- the site adjoins other lots that are zoned Rural and not within ASR4;
- the area currently zoned Priority Agriculture has very steep slopes and a Rural zoning better reflects the capability of the land;
- it is uncommon for properties to have more than one zoning or have a 'split-zoning'; and
- there is overall support from the community and stakeholders.

While noting the above, considerations with Amendment 2 include clarifying Council's position relating to the loss of priority agricultural land and creating a precedent should Council resolve to support Amendment 2.

Subject to decisions from Council, other agencies and possibly the Minister for Planning, should any applicant propose a further amendment to rezone Priority Agriculture to Rural, it is suggested there is a need to obtain additional technical information and meet with relevant stakeholders including landowners within ASR4, the Department of Primary Industries and Regional Development and the Department of Planning and Lands and Heritage.

The Council adopted ASR4, in part, given that it was concerned about the loss of population in and around Nannup and impacts on on-going economic activity if large areas of tree farms were planted on priority agricultural land nearer the Nannup townsite. In comparison, the Council was supportive of tree farms on the priority agricultural land on the Scott Coastal Plain subject to addressing relevant planning considerations.

In relation to precedent, there is a requirement that a proponent suitably demonstrate the site is best suited to a tree farm compared to other forms of rural activity. Additionally, the Shire administration suggests that a request to remove ASR4 from anywhere but the edges of the ASR4 boundary is unlikely to be recommended for support.

Conclusion

The amendment which proposes to rezone a portion of Lot 11 Cundinup-Dudinyillup Rd, Nannup from 'Priority Agriculture' to 'Rural', and subsequently remove the Additional Site Requirement No.4 (ASR4) from the subject site, is not consistent with LPS4 and the endorsed LPS. The submissions do not identify any matter that prevents the Amendment proceeding.

On balance however, the requested Amendment has merit for various reasons including those set out in Attachment 11.2.1 including the property has a split-zoning. The site is also on the edge of the ASR4 boundary. It is accordingly recommended that Amendment 2 be supported by Council.

Next steps with the scheme amendment process

Following the Council's decision, Amendment 2 will be assessed by the WAPC and the WAPC will provide its recommendation to the Minister for Planning. The Minister will make the final decision on Amendment 2. If the Minister approves Amendment 2 it will, in time, be gazetted. Following gazettal, the applicant and/or landowner are then required to gain relevant approvals at the development application stage.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS:

The applicant has paid the required scheme amendment fee in accordance with adopted 2023/24 Schedule of Fees and Charges.

RISK MANAGEMENT MATRIX

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that the key risks are as follows:

- Reputational risk - Failure to consult with the community resulting in complaints. This has been managed through the consultation process and the risk is considered low.

- Strategic risk – Supporting the amendment may create a precedent whereby further applications to rezone land from Priority Agriculture to Rural, and to remove land from ASR4 are received. This would subsequently allow Council to receive development applications for tree farms on land where it was previously not able to be considered. The risk is considered medium.
- Financial risk - Please refer to the financial implications section above. The risk is considered low.

STRATEGIC IMPLICATIONS:

4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That Council:

1. In accordance with section 75 of the Planning and Development Act 2005 and Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to support Amendment No. 2 to the Shire of Nannup Local Planning Scheme No. 4 by:
 - a) Amending the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Priority Agriculture' to Rural'.
 - b) Removing the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Additional Site Requirements 4'.
 - c) Amending the scheme map accordingly.
2. Authorises the Shire President and Chief Executive Officer to execute and place the Common Seal on the Amendment No. 2 documents.
3. Refer Scheme Amendment No. 2 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

AGENDA NUMBER & SUBJECT:	11.3 – Proposed Draft Local Development Plan
LOCATION/ADDRESS:	Lot 500 Brockman Highway, Nannup
NAME OF APPLICANT:	Paul Meschiati & Associates Pty Ltd
FILE REFERENCE:	TPL4-03
AUTHOR:	Jane Buckland - Development Services Coordinator & Steve Thompson - Consultant Planner
REPORTING OFFICER:	Kim Dolzadelli- Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 January 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.3.1 - Draft Local Development Plan & Report 11.3.2 - Submissions 11.3.3 - Applicant Response to Submissions & Modified Local Development Plan

BACKGROUND:

The applicant has lodged a draft Local Development Plan (LDP) for Lot 500 Brockman Highway, Nannup for consideration by Council. The LDP proposes a large scale tourist development incorporating holiday accommodation, staff accommodation, restaurant, shops, kids playground and ancillary development.

A LDP is a planning tool which provides a framework for future development – where no subdivision is envisaged. An approved LDP guides future development applications which will be considered by the local government.

The purpose of this report is to inform Council of the outcomes of the consultation period, consider the submissions, key issues and set out the suggested next steps regarding the LDP. It is proposed that following the applicant providing a suitable local water management strategy and addressing matters outlined in this report, that the LDP will again be considered by Council. This future report, amongst matters, will review and recommend modifications to the implementation section of the LDP report compared to the publicly advertised draft LDP.

The site:

- Is located on the eastern edge of the Nannup townsite, generally bounded by Dunnet Road to the west, Asplin Road to the southeast, Brockman Highway to the south and Lot 41 Folly Road to the north and east;
- Is 8.5945 hectares in area;
- Is zoned Tourism and is partly within Special Control Area 3 Flood Prone Land under the Shire of Nannup Local Planning Scheme No.4 (LPS4);
 - Contains a storage shed which supports the current use of the site for the grazing of stock;
 - Is dissected by Dry Brook;
 - Is mostly cleared, with native vegetation focused near Dry Brook; and
 - Is subject to various constraints including Aboriginal Heritage (near Dry Brook), partially impacted by flood risk, an easement, a memorial associated with a contaminated site and being within a declared bushfire prone area.

The draft LDP was prepared by Paul Meschiati & Associates Pty Ltd on behalf of and under the direction of their clients, the owners of Lot 500 Brockman Highway.

The lodgement of the draft LDP, prior to development of the site, is a requirement of LPS4 under Clause 66 for land zoned Tourism. This states 'Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.' The draft LDP and associated report have been prepared to satisfy the LPS4 requirement.

The site is allocated as 'Tourism' in the *Shire of Nannup Local Planning Strategy*.

Clause 48 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the LDP to be prepared in the following manner:

- (1) A local development plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps or other material considered by the local government to be necessary; and
 - (c) set out the following information —
 - (i) the standards to be applied for the buildings, other structures and works that form part of the development to which it applies;
 - (ii) details of the arrangements to be made for vehicles to access the area covered by the plan.

The publicly advertised draft LDP Report is set out in Attachment 11.3.1. This provides background information which is generally not repeated in this report however the document comprises:

- Part 1 - Overview;
- Part 2 - General Development Provisions;
- Part 3 - Infrastructure Coordination, Services & Technical Studies;
- Part 4 - Bushfire Assessment;
- Part 5 - Aboriginal Cultural Heritage;
- Part 6 - Conclusion; and
- Appendices:
 - Appendix I Local Development Plan,
 - Appendix II Constraints Plan,
 - Appendix III Bushfire Management Plan.

In accordance with the Deemed Provisions of the Planning Regulations, the Shire sought public comment on the draft LDP for a 28 day period through:

- Writing to and inviting comments from 28 adjoining/nearby landowners and 10 stakeholders and government agencies;
- Placing details on the Shire of Nannup website; and
- Information being available at the Shire office.

The Shire received 17 submissions on the draft LDP which are provided in full in Attachment 11.3.2. The submissions from State Government agencies raised no objections and generally provided standard advice for this stage of the process. In terms of submissions from neighbours and community members, 5 submitters either supported the draft LDP as presented or provided conditional support while 8 submitters opposed the draft LDP. The key concerns and objections include the scale and location of development, amenity and privacy impacts, environmental impacts, impacts on Aboriginal heritage, traffic impacts including on Dunnet Road, competition impacts and impact on property values.

The applicant has provided additional advice which responds to various matters raised in the submissions. These responses have been included in Attachment 11.3.3 along with a modified draft LDP which includes a Traffic Impact Statement and updates to the Bushfire Management Plan. The removal of the water feature/dam assists to address some of the Aboriginal heritage and environmental impact issues.

COMMENT:

A) Overview

The Shire administration is supportive in-principle of the draft LDP noting the site is allocated as Tourism in the Local Planning Strategy, the site is zoned 'Tourism' in LPS4, it is generally consistent with standards in LPS4, there are no objections from State Government agencies, and the proposal supports growing and diversifying the local economy and associated job creation.

While the LDP envisages a large resort, relative to a Nannup context, the site is considered to be well located for a larger scale tourist development. This includes the site is not within the Heritage Special Control Area in LPS4, the site adjoins the townsite and is within walking and riding distance of the town centre, the site can be fully serviced and the site adjoins Brockman Highway which facilitates access for non-locals.

In terms of suggested next steps, it is recommended that the applicant provides a suitable local water management strategy and addresses matters outlined in this report. This includes reviewing and modifying the implementation section of the LDP report to align with the updated LDP, to address relevant submissions, to clearly set out requirements and timing to address mitigation measures (such as relevant upgrading/sealing of a portion of Dunnet Road).

Once the above is suitably undertaken, the LDP will again be considered by Council.

While noting the above, there are various issues associated with the draft LDP (including those outlined in Attachment 11.3.2), which should be considered by the Council at this stage of the planning and design process. Some of these issues are outlined below.

B) Amenity

A number of concerns are included under amenity including the scale and location of development and privacy. In response, no objection is raised with the scale of development, the development overall addresses LPS4 setbacks and privacy can be assessed in more detail at future planning stages.

C) Noise

The suggested main risk or impact is the amphitheatre and the potential for amplified music. A current provision sets out that a noise assessment may be required to support a future development application if amplified music is proposed. All future development is required to address the noise regulations.

D) Traffic

During the consultation period, concerns were raised regarding the increase of traffic in the area. The expected impact of the proposed development on traffic conditions is expected to be significant. In response, the applicant commissioned Level 5 Design to prepare a traffic management statement (see Attachment 11.3.3). Level 5 Design are satisfied the 4-way intersection with Brockman Highway, Hitchcock Drive and the resort's main entry is suitable and safe.

Preliminary review of the traffic management statement suggests that there are still some outstanding issues which need to be suitably addressed in future planning stages. This includes:

- The proponent providing a left-turning lane on Brockman Highway (the timing of the implementation or the 'trigger point' to be clarified);
- The proponent being responsible for sealing/upgrading the southern section of Dunnet Road;
- The proponent extending the dual use path on their land so there is no requirement to cross Brockman Highway;
- Reviewing impacts of traffic use and impacts on Dunnet Road and determining what traffic volumes and impacts relate to the resort. This may later require the proponent, in future stages, to contribute to further upgrading of Dunnet Road; and
- Considering the impacts of future development and traffic flows of the Moonlight Ridge subdivision.

It is recommended that the traffic management statement be reviewed and updated to suitably address the above.

There are no Shire plans to seal Dunnet Road between Brockman Highway and Balingup-Nannup Road.

E) Water

There is a need for the applicant to commission a local water management strategy (LWMS). Amongst matters, this is required to demonstrate the development can suitably manage water quantity and quality on site without creating off-site impacts. The LWMS will model required mitigation/storage areas for different rainfall events and it will provide increased confidence that the development footprint is suitable.

The LWMS will consider the capacity of scheme water and sewerage disposal facilities in Nannup, the impact of drainage from Moonlight Ridge, and possible implications and recommendations for the contaminated site classification over a portion of the site.

F) Competition

During the consultation period, concerns were raised that there are already an amphitheatre, gymnasium, conference facilities, and other retail and tourism businesses in Nannup. The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy.

It is highlighted that economic competition is not a planning consideration as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. This reflects the decisions of tribunals and courts in Western Australia and Australia.

While there are some narrow circumstances in which competition may be considered a relevant planning consideration, such circumstances are not considered to relate to this particular LDP. What is a relevant planning consideration is protecting amenity, both current and intended future amenities.

G) Landscaping

The draft LDP outlines that landscaping shall be predominantly existing local flora with any additional landscaping to be carried out using native species. A landscaping strip and bund is proposed along Brockman Hwy to create a buffer between the resort and traffic, and to improve the visual amenity of the development streetscape.

A landscaping plan which suitably addresses the requirements of LPS4 will need to be prepared to support any future development application.

H) Impact on property values

This is not a planning consideration as set out in the Regulations.

I) Next steps

Subject to Council's direction, it is suggested that the applicant should:

- a) Prepare a suitable local water management strategy to address matters raised in this report and in the advice from the Department of Water and Environmental Regulation along with addressing standard matters set out in DWER publications;
- b) Review and update the traffic impact statement to suitably address matters raised in this report; and
- c) Update the Local Development Plan report (implementation and explanatory sections) to suitably address matters raised in this report, to address the updated Local Development Plan and to address mitigation measures and timing for key development, servicing, traffic impact and design matters.

Following the receipt of the above, the Shire administration will report back to Council, with the Council to consider whether or not it will grant conditional development approval to the draft LDP.

J) Conclusion

There is in-principle support for the draft LDP. The key outstanding planning issues relate to water management and traffic management. If these can be suitably addressed, the Shire administration is likely to recommend that Council grant approval to the LDP (with or without modifications).

STATUTORY ENVIRONMENT:

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

Should Council later resolve to approve the LDP, there will be a need for development applications to be submitted before any development can commence on the site.

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS:

The applicant has paid the required application fee. In future development stages, there may be a need to review impacts on Dunnet Road and determine whether the impacts are created by the resort and/or are non-resort traffic.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that the key risks are as follows:

- Reputational risk - Failure to consult with the community resulting in complaints. This has been managed through the consultation process and the risk is considered low.
- Strategic risk – Most risks associated with the project will be borne by the proponent. The risk to the Shire is considered medium-low.
- Financial risk - Please refer to the financial implications section above. The risk is considered low.

STRATEGIC IMPLICATIONS:

4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Note the submissions in Attachment 11.3.2.
2. Support in-principle the draft Local Development Plan set out in Attachment 11.3.3. Before considering whether or not to approve the Local Development Plan, with or without modifications, it requires:
 - a) Preparing a suitable local water management strategy to address matters raised in this report and in the advice from the Department of Water and Environmental Regulation (DWER) along with addressing standard matters set out in DWER publications;
 - b) Reviewing and updating the traffic impact statement to suitably address matters raised in this report; and
 - c) Updating the Local Development Plan report (implementation and explanatory sections) to suitably address matters raised in this report, to address the updated Local Development Plan **and** to address mitigation measures and timing for key development, servicing, traffic impact and design matters.
3. Following receipt of updated documentation to address point 2, note a separate report will be submitted to Council.

AGENDA NUMBER & SUBJECT:	11.4 – 2025 Local Government Elections
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM2
AUTHOR:	Lisa Atkinson – Executive Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 January 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.4.1 Quotation from WA Electoral Commission 11.4.2 Written Agreement 2025 Local Government Ordinary Election

Background:

For Council to consider appointing the Western Australian Electoral Commission (WAEC) to carry out the 2025 Ordinary Election as a Postal Election.

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

The upcoming election in 2025 will be held on the third Saturday in October (18 October 2025) with 3 Councillor positions up for re-election.

Historically, the Shire of Nannup have conducted elections with the support of the WA Electoral Commission.

COMMENT:

Many Local Governments throughout Western Australia utilise the services of the Electoral Office in managing the election process as it streamlines the process and allows staff to progress other priority areas within the organisation. The Shire of Nannup is the only Local Government Authority within the South West catchment of Council's that does not utilise the services of the WAEC.

The WAEC has provided an estimate of \$16,333 (Ex GST) (\$17,966.30 Inc GST) refer see Attachment 11.4.1.

Advantages of appointing the WA Electoral Commission

- Increased Transparency – it may be perceived to be a greater level of independence and transparency by Councillor's and the Community in the running of the election as the Shire Administration is removed from the election process.
- Shire staff are able to pursue other priorities set by Council.

Disadvantages of appointing the WAEC:

- Higher costs when compared to being run internally.

If council wishes the WAEC to be responsible for the conduct of the election this now has to be passed by Council (absolute majority) see Attachment 11.4.2.

STATUTORY ENVIRONMENT:

Section 4.20(4) of the Local Government Act 1995 and Section 4.61(2) of the Local Government Act 1995.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

WAEC Quotation estimate of \$16,333 (excluding GST) (GST amount is \$1,633.30). The total cost including GST is \$17,966.30.

If Council agree to the WAEC to conduct the Local Government Election in 2025 officers at the Shire will include \$17,966.30 in the 2025/26 budget.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Having an independent body undertake the election process is a good mitigating factor to address political risks.

STRATEGIC IMPLICATIONS:

Our Shire:

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

6.4 We are One

We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community.

Provide a stable, consistent and honest government.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commission to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required, and
2. Decide in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election, and
3. Include provision in its 2025/26 Budget for the costs associated with the WA Electoral Commission running the 2025 Local Government Election.

AGENDA NUMBER & SUBJECT:	11.5 –Payment of Accounts – November and December 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz- Finance
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE	Nil
DATE OF REPORT	16 January 2025
ATTACHMENTS:	11.5.1 – Payment of Accounts – November 2024 11.5.2– Payment of Accounts – December 2024

BACKGROUND:

To advise Council of payments made for the period 1 November to 31 December 2024.

COMMENT:

Payments of \$699,033.65 as detailed in the payment of accounts listing for the period 1 November to 31 December 2024 as per Attachment 11.5.1 and 11.5.2 have been approved under delegated authority.

Municipal Account

Accounts paid by EFT	17794 - 18014	\$859,030.69
Accounts paid by cheque	20637 - 20637	\$163.90
Accounts paid by Direct Debit	13624.1 – 13772.19	\$218,329.48
<i>Sub Total Municipal Account</i>		<u>\$1,077,524.07</u>

Trust Account

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
Total Payments		<u><u>\$1,077,524.07</u></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 payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of payments made using the purchasing cards showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As indicated in Payments of Accounts.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council notes the payment of accounts totalling \$1,077,524.07 for the period 1 November 2024 to 31 December 2024 as per Attachment 11.5.1 and 11.5.2

AGENDA NUMBER & SUBJECT:	11.6 – Financial Activity Statement – November 2024 and December 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 January 2025
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.6.1 – Financial Activity Statement – November 2024 11.6.2– Financial Activity Statement – December 2024

BACKGROUND:

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

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

As the process of finalising the 2023/24 financial year is still underway at the time of writing this report, figures shown in the attached statements are subject to change until the 2023/24 Annual Financial Statements are completed and audited.

COMMENT:

The Financial Statements for the period ending 30 November 2024 and 31 December 2024 present the financial performance of the Shire for the 2024/25 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 Attachments 11.6.1 and 11.6.2.

The document attached includes Statement of Financial Activity by Nature or Type, Notes to the financial statements and an explanation of material variances.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives both the Financial Activity Statements for the period ending 30 November 2024 as per Attachment 11.6.1 and 31 December 2024 as per Attachment 11.6.2.

AGENDA NUMBER & SUBJECT:	11.7 – Budget Amendment Request – Micro Surfacing Project
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM2
AUTHOR:	Damon Lukins – Executive Manager Infrastructure Kim Dolzadelli – Executive Manager Corporate Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 January 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.7.1 MRWA Operational Procedure 113 – Maintenance Responsibilities Within Town Sites 11.7.2 Map of Micro Surfacing Area

BACKGROUND:

As part of their 2024/25 Capital Works schedule, Main Roads WA (MRWA) has identified Warren Road, from Adam Street to the Cemetery, for Micro Surfacing. The existing road surface is both rutted and uneven, necessitating surface correction to improve its condition, functionality and lifespan.

MRWA Operational Procedure 113 – Maintenance Responsibilities Within Town Sites (attachment 11.7.1) dictates that they are only responsible for the main carriageway and that local governments are responsible for the maintenance of car parking areas.

MRWA has consulted with the Shire regarding the possibility of sealing the car parking bays along this section of Warren Road as part of their project and provided a cost estimate for this work in the amount of \$52,000 Ex GST, it is envisaged a further \$8,000 Ex GST would be required to complete any preparation work and reinstatement of Line Marking.

COMMENT:

The car parking bays south of Adam Street are currently experiencing surface roughness and rutting. If left unaddressed, the Shire has the option to defer maintenance and apply micro surfacing in 3 to 5 years, though this will result in higher future costs.

Alternatively, the Shire could profile the existing seal and resurface with a laterite (red oxide) asphalt, providing a smoother and more visually appealing finish at an estimated cost of \$110,000, however it is not envisaged that the additional \$50,000 could be funded in the 2024/2025 financial year without drawing further on Council Reserve Funds.

Item #	COA	Account Description	Current Budget	Change in Budget	Proposed Budget
1	2100500	ENVIRON - Employee Costs	30,288.72	-15,000.00	15,288.72
2	2100555	ENVIRON - Contributions to Environmental Groups	20,000.00	-20,000.00	0.00
3	2040241	OTH GOV - Subscriptions & Memberships	52,644.00	10,000.00	62,644.00
4	2120209	ROADM - Bridge Maintenance - Built Up Areas	102,057.64	-25,000.00	77,057.64
5	2050200	ANIMAL - Employee Costs	89,657.00	-10,000.00	79,657.00
6	New	Micro Surfacing Project	0.00	60,000.00	60,000.00
Net Total			294,647.36	-	294,647.36

If left untreated, the contrast between a newly resurfaced carriageway and the aged, rutted car park will detract from the overall aesthetics and amenity of the Town centre.

Officers are recommending the following amendments to the adopted 2024/2025 Annual Budget to enable the completion of Micro Surfacing at a total cost of \$60,000 Ex GST.

Explanation of the individual amendments is explained as follows:

1. Reduction in the Budgeted expense is based on the position only being filled for portion of the year,
2. Reduction in the Budgeted expense is based on two factors the first being a reallocation of \$10,000 to Item 3 which is to cover the Councils contribution to the Warren Blackwood Alliance of Councils (WBAC) climate contribution and the remaining 10,000 is not required in the 2024/2025 year as the sustainability and environment officer will spend the remaining part of the year to properly plan projects for commencement in the 2025/2026 year,
3. Increase in Budget to accommodate the WBAC climate contribution as described in point 2,
4. Assessment of the Bridge Maintenance for the remainder of the 2024/2025 year has been undertaken and the Budget can be reduced by \$25,000 to assist in funding the Micro Surfacing project,
5. With the Ranger position remaining vacant for a period of time the Budget can be reduced by \$10,000, and
6. Micro Surfacing Project \$60,000 funded by items 1-5 above.

STATUTORY ENVIRONMENT:

Part 6 – Financial Management of the Local Government Act 1995.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Proposed budget amendments will have no impact on the 2024/2025 Budget surplus position.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and that the only foreseen risks are as follows:

Not proceeding with the opportunity will detract from the overall aesthetics and amenity of the of the Town centre and is also highly likely to cost significantly more should the works be held off and undertaken solely by the Shire in 3 – 5 years. These cost escalations are not simply based on rising costs but also the fact that undertaking the works as part of/in conjunction with MRWA provides a more cost effective delivery of the works.

STRATEGIC IMPLICATIONS:

Our Shire:

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

6.4 We are One

We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community.

Provide a stable. Consistent and honest government.

VOTING REQUIREMENT:

Absolute majority.

OFFICER RECOMMENDATION:

That Council approve the following amendments to the Shire of Nannup adopted 2024/2025 Annual Budget to enable the inclusion of the Micro Surfacing project:

COA	Account Description	Current Budget	Change in Budget	Proposed Budget
2100500	ENVIRON - Employee Costs	30,288.72	-15,000.00	15,288.72
2100555	ENVIRON - Contributions to Environmental Groups	20,000.00	-20,000.00	0.00
2040241	OTH GOV - Subscriptions & Memberships	52,644.00	10,000.00	62,644.00
2120209	ROADM - Bridge Maintenance - Built Up Areas	102,057.64	-25,000.00	77,057.64
2050200	ANIMAL - Employee Costs	89,657.00	-10,000.00	79,657.00
New	Micro Surfacing Project	0.00	60,000.00	60,000.00
Net Total		294,647.36	-	294,647.36

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

13. MEETING MAY BE CLOSED:

Nil.

14. CLOSURE OF MEETING:

Attachments

Item	Attachment	Title
11.1.1	1	Planning and Approvals Register
11.2.1	1	Documentation from applicant
11.2.2	1	Location Plan
11.2.3	1	Submissions
11.2.4	1	Schedule of Submissions
11.3.1	1	Draft Local Development Plan
11.3.2	1	Submissions
11.3.3	1	Applicant Response and Modified LDP
11.4.1	1	Quotation from WA Electoral Commission
11.4.2	1	WAEC Written Agreement 2025 Local Government Ordinary Election
11.5.1	1	Payment of Accounts – November 2024
11.5.2	1	Payment of Accounts – December 2024
11.6.1	1	Financial Activity Statement – November 2024
11.6.2	1	Financial Activity Statement – December 2024
11.7.1	1	Operational Procedure – 113 Maintenance responsibility within Townsites
11.7.1	1	Proposed Micro Surfacing Areas