



Agenda

Council Meeting to be held
on Thursday 22 November 2018
Commencing at 4.30pm

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Agenda

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

(previously approved)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Ian Gibb will be making a presentation to Council on his personal views on economic development within the Shire of Nannup.

7. DECLARATIONS OF INTEREST

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

Chief Executive Officer David Taylor has declared an Interest in item 14.1.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 October Ordinary Council Meeting

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 October 2018 be confirmed as a true and correct record.

8.2 November Special Council Meeting

That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 1 November 2018 be confirmed as a true and correct record.

9.1 MINUTES OF COUNCIL COMMITTEES

9.1 Warren Blackwood Alliance of Councils Annual General Meeting

That the Minutes of the Warren Blackwood Alliance of Councils Annual General Meeting held 13 November 2018 be received.

9.2 Warren Blackwood Alliance of Councils Meeting

That the Minutes of the Warren Blackwood Alliance of Councils Meeting held 13 November 2018 be received.

9.2 Southern Forests & Blackwood Valley Tourism Association Interim Board Meeting

That the Minutes of the Southern Forests & Blackwood Valley Tourism Association Interim Board meeting held 13 November 2018 be received.

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10. REPORTS BY MEMBERS ATTENDING COMMITTEES

11. REPORTS OF OFFICERS

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13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 OFFICERS

13.2 ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC

(Confidential Items)

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16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

17. CLOSURE OF MEETING

CEO DEPARTMENT

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for October 2018
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:	12 November 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – 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 Application 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 2018 is presented in Attachment 12.1.1.

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 2018, two (2) 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 2018 compared to October 2017:

	October 2017	October 2018
Delegated Decisions	2 (\$65,000)	2 (\$15,000)
Council Decisions	0	1 (\$35,000)
Total	2 (\$65,000)	2 (\$50,000)

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.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for October 2018 as per Attachment 12.1.1.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.2
SUBJECT:	Development Application for estate site office and fenced parking compound
LOCATION/ADDRESS:	Lot 9003 on Plan 408860 Hitchcock Drive, Nannup
NAME OF APPLICANT:	Askino Pty Ltd
FILE REFERENCE:	A1820
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	13 November 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	12.2.1 – Location map 12.2.2 – Information from applicant 12.2.3 – Submissions 12.2.4 – Applicant response to submissions 12.2.5 – Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The applicant seeks development approval for an estate site office and fenced parking compound for a five year period. The applicant advises the development will provide a location to store machinery and plant in a secure but out of the way location and create an administrative base for “Moonlight Ridge Estate”.

Relevant matters relating to the site and application include:

- the site, shown in Attachment 12.2.1, is 35.73 hectares in area. It forms part of a future major residential estate;
- details submitted by the applicant are provided in Attachment 12.2.2. The applicant seeks approval for a proposed estate site office located in a fenced compound. The estate site office is 160m² in area (16m long, 10m wide with a height of 4.6m at its apex), while the fenced compound is 40m by 36m (1440m²);

- the site is zoned “Residential” in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). An estate site office and associated estate compound are considered to be a “use not listed” in LPS3; and
- most of the proposed compound is located within the bush fire prone area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

Public consultation

The Shire administration invited comment on the Development Application, for a 21 day period through writing to 17 adjoining/nearby landowners and having details on the Shire website. The Shire received 3 submissions on the Development Application, all raising issues, and these are provided in Attachment 12.2.3. The main issues raised in the submissions include:

- it is a residential area not an industrial area;
- amenity impacts including from trucks such as dust and noise;
- negative impacts of heavy vehicles on Hitchcock Drive;
- drainage/stormwater impacts;
- visual impacts;
- whether the approval should be limited to 2-5 years and what should happen after the limited approval period; and
- various matters that are outside the scope of this Development Application including comments that the applicant doesn’t complete jobs or erosion impacts such as is associated with previously cleared land for a subdivision road.

The applicant’s response to the submissions is outlined in Attachment 12.2.4.

Attachment 12.2.5 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

Following an assessment of the Development Application against the planning framework, submissions and available information, it is recommended that the application for an estate site office and fenced parking compound should be conditionally approved for a 3 year period given:

- the lot size of 35.73 hectares is generous and is significantly larger than other “Residential” zoned properties. The compound occupies a small portion of the property;
- the compound is well buffered from existing dwellings. If the proposed use is effectively managed, it is expected that off-site impacts will be low;
- only as-of-right vehicles will be used on Hitchcock Drive, not Restricted Access Vehicles. It is expected that truck traffic on Hitchcock Drive will be lower than the alternative of an off-site compound;
- no clearing of native vegetation is proposed;
- landscape impacts are minimal due to siting including existing bunding. The site is cut in so it is expected to be visible only from the Water Corporation site on Dunnet Road, Tank 7 and in the distance occasionally to traffic coming down the Bridgetown Hill. The roof of the proposed building may be visible to the house at the top of Hitchcock Drive but it appears that the visual impact should be fairly limited. There are opportunities for appropriate revegetation;
- other sections of the Shire administration raise no objection to the Development Application; and
- development conditions can assist to control the nature of the use, including a 3 year approval.

While noting the above, there are various issues associated with the proposal which should be considered by the Council in determining the Development Application including matters outlined in Attachment 12.2.5.

Key issues

The key issues with the application are summarised below:

- 3 year approval for the estate site office and compound component – this will provide the opportunity to monitor the on-going appropriateness of the operation and to ensure that relevant conditions have been suitably met. Should the landowner/operator wish to continue to operate the estate site office and parking

compound after 3 years, there is a need to lodge another Development Application to the Shire. At that point, the Shire will determine whether or not it will approve the new Development Application;

- site appearance – the landowner/operator has a responsibility to maintain the site in a tidy condition so as not to prejudicially affect the amenity of the area;
- buffers – while off-site impacts should be manageable, there is a need for the operator to ensure that noise and other impacts are appropriately managed on an on-going basis;
- managing dust – this could be assisting through watering down as required;
- fire management – a low fuel area should be maintained around the compound;
- drainage/stormwater management – there is a need to ensure that drainage/run-off is appropriately designed and controlled. A development condition is recommended to address stormwater management;
- hours of operation - a development condition is recommended. Any work on the site is also subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*;
- size of the estate site office – the building is substantial on land zoned “Residential” and greater than set out in Council’s Local Planning Policy *LPP22 Outbuildings* (maximum size of 120m² in the Residential zone). While noting this, the circumstances of the application are unique in Nannup with the estate site office supporting the development of the Moonlight Ridge Estate. The lot is 35.73 hectares in area which is significantly larger than other “Residential” zoned properties along with being significantly larger than properties zoned “Special Residential”, “Special Rural” and various properties zoned “Agriculture”. By way of comparison, the size of the building is consistent with LPP22 for the “Special Residential”, “Special Rural” and “Agriculture” zones; and
- on-going management and safety – the applicant and any contractors will need to address these matters including through restricting access to unauthorised persons through fencing, gates and signage.

Various matters raised in the submissions are outside the scope of this Development Application. While noting this, the subdivider is encouraged to tidy up the general area and progressively improve its appearance and infrastructure.

Other matters raised in the submissions are more appropriately addressed through future subdivision applications such as realigning the subdivision road connecting Dunnet Road and Hitchcock Drive to a safe location on Dunnet Road (with appropriate vehicle sight distances in both directions).

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy LPP21 Bush Fire Management and Local Planning Policy LPP22 Outbuildings. 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 Local Planning Policies in determining Development Applications.

FINANCIAL IMPLICATIONS:

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

The application raises precedent considerations given the size of the building in the Residential Zone (although it is noted there are unique circumstances) and it assists in the development of the Moonlight Ridge Estate. Given there is considerable undeveloped land in the Moonlight Ridge Estate, it is expected that development and sales will continue for at least the medium term.

RECOMMENDATION:

That Council approve the Development Application for an estate site office and fenced parking compound on Lot 9003 on Plan 408860 Hitchcock Drive, Nannup subject to the following conditions:

1. The development approval is granted to 31 December 2021. To continue operating after 31 December 2021, there is a need to lodge a new Development Application to the Shire.
2. The development hereby approved must be carried out in accordance with the submitted plans (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
4. The applicant/operator is to ensure that noise levels are considerate of adjoining and nearby properties at all times which comply with the *Environmental Protection (Noise) Regulations 1997* (and any associated amendments).
5. The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
6. The hours of operation within the compound are limited to between 7.00am to 5.30pm Monday to Friday and 8.30am to 5.00pm Saturday, not including any public holidays.
7. The applicant/operator is to implement dust control measures to the satisfaction of local government on an on-going basis.
8. The vehicular crossover onto Hitchcock Drive is to be designed, constructed and drained to the satisfaction of the local government prior to occupation and thereafter suitably maintained by the applicant/operator.
9. The external walls and roof of the estate site office/outbuilding are clad in colourbond colours to the satisfaction of the local government.
10. Details of proposed fenced are to be provided to the satisfaction of the local

government prior to installation and are to exclude barbed wire or electric fencing.

11. The estate site office is not to be used for habitable purposes.

Advice

- A) The applicant is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before undertaking any additional site and/or development works.
- B) The property is partly classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. The applicant is encouraged to maintain a low fuel area within and around the compound.
- C) The applicant is encouraged to undertake revegetation to further screen the development.
- D) The applicant is encouraged to prepare and implement a Works Safety Plan prior to the commencement of operations.
- E) Some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- F) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.3
SUBJECT:	2019 One Day Black Dog Ride – Request to waive Town Hall hire fees
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Mr Trevor Holm - Coordinator 2019 One Day Black Dog Ride
FILE REFERENCE:	FNC10
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 November 2018
ATTACHMENT:	12.3.1 – Letter from Black Dog Ride

BACKGROUND:

Mr Trevor Holm, Coordinator for the 2019 Busselton One Day Black Dog Ride has written to Council advising that on Sunday 17th March 2019 the Busselton One Day Black Dog ride will be calling into Nannup for a morning tea stop and will consist of approximately 400 riders.

Mr Holm advises they anticipate that the Nannup CWA will be supporting the morning tea at the Nannup Town Hall.

COMMENT:

The Black Dog Ride has been running for 8 years to raise awareness of depression and developing into a national suicide prevention charity involving thousands of Australian motorcycle riders who have raised funds for mental health services around the country.

The Black Dog Ride has been a regular feature on the Nannup event calendar and the small contribution of waiving Hall Hire Fees is one way in which the Shire of Nannup can contribute to the event.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Council Policy No. BLD 1 relating to the “Use/Hire of Community Facilities” states;

“Should a “not for profit” community group/organisation seek the waiving of any fees and charges imposed for use/hire of a community facility, an application in writing is to be submitted and presented to Council for consideration”.

FINANCIAL IMPLICATIONS:

Social Events Session Rate per 2018/19 Fees and Charges being \$90.00.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan

Our Community Leadership

5.1 To listen and partner with our community leaders and all our diverse groups.

RECOMMENDATION:

That Council waives the Town Hall Hire Fee for the Black Dog Ride event to be held on Sunday, 17th March 2019.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	Expressions of Interest – Leasing of the Supper Room
LOCATION/ADDRESS:	Warren Road
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 November 2018
ATTACHMENTS:	12.4.1 - Nannup Arts Council Expression of Interest 12.4.2 - Lions Club Nannup Expression of Interest

BACKGROUND:

Earlier this financial year the Nannup Music Club purchased their own premises and vacated the Supper Room after many years of occupation.

At this point Shire staff were receiving a number of enquiries relating to occupying the building. It was discussed with Council and agreed that the best way to go forward would be to request Expressions of Interest as the intent was to have the building utilised by an organisation that would realise its highest and best use. In an effort to achieve the highest and best use outcome four criteria were required to be addressed as part of individual applications, these were;

- Community aspect
- Economic aspect
- Social aspect
- Services aspect

This Expression of Interest was advertised locally in October 2018 for 14 days and two were received.

1. Nannup Arts Council (attached)
2. Nannup Lions Club (attached)

These Expressions of Interest received were distributed to Councillor's for their perusal in October 2018.

COMMENT:

The preferred applicant is the Nannup Arts Council as they submitted a comprehensive submission demonstrating all of the criteria.

The Chief Executive Officer met with Carole Pinkerton and Cheryl Brown on the 14th November 2018 to discuss a few items before making a recommendation to Council, this included;

1. Rental Term

In principle it was agreed that an initial 2 year period with a 2 year option (subject to both parties agreeing) would be appropriate. This allows the Nannup Arts Council enough time to demonstrate the benefits (social, economic, community and services) that the group can bring to Nannup as a result of occupying the Supper Room building. This 2 year option allows either party an opportunity to opt out (wind up) the lease at the conclusion of 2 years or apply to exercise the option of an additional 2 years.

2. Rent Payable

The rent payable proposed by the Nannup Arts Council is \$60 per week including utilities. It was discussed if this could be higher as it does not meet the costs of running the building (break-even). Carol and Cheryl both advised that at this point in time that was the maximum the organisation was able to put forward but could be reviewed at a later date.

It is important to note that the building break-even point is a weekly rent of approximately \$105 (excluding utilities) and \$125 (including utilities), therefore the proposed maximum rent payable by the Nannup Arts Council would calculate to the Shire providing approximately a 50% subsidy when factoring in utilities and approximately a 40% subsidy when excluding utilities.

3. Utilities

It was agreed that if the Shire were to install separate meters onto the building to individually charge utilities then Nannup Arts Council were happy to pay the charges whilst maintaining the \$60 per week rent payable.

4. Additional charges associated with sub-letting/hiring the building.

In an effort to reduce the gap between the break-even point, it was discussed about the options to sub-let the office space to other groups and/or sub-letting the entire building during local festivals.

Included within the application was the possibilities (openness) of partnering with other local community groups and festivals in the use of the building. As it was too

early to determine any of definite possibilities, it was discussed and agreed in principle that any such use would need agreement by the Shire before it occurs and that any income generated is to go to the Shire in an effort to close the break-even gap. It was requested that the Shire be responsible for setting any fees associated with this concept.

5. Opening Hours.

The Chief Executive Officer raised the expectancy of opening hours and that the Shire's desired outcome would be to have the premises open and functioning as a public sale gallery as much as possible and the last thing that is wanted was for the doors to be closed with minimal contribution to the ambience of the main street and visitor opportunities. Carol and Cheryl both noted that the gallery operates solely on a volunteer basis whereby artists who have art for sale are required to keep the gallery open to public.

Currently, these opening hours are roughly 10:00am – 1:00pm, Monday to Saturday and it is anticipated that if the Arts Council were able to attain a premises that this would increase to 10:00am to 3:00pm Wednesday to Monday (similar to the Garage Gallery they previously occupied).

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Council Policy No. BLD 1 relating to the "Use/Hire of Community Facilities"

FINANCIAL IMPLICATIONS:

Historically the Supper Room (Lesser Hall) costs the Shire approximately \$5,500 per annum and covers depreciation, insurance and maintenance items such as fire extinguisher maintenance, pest control, etc. This amount does not include utility costs.

Weekly Break-Even:	\$125
Weekly Rent:	\$60 (including utilities)
Weekly Subsidy:	\$65 (approximately 50% subsidy)*
Annual Subsidy:	\$3,380 (approximately 50% subsidy)*

*Please note that this could be reduced through additional charges received via sub-letting/hiring the building.

STRATEGIC IMPLICATIONS:

Our Community Leadership

5.1 Listen

To listen and partner with our community leaders and all our diverse groups.

5.2 Working Together

To have united community groups working together.

Our Council Leadership

6.1 Lead, Listen, Advocate, Represent and Provide

A listening leadership that provides and represents all.

RECOMMENDATION:

That Council –

- 1) Receive the Expression of Interest from the Nannup Arts Council;
- 2) Authorise the Chief Executive Officer to commence drafting a lease agreement in consultation with the Shire President based on the following principles;
 - a) Rental Term – 2 years with a 2 year option allowing either party an opportunity to opt out (wind up) at the conclusion of 2 years or apply to exercise the option of an additional 2 years;
 - b) That the commencement rent be \$60 per week and will be reviewed at a later date;
 - c) Investigating the costs associated with installing sub-meters for utilities to enable these costs to be recoverable from the Lessee;
 - d) In relation to the use of the building being used by groups other than the Nannup Arts Council would require permission from the Shire of Nannup and any fees associated with this would be determined by and payable to the Shire of Nannup.
 - e) Authorise the Shire President and the Chief Executive Officer to enter into a Lease Agreement with the Nannup Arts Council for the Supper Room building and affix the Shire of Nannup Common Seal.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.5
SUBJECT:	Review of Freedom of information Statement
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 November 2018

BACKGROUND:

The Freedom of Information Act 1992 requires agencies covered by the Act to produce and annually review a Freedom of Information Statement. A Statement is currently available on the Council's website and was last reviewed at the Ordinary Meeting of Council on 23 November 2017.

COMMENT:

There were no required amendments to the document.

The document has been attached for Council's reference.

STATUTORY ENVIRONMENT:

Sections 96 and 97 of the Freedom of Information Act 1992.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That Council endorses the amendments to the Shire of Nannup's Freedom of Information Statement as presented.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.6
SUBJECT:	Investigate boundary rationalisation
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 November 2018

BACKGROUND:

There has been recent discussion between staff from the Shire of Nannup and the Shire of Busselton regarding the possibility of rationalising the boundary lines in the Jarrahwood area.

COMMENT:

These discussions to date have been high level and at this point in time has only been a concept. There is a great amount of detail that needs to be investigated and considered in order to make an informed decision. A few of these are, but not limited to;

1. Assets and liabilities that are present in the area and the condition of these.
2. Impact on rateable properties and servicing these properties.
3. Impact of Financial Assistance Grants
4. Impact on road and other related Government grants.
5. Impact on responsibilities concerning fire management.
6. Statutory approvals that are required.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Unknown at this point in time.

RECOMMENDATION:

That Council authorise the Chief Executive Officer to further investigate the possibility of boundary rationalisation with the neighbouring Local Government Authorities in the North and North-East Sections of the Shire of Nannup.

VOTING REQUIREMENTS:

Simple Majority

FINANCE & ADMINISTRATION

AGENDA NUMBER:	12.7
SUBJECT:	Acceptance of Shire of Nannup Annual Report 2017/18
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 17
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 November 2018
ATTACHMENT	12.7.1 Annual Report 2017/18 is included as a separate document with this agenda

BACKGROUND:

Section 5.53(1) of the Local Government Act 1995 (The Act) stipulates that a Local Government is to prepare an Annual Report for each financial year. A draft Annual Report has been circulated under separate cover for consideration.

COMMENT:

The Annual Report contains all the statutory information required, including the Annual Financial Statements for the year under review and will also form the main document for scrutiny at Council's Annual Electors Meeting.

The Independent Auditors Report (the report) and the Annual Financial statements have now been received from AMD Accountants and are included as an attachment to this item. Within the report it is noted that the Auditor's opinion is that all financial statements are:

a) based on proper accounts and records; and

(ii) fairly represents, in all material respects, the results of the operations of Shire of Nannup for the year ended 30 June 2018 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

Requirements of *The Act* S7.12A(2) and (3) state:

(2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*

(3) *A local government must —*

(aa) examine an audit report received by the local government; and

(a) determine if any matters raised by the audit report, require action to be taken by the local government; and

(b) ensure that appropriate action is taken in respect of those matters.

As a general rule, the annual meeting with the Auditor would have occurred prior to the adoption of the Annual Report however due to timing difficulties this meeting with the auditor and the audit committee is now scheduled for Tuesday the 27th of November at 3.30pm. Details of the Schedule for the Annual Report, Auditor meeting and Annual Electors Meeting are shown in the table below:

Date	Description
22/11/2018	Annual Report brought to Council for endorsement.
27/11/2018	Proposed Audit Advisory Committee meeting with Council's Auditor in attendance for full review of 2017/18 Financial Statements.
03/12/2018	Advertisement in local newsletter – "Nannup Telegraph" advising of date and time of Electors Meeting
19/12/2018	Annual Electors meeting to be held at 5.00pm in the Shirley Humble Room.

Regulatory Requirements included with Auditors report

It was noted with the Auditors report of an adverse trend in the financial position. This was in relation to the Operating Surplus Ratio(OSR). The OSR is used to assess if a local government has sound long term financial plans, in particular in regards to asset management and the community service levels. While it is obviously less than ideal to receive a negative ratio, the reality is that this ratio is based on total own source revenue being able to be used to fund capital expenditure, transfers to cash reserves and to reduce debt.

Given Council's reduced capacity to rate 85% of land within the Shire of Nannup it is extremely difficult to meet the basic benchmark of 1% - 15%. As per the Department of Local Government guidelines, in order to meet this benchmark Council will need to consider increasing rating capacity by the negative amount to achieve a break even operating result for that given year. In this year's Annual Statements this would mean a 14% rate increase. While this would, no doubt, be an extremely unpopular decision, it does draw light on the fact that Council needs to consider increased rating over time to ensure that it remains sustainable and has funds available to cover capital spending and

maintenance issues for all of Council's assets. The ratio also highlights the difficulty in achieving a basic standard as per the Department of Local Government guidelines for Councils that do not have a large fees and charges basis as a means of revenue. Officers will begin to look at ways in which this can be achieved starting with looking at a rating strategy in the new year to clarify how this required increase may be achieved in the long term.

2017/18 Surplus

While early adoption of an Annual Budget has the bonus of allowing rates to be raised in a timely manner to ensure that there are no cash flow issues, the negative to this remains that at the time of adoption there is still an element of expenses and income that have not been fully accounted for and these will impact on the overall final carried forward figure. Reported in the 2018/19 Annual Budget was a projection of a surplus of \$817,399. This figure was made up of grant funding received in advance, various savings within anticipated expenses and additional income known at the time.

Actual carried forward projects and expenditure resulted in a figure of \$1,059,111 being included. There is also a grant funding surplus to be accounted for which will see the need to return \$38,000 and true savings to Council that have now been identified and amount to \$356,565. In the case of the carried forward projects, the unidentified portion as at the adoption of the Annual Budget will now be incorporated into the current budget. The refund will be processed and the true savings need to be allocated.

From Officers perspective these savings allow Council to consider projects and reserve contributions that were discounted from the original budget. Included within the recommendation below is the establishment of a new Strategic Initiative Reserve Account. The purpose of this account would be to allocate monies to allow Council to support initiatives as and when the opportunities arise. These may be from Officers, Councillors or community initiatives. At present there is no opportunity for these to be funded or assessed unless they have been identified within the budget planning period each year. Council endorsement would be required when a suitable project was identified.

The list of priorities identified by Officers for breakdown of the surplus is as follows:

Savings Surplus Identified	-\$ 356,565.00	Actual savings once carried forward projects/grant monies and returned funds are accounted for.
<i>Strategic Initiative Reserve</i>	\$ 100,000.00	Refer comment above
<i>Gryscilus Road Surveying</i>	\$ 30,000.00	This has been identified by the community as a project that is important to the residents of North Nannup. In order to have the project ready for funding there will be a need to have both a flora and fauna survey and an actual road survey completed. Having this project 'shovel ready' would assist in accessing MAF funding.
<i>Regional Economic Development Grant Co-contribution</i>	\$ 10,000.00	This grant is being looked at to help to establish a 'brand' for the Shire of Nannup.
<i>Asset Management Reserve</i>	\$ 64,969.50	There were no Reserve contributions identified within the Annual Budget. This surplus would allow Council to address this exclusion.
<i>Waste Management Reserve</i>	\$ 21,656.50	
<i>Plant Reserve</i>	\$ 108,282.50	
<i>Office Reserve</i>	\$ 21,656.50	

STATUTORY ENVIRONMENT:

Section 5.54(1) of the Act requires that the Annual Report be accepted by 31 December, with an absolute majority vote being required. However, if the auditor's report is not available in time for the Annual Report to be accepted by 31 December section 5.54(2) requires that it be accepted no later than two months after the auditor's report becomes available.

Section 5.27(2) states that a general meeting of electors is to be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report for the previous financial year. Section 5.29(1) requires that the CEO gives at least 14 days' local public notice of the date, time, place and purpose of the meeting.

Assuming that the Draft Annual Report is accepted at today's meeting, it is proposed to hold the Annual Electors Meeting at 5pm Wednesday 19 December 2018.

Notice of the availability of the Annual Report is to be given as soon as practical after its acceptance by Council. An advertisement informing electors of the proposed timing of the Electors Meeting has been prepared for the local Telegraph newsletter, which will meet the statutory requirement of the advertising period. Appropriate notices will be placed on noticeboards within the Townsite.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Inclusion of identified surplus within the 2018/19 Annual Budget through budget amendments.

STRATEGIC IMPLICATIONS:

Our Economy

Sustainability is the key to Nannup's future

RECOMMENDATION:

That Council;

1. Accept the Draft Annual Report for the Shire of Nannup for the year ended 30 June 2018 as required by section 5.54(1) and 5.54(2) of the Local Government Act 1995.
2. Endorse the inclusion of the identified surplus to the current budget via projects shown below:

• Strategic Initiative Reserve Contribution	\$100,000
• Gryscilus Road Surveying	\$30,000
• Regional Economic Development Grant Co-contribution	\$10,000
• Asset Management Reserve Contribution	\$64,970
• Waste Management Reserve Contribution	\$21,656
• Plant Reserve Contribution	\$108,282
• Office Reserve Contribution	\$21,657
3. Hold an Audit Advisory Meeting at 3.30pm on the 27 November 2018 with Council's Auditor in attendance.
4. Hold its Annual Electors Meeting on Wednesday 19 December 2018 in the Shire Function Room commencing at 5 pm.

VOTING REQUIREMENTS:

Absolute Majority

AGENDA NUMBER:	12.8
SUBJECT:	Change in Rating Category – Donnelly River Lessees
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	RAT 9
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 November 2018
ATTACHMENTS:	12.8.1 – Map of parcels identified for change in valuations 12.8.2 – Letter sent to all affected ratepayers advising of Council’s proposal to change rating valuations.

BACKGROUND:

For most local governments, rates are the principal source of revenue. With limited alternatives, local governments need to optimise this source to generate revenue for their operations. A key to optimising the rating system is to ensure that the appropriate method of valuation of land is used as the basis for rates.

Urban land that is rated on its unimproved value (UV) would normally attract a lesser rate assessment than it would if rated on its gross rental value (GRV).

Generally, this is also the case if rural land is rated on its GRV rather than its UV. Applying the appropriate method of valuation to each property will also minimise complaints from ratepayers of inconsistent and inequitable treatment.

Under Section 6.28 of the Local Government Act 1995 (*The Act*) the Minister for Local Government (*The Minister*) is responsible for determining the method of valuation of land to be used by a local government as the basis of rates.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the Unimproved Valuation (UV) of the land should be used; and
- Where the land is used predominantly for non-rural purposes, the Gross Rental Valuation (GRV) of the land should be used.

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district so that rural land is rated by its UV valuation and all non-rural land is rated on its GRV valuation. This will ensure that the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiencies are observed across the board and all ratepayers are treated equal.

COMMENT:

As Councillors will be aware, there has been a debate with the decision to begin rating these leased properties on the banks of the Donnelly River which began in August 2016. This contention resulted in a State Administrative Tribunal hearing in which a Donnelly River Lessee sought a review into the decision of the Shire of Nannup to impose general rates, a waste management levy and an emergency service levy. On the 9 November 2018 this review was formally dismissed through this process.

During the discussions that have occurred between Officers and representatives of the Lower Donnelly River Conservation Association (LDRCA) since the inception of rating to these properties, Officers have informed representatives why these properties were rated as Unimproved Valuation properties (UV) and not Gross Rental Valuation properties (GRV). Officers explained that as the land itself was contained within other UV land parcels, that the huts had no urban element in regards to shops or other urban facilities, that recommendations from both the Department of Local Government and Landgate had been that these properties should be rated as UV properties. Further, the overwhelming issue was that floor plans were not held for all properties and as such GRV valuations could not be made.

In an effort to reconcile all parties Council decided at its January 2018 Ordinary Meeting of Council to change the rating of the Donnelly River Huts from UV to GRV despite the reasons stated above. This change in rating would be effective 1 July 2018 provided detailed floor plans were obtained for all huts within this area. This resolution is shown below:

18005 MELLEMA/BUCKLAND

That as a means of reconciling the ongoing objections by the Lower Donnelly River Conservation Association (LDRCA) in respect to the rating of the Donnelly River Huts, Council advises the LDRCA and the State Administrative Tribunal (SAT) at the Directions Hearing on Monday, 19 February 2018 that it is prepared to compromise on the following:-

- 1. That in accordance with Section 6.28 of the Local Government Act 1995, Council formally requests the Minister for Local Government to change the rating of the Donnelly River Huts from UV to GRV effective from 1 July 2018;***

2. That to enable new values to be obtained from Landgate, Lessee's of the Donnelly River Huts that have not provided detailed plans of their Huts to Council to do so to assist in this process and that the LDRCA works with its members to provide this information to the Shire of Nannup; and

After the endorsement above was passed, representatives of the LDRCA have been working with Officers to ensure that plans were obtained for all huts. The result of this is that within the last few weeks all plans have been submitted to Council and can now be forwarded to Landgate for valuation.

Local Government Guidelines outline the procedure that needs to be followed to allow a changing of rating valuation to these properties to occur. The steps are identified below:

- A resolution passed by Council to endorse the works undertaken by officers to look at changing the valuation of the properties; *Achieved in January 2018*
- A review of the predominant use of the land undertaken which will include consultation with the landowners; - *Consultation has been completed with the peak advisory committee for the group, the LDRCA. This is further evidenced through submission of all plans.*
- Following the consultation with landowners a follow up on any objections received a final review to Council for implementation of changes. – *No objections were raised, this decision to change rating categories was initially driven by lessees.*
- Submission made to the Minister of Local Government asking for the changes to be made; - *Submission will be made once final endorsement of Council to the change is made.*
- Changes to rating included in a notice published in the Government Gazette. – *Can only be implemented once sign off from Minister of Local Government is obtained.*

As the consultation period of this process has now been completed, the final submission will be sent through to the Minister for consideration in December 2018. Equally Councillors are aware, a decision was made earlier in this year to withhold rating of these properties until such time as this rating category could be implemented. It is therefore necessary to make the submission to the Minister in as efficient a timeframe as possible to ensure that the outstanding rates for 2017/18 are raised and paid in full by the lessees within this current financial year.

STATUTORY ENVIRONMENT:

Local Government Act 1995 S6.28 and S6.38 and Waste Avoidance and Resource Recovery Act 2007

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The payment of rates for these properties is currently outstanding and as such creating a deficit within the current budget for the Shire of Nannup

STRATEGIC IMPLICATIONS:

Our Community Leadership: A listening leadership that provides for and represents all;
and

Our Economy: We will have a sustainable, innovative and equitable economy.

RECOMMENDATION:

1. That Council affirms the endorsement of January 2018 to revise the rating category of the Donnelly River Lessees from the current Unimproved Valuation method to the Gross Rental Valuation method.
2. That Council endorse Officers to proceed with a submission to the Minister of Local Government requesting these changes.
3. That once these changes are affirmed by the Minister that Rates be calculated for all affected properties and sent to individual ratepayer for payment prior to 30 June 2018.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.9
SUBJECT:	Budget Monitoring – October 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	15 November 2018
ATTACHMENT:	12.9.1 – Financial Statements for the period ending 31 October 2018

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.9.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

COMMENT:

Please refer to the attachment, Financial Statements for period(s) ending 31 October 2018 for a detailed analysis of our end of year position, Note 2.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34(1)(a).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The attached financial statements detail financial outcomes for 2018/19.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 31 October 2018 be received.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.10
SUBJECT:	Monthly Accounts for Payment - October 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz –Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	15 November 2018
ATTACHMENT:	12.10.1 – Accounts for Payment – October 2018

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 October 2018 to 31 October 2018 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	11011 – 11112	271,529.41
Accounts paid by cheque	20322 – 20326	2,224.63
Accounts paid by Direct Debit	DD10293.1 – DD10305.13	45,030.16
<i>Sub Total Municipal Account</i>		\$104,275.26

Trust Account

Accounts paid by EFT	11051– 11051	1,225.40
Accounts Paid by cheque	22808	200
<i>Sub Total Trust Account</i>		\$912.93
Total Payments		\$105,188.19

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$320,209.60 1 October 2018 to 31 October 2018 in the attached schedule be endorsed.

VOTING REQUIREMENTS:

Simple Majority

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 OFFICERS

b) ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

AGENDA NUMBER:	14.1
SUBJECT:	Chief Executive Officer – Probation Period Associated with Contract of Employment
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	CEO Employment File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Financial Interest – David Taylor – Chief Executive Officer
DATE OF REPORT	13 November 2018

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

AGENDA NUMBER:	15.1
SUBJECT:	Notice of Motion – Community Safety Infrastructure
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire President Dean
FILE REFERENCE:	
AUTHOR:	Shire President Dean
REPORTING OFFICER:	Not Applicable
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 November 2018

BACKGROUND:

Nannup is an isolated community, in geographic terms, and as such enjoys many advantages. That being said, the isolation also makes it an easy target for opportunistic thieves, especially those that are passing through the Community.

COMMENT:

Within the past years there have been several accounts of theft and burglary which are only explained as being the result of fast moving mobile criminals who commit a crime and quickly exit the township of Nannup and the Shire through one of the main highways leaving the area; Vasse Highway (north and south direction), Mowen Road, Brockman Highway (South), Brockman Highway (East) and Graphite Road.

In December 2016 there was a police pursuit of a suspect offender along Vasse Highway only to lose the offender without the ability to obtaining a vehicle number plate. Provided that the vehicle was not stolen or had its number plates removed, the application of a CCTV network may have aided in the identification of the perpetrators and/or the vehicle that was being used.

In the last 2 months from the date of this report, there was another incident whereby an expensive 4-wheel drive was stolen from the victim's front yard and disappeared without a trace. Again, thieves were able to enter and exit freely and if there were a CCTV network present it would have aided police in not only determining the direction they were heading but also possibly the identification.

With the growing population within the South West region brings with it proportional increases in crime and anti-social behaviour. Although Nannup is geographically isolated

from large urban centres it is not immune from crime being performed in the area, especially from those that are mobile and opportunistic.

It is recognised worldwide that CCTV footage has a large role to play in solving crime and the placement of CCTV cameras at the 6 major points of entry and exit to our Community will be a major factor in solving and deterring crime.

This motion seeks to take place the initial steps to ascertain the costs associated with the motion and to determine if the Community of Nannup supports the motion.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

This project would be subject to external funding arrangements whereby it is likely that the Shire of Nannup would need to make a co-contribution. This is unknown at this point in time until full costings are undertaken.

STRATEGIC IMPLICATIONS:

Community Safety

RECOMMENDATION:

That Council investigate the following:

- a) placement of CCTV devices at the six main entrances to Nannup town site in locations that are strategically placed to achieve the maximum coverage; and
- b) estimated costs to purchase and install the above; and
- c) investigate sources of funding opportunities at both the State and Federal level; and
- d) undertake a community consultation process; and
- e) put recommendations forward to the 2019/20 budget deliberations.

VOTING REQUIREMENTS:

Simple Majority

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

17. CLOSURE OF MEETING



Agenda Attachments

Item	Attach	Title
8.1		Shire of Nannup 25 October 2018 Ordinary Meeting Minutes
8.2		Shire of Nannup 1 November 2018 Special Meeting Minutes
12.1	1	Register of Delegated Development Approvals
12.2	1	Location map
	2	Information from applicant
	3	Submissions
	4	Applicant response to submissions
	5	Extract from <i>Planning and Development (Local Planning Schemes, Regulations 2015)</i>
12.3	1	Letter from Black Dog Ride
12.4	1	Nannup Arts Council Expression of Interest
	2	Lions Club Nannup Expression of Interest
12.7	1	Annual Report 2017/18 is included as a separate document with this

Shire of Nannup
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		agenda
12.8	1	Map of parcels identified for change in valuations
	2	Letter sent to all affected ratepayers advising of Council's proposal to change rating valuations.
12.9	1	Financial Statements for the period ending 31 October 2018
12.10	1	Accounts for Payment – October 2018