



# AGENDA

Council Meeting to be held  
on Thursday 26 March 2009

# ***Shire of Nannup***

## **NOTICE OF AN ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Nannup Council will be held on Thursday 26 March 2009 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 26 March 2009:

1.00pm	Inspection Six Mile Gravel Pit
3.00pm	Audit Committee Meeting
3.15 pm	Information Session
4.15 pm	Meeting commences
6.30 pm	Sundowner/Community Meet and Greet
7.30pm	Dinner

**SHANE COLLIE**  
**CHIEF EXECUTIVE OFFICER**

# A g e n d a

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**

The following questions From Mr R Blom were taken on notice at Council's Special meeting held 17 March 2009. Responses are being provided to Mr Blom and a copy of the questions and responses is as follows:

## **Question 1.**

Is it the case that in the calling of tenders, at least 4 different instructions for email addresses for lodging of tenders are provided, as for the extracts below, including:

- "email system",
- Shire of Nannup via Ms Evelyn Pateman,
- "Ewen Ross, Manager Development Services", and,
- [shane.collie@nannup.wa.gov.au](mailto:shane.collie@nannup.wa.gov.au). ?

In that case is there not propensity for prejudice to transparently impartial public tendering standards?

(Note: The "extracts" include the following:

A Tender 1/09 was advertised stating, inter alia:

Tenders by facsimile or electronic mail will be accepted provided they are received before the deadline as determined by the electronic date stamping on the facsimile machine or email system. Council reserves the right not to accept any tender and canvassing of Councillors will disqualify.

and

Detail required to submit a tender including the form of tender are available by contacting Ms Evelyn Patman at the Nannup Shire office on 9756 1018 during normal office hours or by downloading from Council's website [www.nannup.wa.gov.au](http://www.nannup.wa.gov.au)

In the relevant tender documents issued to enquirers was included an "Architect's Brief" with cover page indicating:

Applications shall be submitted in a sealed envelope, clearly marked  
'TimeWood Centre Redesign'

Ewen Ross  
Manager Development Services  
Shire of Nannup  
PO Box 11  
Nannup 6275

In the relevant tender documents issued to enquirers was included a  
"Respondent's Submission" form that included, inter alia:

The Submission is to be:

- (a) placed in a sealed envelope clearly endorsed with the Tender number and title as shown on the front cover of this document; and
- (b) delivered by hand and placed in the Tender Box at 15 Adam Street, Nannup WA 6275 (by the Respondent or the Respondent's private agent) or sent to the Chief Executive Officer:
  - through the mail to PO Box 11, Nannup WA 6275 or
  - via facsimile to 08 9756 1275
  - or by email to [shane.collie@nannup.wa.gov.au](mailto:shane.collie@nannup.wa.gov.au)

Electronic mail Submissions and Submissions submitted by facsimile will be accepted provided they are received before the deadline as determined by the electronic date stamping on the facsimile machine or email system.

## Response 1.

As pointed out in the text to this question there was 1 email address listed for the lodgement of tenders.

## Question 2.

Is it the case that Ian Molyneux telephoned Ms Evelyn Pateman on 20<sup>th</sup> February 2009 as per the above advisory information in the tender advertisement, was correctly informed that the official email system address of the Shire is [nannup@nannup.wa.gov.au](mailto:nannup@nannup.wa.gov.au), and accordingly submitted his email tender to the transparent, impartial and correct address?

## Response 2.

There was 1 email address listed for the lodgement of tenders. The use of the email address above [nannup@nannup.wa.gov.au](mailto:nannup@nannup.wa.gov.au) would also see emails arrive at the official tender lodgement address [shane.collie@nannup.wa.gov.au](mailto:shane.collie@nannup.wa.gov.au). No form of tender was received at either email address prior to the tender close time. Tender condition 1.5 (a) was not complied with which stipulated that the form of tender needed to be completed or evaluation exclusion may apply. The document received prior to the tender close time was titled:

*"Ref.: TENDER FOR ARCHITECTURAL SERVICES FOR REVISED TIMEWOOD CENTRE DESIGN."*

The responsibility for ensuring that any tender arrives including the required information remains with the sender, not the recipient. The responsibility for ensuring that tenderers inform themselves of the conditions of tender remains with the tenderer.

**Question 3.**

Prior to public opening and publicly announcing tenders, and any date since, were steps taken to ascertain that all tenders to all and any of these addresses were received in their entirety?

**Response 3.**

Refer response Question 2.

**Question 4.**

Were all sealed hardcopy tenders opened before the opening and printing of emailed and faxed tenders, at the public opening, as is normally required to ensure no late and lower tender could be corruptly admitted after disclosure of the other tenders?

**Response 4.**

Tenders were opened in accordance with the Local Government (Functions and General) Regulations 1996.

**Question 5.**

Why was it that Ian Molyneux's later covering letter was read out as his "tender" (and incorrectly as being \$ 90,000-00 for design and documentation services) instead of the earlier email message and attachments comprising his actual tender and appendices thereto,?

**Response 5.**

The only information received from Mr Molyneux prior to the close of tenders was an email at 4.05pm with an attachment titled "*CoverLetter20Feb09.pdf*". The attachment was a letter, the heading on the letter was:

*"Ref.: TENDER FOR ARCHITECTURAL SERVICES FOR REVISED TIMEWOOD CENTRE DESIGN."*

The document was subsequently printed off, date stamped, and placed in the tender box. The electronic record of transmissions is clear evidence that this is the case.

**Question 6.**

Is it now acknowledged that Ian Molyneux's tender, including signed "Response Form", witnessed by solicitor Dirk Avery, and including responses to "Compliance Criteria" and "Qualitative Criteria", "Schedule of Fees" and "Proposed Second Commission" submission, together with further explanatory Appendices 2 and 3, was emailed in good time at 2.50 pm on 20<sup>th</sup> February to the Shire's email address.

**Response 6.**

Refer response Question 5.

**Question 7.**

Is it now acknowledged that Ian Molyneux's tender cover letter dated 20<sup>th</sup> February 2009, was emailed at 4.05 pm on that day, clarifying and qualifying his responses in the light of inconsistencies in the tender documents?

**Response 7.**

Refer response Question 5.

**Question 8.**

Is it now acknowledged that the above tender email and attachments of Ian Molyneux, and covering letter, were acknowledged by return email from the CEO at 4.16 pm on 20<sup>th</sup> February 2009, with the message "*Hi and thanks Ian all received.*", both well in time before closing of tenders?

**Response 8.**

The acknowledgement sent to Mr Molyneux was in response to the information received from him as described in the response to Question 5. That information did not include a form of tender.

As noted in the response to Question 2 the responsibility for ensuring that the appropriate documentation arrives remains with the sender, not the recipient.

**Question 9.**

Is it the case that Ian Molyneux's further clarifying letter dated 22<sup>nd</sup> February 2009, emailed on that day and acknowledged as received, referred to the inaccuracy of his tender, as above erroneously read out as being \$ 90,000-00, at the opening of tenders?

**Response 9.**

That is correct and this was responded to by email on 23 February to Mr Molyneux confirming the price as \$67,500. Document checking had not been undertaken at that stage (initial tender opening 20/2/09) which would have picked this up. That checking once undertaken 23/2/09 confirmed the price as \$67,500 which was immediately acknowledged to Mr Molyneux.

**Question 10.**

Is it the case that a letter to Ian Molyneux dated 23<sup>rd</sup> February was sent to him stating that "Submissions are currently being assessed."?

**Response 10.**

That is correct acknowledgement letters were sent to all tenderers.

**Question 11.**

Is it the case that Ian Molyneux was advised by email from the CEO at 2.56 pm on Monday 23<sup>rd</sup> February, inter alia that "*Emailed tenders are fine also so no need for a hard copy*", and that in any event the tender conditions specifically do not require confirmation of emailed tenders by subsequent hard copy?

**Response 11.**

That is correct.

**Question 12.**

Is it the case that by about 3<sup>rd</sup> March a list of the 22 tenderers, with a shortlist of 9 tenderers highlighted, excluding Ian Molyneux who was "commented" as "Form of tender not received" but also reported as having submitted a "Tendered Price" of \$ 67,500-00, had been circulated to the Timewood Centre Committee for comment and/or information?

**Response 12.**

No tender has been excluded from the tender process, either at this stage, or currently (18/3/09). A preliminary assessment of the tenders received has been undertaken based on the information received. At 3 March 2009 a Form of Tender had not been received from Mr Molyneux and any assessment work undertaken can only be undertaken on what has been received.

**Question 13.**

Would it be un-reasonable for Ian Molyneux to interpret the fact that such advice and comment was being sought from the Timewood Centre Committee, to mean that by 3<sup>rd</sup> March 2009 tenders had indeed been assessed, weighted and ranked in the past 8 days, and that he was not then being considered for the commission, and therefore would have nothing to gain by submitting a hard copy of his submission, especially because firstly tender conditions did not require it, and secondly, as above, having been advised it was not needed.

**Response 13.**

The tender assessment process had not concluded on 3 March 2009 and at the time of writing 18/3/09 has still not concluded.

***Mr Molyneux was advised on 3 separate occasions, all of which are contained in printed record, that his Form of Tender had not been received. Mr Molyneux was also advised as soon as the tender checking process began on 23/2/09, again with written record, that his tender will be included in the assessment and that he should forward his form of tender.*** It was considered that as the letter referred to in the response to Question 5 was received prior to the close of tenders and was clearly an intent to tender including a price schedule that an evaluation should occur.

The completed tender form was received from Mr Molyneux on Tuesday 10 March 2009.

Clause 18 (2) of the Local Government (Functions and General) Regulations 1996 reads as follows:

*“A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.”*

**Question 14**

Is it the case that Ian Molyneux and the Chief Executive Officer met on Monday 16<sup>th</sup> March to discuss the fact, which was confirmed in the project briefing meeting held earlier that day, in which the Shire President confirmed that Ian Molyneux's tender had been received, that information was circulating in the community that, as above, Ian Molyneux's tender was not received and was not being assessed.



**Response 14.**

Mr Molyneux and the Chief Executive Officer did not meet on Monday 16<sup>th</sup> March. The information received from Mr Molyneux and when it was received is included in the response to questions 5 and 13.

Mr Molyneux was advised on 23/2/09, written record is available, that his tender was received (considered as letter referred to in response to question 5) and that his form of tender was not. The same transmission also clearly articulated that the tender would be included in the assessment and could he forward the Form of Tender.

**Question 15**

Is it the case that at that meeting with the Chief Executive on 16<sup>th</sup> March, that it was disclosed to Ian Molyneux that his email including tender of 20<sup>th</sup> February was not on the Chief Executive Officer's work station (aka computer). Did the Chief Executive then advise Ian Molyneux that the reports circulating in the community had not come from him. Is it the case that the CEO also advised Ian Molyneux that assessments had not commenced, and his tender of \$ 67,500-00 was legitimate, as having been received before the due time, and that the Chief Officer would accept a confirmatory copy of Ian Molyneux's missing email tender document for assessment, including the above signed "Response Form" (witnessed by solicitor Dirk Avery) and the other tender documents, etc.?

**Response 15.**

Mr Molyneux and the Chief Executive Officer did not meet on Monday 16<sup>th</sup> March. The information received from Mr Molyneux and when it was received is included in the response to questions 5 and 13. The statement regarding the assessments not commencing is not accepted as Mr Molyneux had already been informed by letter 23/2/09 (Response 10) that tenders had been received and were being assessed. Additionally in the meeting held on 9/3/09 just prior to Mr Molyneux and the Chief Executive Officer discussing the matter the status of the assessments was raised (as being some way from conclusion) in the presence of both people. To be attributed with a definitive contrary statement a matter of minutes later is not accepted.

The statement regarding the acceptance of Mr Molyneux's tender for assessment is correct and confirms the written advice provided to Mr Molyneux as stated in the response to question 13.

**Question 16**

How is the above status of assessments on 19<sup>th</sup> March (i.e., having not been done) consistent with the evidence of assessment having commenced by 23<sup>rd</sup> February through 3<sup>rd</sup> March, etc?

**Response 16.**

The question is unclear.

**Question 17**

Is it a fact that Ian Molyneux delivered, per favor of Councillor Tony Dean on Tuesday 17<sup>th</sup> March, the said confirmatory copy of his tender et al on compact disk, together with full size hard copy of drawings of major project for ALCOA (demonstrating experience with large scale projects) as is described in his tendered supporting Appendices?

**Response 17.**

No, the documents referred to were delivered on Tuesday 10 March 2009.

**Question 18**

Is it now re-confirmed and acknowledged that Ian Molyneux's tendered monetary sum is \$67,500-00 for conceptual design, design and contract documentation for an overall project value up to \$ 2 million?

**Response 18.**

Refer response Question 9.

**Question 19**

Are Councillors and executive officers aware that the architectural profession, as is usual, is in the advance industry in experiencing the effects of recession, and, as reflected by the high number (22) of tenders from established firms, for what is ostensibly a tedious re-drafting commission, and that low tenders may accordingly represent unviable arrangements? Has the evaluation panel therefore applied due caution in discounting excessively low tenders, as likely to place a services contractor and a project into financial jeopardy? Is Ian Molyneux's monetary tender of \$ 67,500-00 within the mid range (i.e., \$67,106-00 being the average of the 22 monetary tenders, after discounting the two hazardously low tenders of \$ 36,000-00 and \$ 38,500-00) of tenders that are presumably realistically assessed and market-priced, competitive tenders?

**Response 19.**

Response to the first two questions are yes. The tender documents clearly articulated that *“the lowest priced proposal will not necessarily be selected”*. Mr Molyneux’s tender is in the mid range of prices received. There has been no decision to exclude any tenders at this point in time 18/3/09.

**Question 20**

Given the numerous subjective judgements called for by the tender documents, how is it suggested that a panel of evaluators could assess 21 tenders and rank, weight, and shortlist them to 9, and then, 14 days later, to assess and compare a 22<sup>nd</sup> tender in isolation, with a clear and unbiased mind, favourably or adversely or otherwise? How can the tender of Ian Molyneux have been assessed without adverse discrimination?

**Response 20.**

Any assessment can only be undertaken on the information available as provided by tenderers. Information received from Mr Molyneux and when it was received is as described in responses 5 and 13. There has been no decision to exclude any tender at this point in time 18/3/09 nor has the tender assessment process concluded.

**Question 21**

Will Councillors and others involved in assessment and selection be required to declare any bias in favour of or against any tenderer for reasons other than tender criteria and absent themselves from assessment and selection processes, having regard to the following tendering instructions?

- Respondents are to assume that the Evaluation Panel has no previous knowledge of your organisation, its activities or experience;
- Respondents are to provide full details for any claims, statements or examples used to address the qualitative criteria; and

?

**Response 21.**

Tender selection is governed by the Local Government (Functions and General) Regulations 1996.

**Question 22**

Is it the case that 22 tenders have now been re-assessed, re-weighted, re-ranked and re-short-listed equitably, in the 4 days between the above delivery on 17<sup>th</sup> March and 20<sup>th</sup> March 2009?

**Response 22.**

The tender assessment process has not concluded at the time of writing 18/3/09 and as previously advised to Mr Molyneux per response to question 13 his tender will be assessed along with all others including the form of tender now that it has been received.

**Question 23**

Has such assessment been referred again to the Timewood Centre Committee, including an accurate and comprehensive presentation of Ian Molyneux's submission, including submissions on qualitative criteria and supporting appendices?

**Response 23.**

Not at this stage.

**Question 24**

What is the composition of the required evaluation panel and what are their qualifications and expertise in the areas of the qualitative criteria to be assessed?

**Response 24.**

The ultimate assessment panel will be the elected member body of the local government of the Shire of Nannup in accordance with the Local Government (Functions and General) Regulations 1996 and the Local Government Act 1995.

**Question 25**

Have any of the mandatory referees been contacted with respect to any of the tenderers?

**Response 25.**

Not at this stage.

**Question 26**

Have the mandatory registration and insurance credentials of the tenderers, as disclosed in tenders, been confirmed with the Architects Board and the insurers?

**Note:** The architect must be currently registered with the Architect's Registration Board of Western Australia.

**Response 26.**

Not at this stage.

**Question 27**

In addition to the monetary, compliance and qualitative criteria, the tender documents raise a number of other unweighted criteria; (e.g., “appropriately qualified”, “greater than average”, “relative importance” – albeit equally weighted, local preference, “affinity with the south-west”, etc.). How, then, have they been assessed and weighted against any ranking that may have been made under the qualitative criteria?

(Note: These arise inter alia under the following tender document requirements:

The Shire of Nannup wishes to engage the services of an appropriately qualified architect to undertake a redesign (utilising the existing conceptual plans as the basis of the redesign), including concept design, detailed design and documentation of the proposed TimeWood Centre to be located on Lot 1 (Reserve 1788) Warren Road, Nannup.

A scoring system will be used as part of the assessment of the qualitative criteria set out in Part 2. Unless otherwise stated, a response to one of these criteria which provides all the information requested in the Tender will be assessed as satisfactory and will, in the first instance, attract an average score. The extent to which the Submission demonstrates greater or lesser satisfaction of each of these criteria will result in a score greater or less than the average. The aggregate score of each Submission will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

In determining the most advantageous Submission, the Evaluation Panel will score each Respondent against the qualitative criteria as detailed within Part 2 of this document. Each criterion will be weighted to indicate the relative degree of importance that the Principal places on the technical aspects of the goods or services being purchased.

**Local Preference**

Preference will be given to an architects or Architectural companies/groups with a knowledge and affinity with the south west, with proven experience in the design and development of community buildings that are sensitive to the local environment. An understanding of the type and style of buildings generally encountered in the south west and Nannup or similar historic timber towns in particular is an advantage. Council reserves the right to engage an architect from outside the south-west region if Council considers the preferred architect more suitably qualified and experienced.

**Response 27.**

The only unweighted criteria referred to in the tender documentation was for the proposed second commission – superintendence.

**Question 28**

With reference to the fact that numerical weightings are 75% for the monetary tender figure (i.e., the lowest tender must receive the maximum of 75 points), have the tenders been firstly ranked under the qualitative criteria that determine

expertise, experience and demonstration of understanding of the nature of the project, in order that value for money can be assessed?

**Response 28.**

The tender assessment process has not concluded at the time of writing 18/3/09.

**Question 29**

How may the other qualitative criteria have any bearing on the outcome, once the lowest acceptable monetary sum (i.e, after discounting risky low level tenders) has been determined, and that tenderer having scored the top 75% points?

**Response 29.**

The qualitative criteria are as stated in the tender documentation.

**Question 30**

On what basis and on what matters and with what relevant expertise was the Timewood Centre Committee required to consider and participate in the assessment process on 3<sup>rd</sup> March, and with what transparency and lack of bias, and why would not the proposed tenants equally be each requested to participate in the assessment process? Is there a children's prize?

**Response 30.**

No response.

**Question 31**

Given the recent developments of evolution of the Telecentre concept, the withdrawal of proposed tenant/s, outdated and aged agreements with proposed tenants, the outdated and aged briefs of accommodation of tenants, the aged and uncertain funding promises, the aged assessments on viability of site vis a vis flooding, size, parking, traffic access, etc., etc., is it viable to enter into a contract with an architect at present, when delay and protraction may yet arise, and even the project may never start?

**Response 31.**

The action is in accordance with Council resolution.

**Question 32**

What non-competitively tendered penalty may apply to dissolving a contract with an architect, for standby, non-procedure, varied brief, etc., after execution of the agreement.

**Response 32.**

No response is given on speculation.

**Question 33**

What review of fees may be incurred in event of a deferred commencement and/or amendment of the brief?

**Response 33.**

Refer response to Question 32.

**Question 34**

What provision is made for unquantifiable disbursements such as travel, accommodation, vehicle, etc., etc.?

**Response 34.**

Unquantifiable disbursements do not form part of any provision in the tender documentation.

**Question 35**

Is it the case that Ian Molyneux's tender documentation and covering letter disclose that his tender includes proposed unrestricted sub-contract services of his usual draftsperson, Mr. Graham Morriss (who was the draftsman to the Shire for the preparation of the its existing aborted design and documentation drawings under, and for liaison with other specialist consultant engineers, etc.) and that this tender therefore includes the benefit of Mr. Morriss's familiarity with the site and with his existing CAD work, including any copyrights to the existing drawings?

**Response 35.**

Mr Molyneux's tender documentation discloses that his proposal includes sub-contract drafting services of Mr. Graham Morriss.

**Question 36**

Is it the case that Ian Molyneux's tender includes all risks with respect to engagement of Graham Morriss and an allowance of fees for CADD at approximately the CADD fees paid by the Shire for the aborted design, indicative of a full CADD re-draft as anticipated by that firm.

**Response 36.**

Refer response to question 35.

**Question 37**

How has it been otherwise provided and costed-in that other tenderers may interface and liaise with Mr. Morriss and his drawings, and what are the implications for other tenderers' allowances?

**Response 37.**

In accordance with the tender documentation tenderers would need to have informed themselves and would have been expected to factor in any such liaison and implications.

**Question 38**

With reference to the fact that the commission which is the subject of the tender documents does not include any supervision (sic) services, why have the 21 tenders been assessed, contrary to the implications of the tender documents, having regard to the "Second commission" (as shown in the "Comments" column of the assessment of tenders referred to the Timewood Centre Committee) as well as on the monetary tenders.

**Response 38.**

The second commission is not a weighted assessment item which was clearly articulated in the tender documentation.

**Question 39**

Are the Councillors and its executives aware that ordinarily partial services would mean that a much greater degree of development of contract documentation is required of the architect, to ensure that the contract administrator and builder can faithfully interpret the client's approved design, and to ensure that the builder adheres to the requirements of the contract (including in terms of the required construction and scope required by tenancy agreements), and that appropriate fee tenders for documentation will therefore be inflated to reflect this condition of



the project. How have the monetary sums tendered been assessed in this light, other than as “good”, “ok”, etc.? How can the Council assure the tenants that their expected requirements will be met?

**Response 39.**

It is speculation that fee tenders for documentation will be inflated and no response is given.

The tender assessment process has not concluded at the time of writing 18/3/09.

Council would seek to work in a constructive and harmonious manner with the chosen architect and the TimeWood Centre Committee, which comprises representatives of both key tenants, to ensure that reasonable expectations are met and positive outcomes are achieved.

**Question 40**

How can the use of the existing un-approvable plans be anticipated to result in an un-problematic approval process, and within the funding deadline and generally otherwise in the desired project timeframe?

**Response 40.**

Council is seeking to, if at all possible, make use of any information contained in the existing plans even if from a conceptual perspective. Given the time and effort that went into producing them this matter should at least be explored even if it is ultimately discounted.

**Question 41**

How can the use of existing plans be consistent with a re-design?

**Response 41.**

Refer response to Question 40.

**Question 42**

How can informed tenderers have allowed for anything less than a total re-design and re-drafting, to the same order of CAD drafting component as already abortively expended, plus architect's own design, liaison and staff direction costs?

**Response 42.**

Refer response to Question 40.

**Question 43**

How has it been ascertained the tenderers have a realistic understanding of the likely level of complexity and reiteration of the services in this project?

**Response 43.**

The tender assessment process has not concluded at the time of writing 18/3/09 and this will need to be determined throughout the selection process.

**Question 44**

How can the architectural commission proceed to a conclusive end when, in his undated letter to tenderers (ref "BLD 17") the Shire Clerk wrote that a vital condition (dealing with flood risk) is subject to amendments in the Town Planning Scheme, a long and circuitous process that could take literally years to resolve, if ever:

**Flood Risk**

The site is located within the 100 year floodplain. There are specific requirements pertaining to this in the Shire of Nannup's Local Planning Scheme No.3 and within the Building Code of Australia that must be addressed.

Again it is clear that the two areas which have been the cause of concern in project development have been statutory compliance with Council's Town Planning Scheme # 3 (TPS 3) regarding flood risk, and secondly the issue of streetscape design. While not desiring to lessen the importance of the streetscape issues, the flood compliance issue is statutory, and the streetscape issue is not. Put quite simply Council can not proceed with the building without altering the present plans to comply with the TPS 3 requirements relating to flood risk.

Hence the request for architectural services to "*design out*" the areas that do not comply with TPS 3, while additionally addressing the streetscape issues identified at the same time. All of the specific information on these matters is contained in the enclosed documentation, noting in particular the information contained in Attachment 3, the Council minutes of 25 September 2008.

It is worthwhile noting that Council is looking at the possibility of amending TPS 3 however if this does occur it is likely to be up to twelve months away.

**Response 44.**

The call for the redesign does not consider what Local Planning Scheme amendments may or may not occur in the future. The request for architectural services is based on the legislation in place at this point in time with a key factor being to "design out" the flood compliance issue associated with the initial design.

**Question 45**

Is the Council aware that the existing plan and roof form, to the extent that it could be recycled, will need to be rotated through 90 degrees if passive and sustainable energy efficiency is to be part of the brief, as for the tender documents?

- The building design should incorporate a high level of environmental sustainability and be energy-efficient.

**Response 45.**

This would be a key consideration in the redesign process and no doubt form part of the discussion with stakeholders and the chosen architect.

**Question 46**

Have the compatibilities and practicalities of sharing of the building, been examined in terms of the impact on Visitor Centre efficiency and independence when the realities of the evolving Telecentre cum Community Resource Centre uses and patronage are examined? How can two radically different businesses share office space and administration? What are the major resource cost items that can be effectively shared?

- To share office and administration functions and resources for cost effectiveness.

**Response 46.**

These matters have been considered in the initial development of the project however will now need to be reconsidered given the redesign process. Again it is anticipated that Council would seek to work in a constructive and harmonious manner with the chosen architect and the TimeWood Centre Committee, which comprises representatives of both key tenants, to ensure that reasonable expectations are met and positive outcomes are achieved

**4. PUBLIC QUESTION TIME****5. APPLICATIONS FOR LEAVE OF ABSENCE****6. PETITIONS/DEPUTATIONS/PRESENTATIONS****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

7.1 That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 February 2009 be confirmed as a true and correct record.

7.2 That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 17 March 2009 be confirmed as a true and correct record.

## **8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

## **9. REPORTS BY MEMBERS ATTENDING COMMITTEES**

## **10. REPORTS OF OFFICERS**

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## **11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

(a) OFFICERS

(b) ELECTED MEMBERS

## **12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **12.1 Investigation of House and Land Purchase**

Cr Lorkiewicz has put forward the following notice of motion:

*“That the Shire of Nannup investigates the purchase of the house and land on the corner of Warren Road and Adam Street.”*

Some preliminary information has been obtained in respect of this property and has been circulated to Council members including the detailed description of the property, price and zoning information. At the time of writing it is not clear the purpose for the consideration of such a purchase and Cr Lorkiewicz may wish to advise of this.

## **12.2 TimeWood Centre Business Plan**

Cr Dean has put forward the following notice of motion:

*“That the Council employ an independent consultant to redo the business plan for the Timewood Collocation project in the light of changed circumstances in the recent month. This review should take in the following but not exhaustive list:*

- *Sources of income*
- *Running costs*
- *Depreciation allowances,*

*and that up to \$5,000 be allocated out of Council funds for the plan.”*

## **13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

## **14. CLOSURE OF MEETING**

# **DEVELOPMENT**

# **SERVICES**

AGENDA NUMBER: 10.1  
SUBJECT: Minutes of The Nannup Caravan Parks Advisory Committee  
LOCATION/ADDRESS: Brockman and Balingup Roads  
NAME OF APPLICANT:  
FILE REFERENCE: ASS21  
AUTHOR: Manager Development Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 16 March 2009

- Attachments: 1. Minutes of the Nannup Caravan Parks Advisory Committee of 3<sup>rd</sup> March 2009  
2. Council Agenda Item 10.4 September 2008

## **BACKGROUND:**

A meeting of the Nannup Caravan Parks Advisory Committee was held on 3<sup>rd</sup> March 2009, minutes attached.

## **COMMENT:**

There are three items that require Councils consideration:

1. Appointment of Mr Kim Roycroft as a committee member to fill the current vacant position.
2. Endorsement of the Terms of Reference: **Officer Comment:** Agreement to the terms of reference with exception of bimonthly meetings. The resource requirements to support bi-monthly meetings are insufficient and the justification for meeting more than quarterly should be identified.
3. Position of the Dump Point, Brockman Street. This was subject to previous request to Council in September and October 2008 and comment from the Councils Streetscape Advisory Committee. The Caravan Parks Advisory Committee have reconsidered the possible options and concluded that the location in Brockman Street remains the preferred option. (Agenda Item 10.4 September 2008 attached).

**Officer Comment:** Location of the dump point in Brockman Street is not supported based on policy implications, funding and streetscape issues. Alternative locations should be investigated.

**STATUTORY ENVIRONMENT:**

The committee is established under the powers of the Local Government Act 1995 and any appointments to the committee are to be in accordance with this Act.

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

Council has allocated \$2,500 to the installation of a dump point.

**STRATEGIC IMPLICATIONS:**

The provision of a dump point within Nannup and in particular within the Camping Ground is within the intent of the Councils Forward Plan, Sub Programme 13.3 and the ongoing improvements and retention of three star rating.

**RECOMMENDATION:**

It is recommended that:

1. Council appoints Mr Kim Roycroft as a committee member of the Nannup Caravan Parks Advisory Committee.
2. Council endorses the Nannup Caravan Parks Advisory Committee Terms of Reference dated 6 March 2009.
3. The Nannup Caravan Park Advisory Committee provides an alternative location for the dump point other than Brockman Street.

**VOTING REQUIREMENTS:**

Absolute majority decision required for the appointment of a committee member.

**EWEN ROSS  
MANAGER DEVELOPMENT SERVICES**

AGENDA NUMBER: 10.2  
SUBJECT: Endorsement of the draft Towards Zero Waste Warren Blackwood Regional Strategic Waste Plan 2008 and the draft Nannup Strategic Waste Management Plan 2008.  
LOCATION/ADDRESS: NIL  
NAME OF APPLICANT: N/A  
FILE REFERENCE: HTL17  
AUTHOR: Ewen Ross – Manager Development Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 08 March 2009

Attachments:

1. Draft “Towards Zero Waste Warren Blackwood Strategic Waste Management Plan 2008”.
2. Draft Nannup Strategic Waste Management Plan 2008

**BACKGROUND:**

As a requirement of the “Waste Avoidance Resource Recovery Act 2007, Councils are required to have a Waste Plan (s40 (3)) which includes:

- (a) Population and development profiles for the district;
- (b) an assessment of significant sources and generators of waste received by the local government;
- (c) an assessment of the quantities and classes of waste received by the local government;
- (d) an assessment of the services, markets and facilities for waste received by the local government;
- (e) an assessment of the options for reduction , management and disposal of waste received by the local government;
- (f) proposed strategies and targets for managing and reducing waste received by the local government;
- (g) proposed strategies and targets for the efficient disposal of waste that cannot be recovered, reused or recycled;
- (h) an implementation program that identifies the required action, timeframes resources and responsibilities for achieving these strategies and targets;
- (i) such other matters as may be prescribed by the regulations.



The Department of Environment and Conservation has developed a “Zero Waste Plan Management Plan” to assist local governments in aligning their activities with the State’s vision of “Towards Zero Waste by 2020” and to assist Councils to meet their requirements under the new Act.

In December 2005 the Waste Management Board proposed that organisations accessing funding from the Waste Management Recycling Fund should develop, maintain and implement an approved Zero Waste Plan (now called the Strategic Waste Management Plan - SWMP).

On 16 May 2007, the “Zero Waste Plan Development Scheme” (the ZWPDS) was officially commenced with the gazettal of Phase 1 Ministerial Conditions. This initial phase provided funding to assist local government to complete an on-line survey to establish baseline waste and recycling data across the State and to assist local governments identify where current data gaps exist. Ninety One percent of the State’s local governments participated in Phase 1, the results from which were published in the ‘Zero Waste Plan Development Scheme (Phase 1) 2006/07 Final Report’ in March 2008. All four Councils in this region participated in the on-line survey.

On 12 September 2007 Phase 2 of the ZWPDS was announced with ministerial conditions for Phase 2 beginning gazetted on 28 September 2007. Phase 2 provided funding to assist local governments with the preparation of SWMPs.

The Shires of Manjimup, Bridgetown-Greenbushes, Nannup and Boyup Brook have agreed to collaborate and engage in the formulation of individual local and the Regional SWMP. A Memorandum of Understanding has been signed by the participating Councils to formalise and define the parameters and the participation of individual Councils in the regional plan.

There is no inference or intent that any Council participating in the Memorandum of Understanding is committed to a long term partnership association with fellow signatories in relation to waste management.

SWMPs were due to be submitted by 30 September 2008, but were extended to 31 March 2009. A draft Warren Blackwood Regional Strategic Waste Plan was submitted prior to the original date for DEC comments.

The revised plans need to be endorsed by Council, prior to the 31st March 2009, to enable Council to access payments for participating in Phase 2.

**COMMENT:**

The attached plans are addressing issues already identified and would improve waste management within the Shire. Note the original copies in colour are available. To obtain community participation the SWMPs needs to be open to

public consultation with a view to a revised draft being endorsed in December 2009.

**STATUTORY ENVIRONMENT:** Waste Avoidance Resource Recovery Act 2007

**POLICY IMPLICATIONS:** There are no specific policies or strategies related to this issue.

**FINANCIAL IMPLICATIONS:**

Council has received \$1,000 for completing in stage one. They were eligible to receive a further maximum of \$8,000 to formulate a local SWMP, however through participating in the development of a regional SWMP it is now eligible to receive \$15,000 on Councils endorsements of the plans.

Through the forming regional waste management group the participating Councils are now eligible for a further \$59,450 additional funding (Pilot Regional Funding Program) as of November 2008. A Regional Investment Plan is required in response to this offer and that the funds are expended by December 2009.

Councils will not be able to apply for future government funding grants unless they have a SWMP.

**STRATEGIC IMPLICATIONS:** Regional organisation with a MOU.

**RECOMMENDATIONS:**

1. That Council endorse the *“Towards Zero Waste Warren Blackwood Regional Strategic Waste Plan 2008”* and that it is advertised for community comment until September 2009”.
2. That Council endorses the *“Nannup Strategic Waste Management Plan 2008”* and that it is advertised for community comment until September 2009”.

**VOTING REQUIREMENTS:**

**EWEN ROSS  
MANAGER DEVELOPMENT SERVICES**

AGENDA NUMBER: 10.3  
SUBJECT: Delegation of "Built Strata" Subdivision Applications  
LOCATION/ADDRESS: Administration Policy  
NAME OF APPLICANT: WAPC  
FILE REFERENCE: TPL9  
AUTHOR: Manager Development Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachment: Draft Submission - Delegation of "Built Strata" Subdivision Applications

**BACKGROUND:**

The WAPC is undertaking a streamlining of planning approvals process and have indicated in their document "*Planning Reform Delegation of "Built Strata" Subdivision Applications to Local Government Consultation Paper March 2009*" that it is considering to delegate the WAPC function of approving built strata subdivision applications to local government. Councils will continue to have a reporting requirement to the WAPC with respect all applications not considered by the WAPC. Council comments are required by Friday 27 March 2009 to WALGA.

"Built Strata" subdivision relate to a strata title application that involves existing buildings that has already been a subject to development and building application and has been constructed accordingly.

**COMMENT:**

There would be support to the streamlining of the planning approval process and the intent to remove both cost and time implications were there is no added value in the process. As indicated, in the case of "Built Strata" much of the planning and building requirements have already been subject to Councils planning and building approval process.

Within the Shire of Nannup there are a limited number of "Built Strata" Subdivision Applications per year. The likely impact on the Shire would be:

1. An increase in administration in the receipt of applications, distribution to interested parties, colation of feedback, receipt of fees and notification of outcomes.
2. Council would be required to make the decision of final approval or refusal which would necessitate greater duty of care and ultimate responsibility and accountability for any decisions.

There is some reservations in the movement of functions to local government (cost shifting). Although there is a limited number of "Built Strata" Subdivision Applications per year, the resource capacity is limited and incremental loading becomes a resource issue at some time.

With regards to Town Planning fees these are found not to provide full cost recovery for the resources expended and town planning costs are increasing.

The cost effectiveness of this to local government is questioned as the activity would appear to favour the WAPC, rather than improved customer service. Additionally, there appears no cost benefit analysis including the "transferred cost" to local government. The paper indicates that the current timeline for "Built Strata" applications of 40 days (working days not specified) with no indication that the change will result in any reduction of this timeline. It should be noted, smaller local government without critical mass in Town Planning is unlikely to be able to respond in the same timelines that the WAPC is able to.

Additionally, there is no discussion on the intention of strata title applications remaining with the WAPC. This would result in split responsibility for strata titles and may cause some confusion to customers or duplication of processes within two organisations. Currently there is centralised reception, processing and approval whereas the proposal is to split this function, retain strata title applications centrally with WAPC and decentralise "Built Strata" applications to local government, but retaining reporting back to WAPC. It is hard to see how this would be a cost effective solution for local government or if viewed holistically within WA (local government and WAPC).

#### **STATUTORY ENVIRONMENT:**

It would not involve legislative changes as the change in WAPC Development Control policies will be amended.

#### **POLICY IMPLICATIONS:**

If the amendment is made there will be a follow on requirement to amend Councils policies and procedures.

#### **FINANCIAL IMPLICATIONS:**

There will be an increased work load on Council staff which may require additional staffing resources and administration costs. At this stage the fee that Councils would charge is not specified. From current Town Planning fees these do not recover full costs.

**STRATEGIC IMPLICATIONS:**

Increase in local government responsibilities is incrementally increasing Council's footprint.

**RECOMMENDATION:**

It is recommended that the Draft Submission - Delegation of "Built Strata" Subdivision Applications as at attachment 1 is endorsed, namely the recommendations:

*"It is recommended that any delegation of WAPC responsibilities to local government is based on:*

1. *Improved customer service measured in reduced days for application approval.*
2. *Cost benefit analysis that factors in local government true costs.*
3. *Implementation costs are clearly identified and paid by WAPC.*
4. *Fees for approval are based on full cost recovery basis."*

**VOTING REQUIREMENTS:**

**EWEN ROSS  
MANAGER DEVELOPMENT SERVICES**

AGENDA NUMBER: 10.4  
SUBJECT: Application to Initiate Amendment to Local Planning Scheme No. 3  
LOCATION/ADDRESS: Lot 500 Brockman Highway, Nannup  
NAME OF APPLICANT: Mr. Graham Mackie  
FILE REFERENCE: A1369  
AUTHOR: Mr Rob Paull - Planning Consultant  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 19 March 2009

Attachments:           1.     Location Plan.  
                          2.     Rezoning request.  
                          3.     Area 8C of the Nannup Townsite Strategy.

### **BACKGROUND:**

In relation to the consideration of Amendment 1 ('Folly'), to the Shire of Nannup Local Planning Scheme No. 3 ('Local Planning Scheme No. 3') Council on 22 January 2009 resolved (in part) as follows:

8.     *That the owner of Lot 500 Brockman Highway and the owner of Lot 1 Brockman Highway both be invited to seek Council support to initiate a (separate) Amendment to LPS 3 for rezoning to Future Development zone.*

Reflecting the above resolution, the owner of Lot 500 Brockman Highway ('the subject land' – Note Attachment 1) has been in discussion with Staff expressing a desire to pursue an amendment to the Scheme. A copy of request to 'rezone' the subject land is included as Attachment 2.

### **COMMENT:**

The subject land has an area of 8.1096ha and is currently zoned 'Agriculture' under Local Planning Scheme No. 3. The principle 'strategic' document in support of the proposed rezoning of the subject land is the Local Planning Strategy. The Local Planning Strategy seeks to:

*"..... become a central feature of the Scheme [The Shire of Nannup Local Planning Scheme No. 3], setting out the Council's general aims and intentions for future long term growth and change... The Local Planning Strategy will become a central part of the Scheme, being a consideration the Council will have regard to in making planning decisions, and will carry significant weight in planning appeals... The Local Planning Strategy provides an opportunity for an integrated approach to planning across all areas of the district, including consideration of social, environmental and economic aspects. Once adopted, the LPS is translated into an action plan through the adoption and implementation of Town Planning Scheme No. 3."*

The Local Planning Strategy has incorporated recommendations that were formulated within the Shire of Nannup Townsite Strategy (“Nannup Townsite Strategy”), which was adopted by the Shire of Nannup in June 1999. The purpose of the Nannup Townsite Strategy is to:

*“Identify land suitable for urban and rural-residential expansion of the townsite. The Strategy explores the variety of opportunities and constraints associated with the identification of land suitable to, and required for, long-term townsite expansion.”*

The relationship between the Local Planning Strategy and the Nannup Townsite Strategy is outlined in the Local Planning Strategy as such:

*“In addition to the recommendations of the Townsite Strategy, Council, via this Local Planning Strategy, has adopted a philosophy of encouraging infill and consolidation of the townsite strategy area instead of identifying additional land for settlement outside of these areas.”*

The policy areas, as outlined in the Townsite Strategy, have been similarly incorporated into the Local Planning Strategy as rural planning precincts. As such, the Local Planning Strategy states:

*“The Townsite Strategy adopts a simple format utilising information based mapping and plans together with policy areas and statements which, when combined, illustrate the strategic directions for the townsite and surrounds.”*

The subject land is located in Policy Area No. 8 – Folly: Precinct 8c of the Nannup Townsite Strategy. Below is a short description and summary of recommendations for Policy Area No. 8 – Folly, as outlined in the Local Planning Strategy:

*“Policy Area Description*

*The Folly policy area adjoins the Nannup Townsite on its north-eastern border. While the land contains steep land and commercial tree plantations, it is, by way of topography, divided into a number of precincts which are considered to suit a range of alternative uses and, consistent with the State Planning Strategy, are considered to provide opportunities for a “range of residential lifestyles, tourism experiences and economic opportunities” and “for nodal development with local employment opportunities.” This policy area has been divided into three Policy Precincts 8a, 8b and 8c.*

*The recent sale of the Folly plantation and its removal from the ‘State Forest’ reserve in Council’s existing Town Planning Scheme No. 1 presents opportunities not previously considered due to the land’s ‘State’ ownership and perceived reservation as ‘State Forest’.*

*The land is not regarded as ‘Prime Agricultural Land’ and would not significantly diminish the existing stock of productive agricultural land currently available within the Shire particularly given its existing use for commercial tree plantations”.*

The Policy Statement seeks as follows:

*“To provide for the progressive development of the land for limited townsite expansion having regard to topographical constraints and the existence of commercial tree plantations.*

- *Precinct 8c: approx. 285ha where a mix of traditional rural residential and cluster/nodal rural residential subdivision is to be encouraged.*
- *To require the preparation of a Structure Plan over all policy areas and to include the integration of landuses, provision of appropriate linkages between the precincts and staging of lot creation.*
- *To require the rezoning of land (where necessary) as well as require the preparation of a Development Guide Plan to be prepared for the land to be adopted by Council prior to recommending approval to any subdivision or development of land.*
- *Structure Plans and Development Guide Plans are to be endorsed by the Western Australian Planning Commission.*
- *To encourage a range of housing types and lot sizes and therefore, lifestyle opportunities.*
- *To encourage a range of tourist uses having regard to the land’s scenic qualities, outlook opportunities and other features.*

**Development Issues**

<ul style="list-style-type: none"> <li>• <i>Effluent Disposal</i></li> <li>• <i>Drainage</i></li> <li>• <i>Topography and</i></li> <li>• <i>Population Growth</i></li> <li>• <i>Land Capability</i></li> <li>• <i>Residential Land - Development Costs, Sale Prices &amp; Demand</i></li> <li>• <i>Servicing Constraints</i></li> <li>• <i>Power Supply</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Water Supply</i></li> <li>• <i>Landscape features</i></li> <li>• <i>Provision of Community Infrastructure Services</i></li> <li>• <i>Alternative housing/development and lifestyle opportunities</i></li> <li>• <i>Tourism/Local employment</i></li> <li>• <i>Nodal Settlement</i></li> <li>• <i>Road Access</i></li> </ul>
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Council’s Local Planning Strategy was prepared subsequent to the Nannup Townsite Strategy and essentially reflects the same policy direction.

It should be noted that WAPC policy Development Control Policy 3.4 -Subdivision of Rural Land requires as follows:

*“3.1 General policy requirement*



*It is WAPC policy that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural smallholdings) and more intensive agricultural uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision.*

### *3.2 Water for rural-residential development*

*When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC may consider the cost differential between a reticulated and alternative water supply, and the reliability of an alternative water supply. The reliability of alternative water supplies in different localities needs to be confirmed by available models."*

The proponent has requested in correspondence "... support to a zoning that allows for a degree of 'Special Residential Development' or an indication that some lots in the proposed subdivision can be what I call 'Special Residential' ie., below 1 hectare in size."

It is concluded that it is not in the power of the Council to agree to Special Residential unless it seeks to amend the Local Planning Strategy and the Nannup Townsite Strategy. In this regard, the onus would be upon the proponent to demonstrate why the change is warranted and may relate to providing specific information on effluent disposal, drainage impacts etc.

However, a more simple means of pursuing resolution may be to accept Rural Residential lots that average 1ha. and down to a minimum of 5000m<sup>2</sup>. In this regard, the maximum yield would still be 8 lots, however, it would provide the ability to achieve greater setbacks to Brockman Highway without impacting upon lot yield and a preferred 'clustered' outcome. This is somewhat reflected in Mr. Mackie's plan attached to his correspondence. It would be open for Council to seek a 'public open space' setback to the Highway, however it is suggested that this would become an onerous long term maintenance obligation for the Shire. Accordingly, a 'private' setback that is vegetated is the recommended option.

The proposed rezoning of the subject land is consistent with the recommendations of both the Nannup Townsite Strategy and Local Planning Strategy. Should Council agree to the zoning of the land as referred above, it is considered appropriate that the zone be 'Future Development' zone as per the 'Folly' Amendment.

This zone is still to be considered by the WPAC and the Minister for Planning, however it provides the statutory and strategic direction for structure plans along with land use and development guidance. In this regard, prior to any development or subdivision occurring, the proponent/developer would be legally required to undertake relevant studies/investigations, to the satisfaction of the Council, including the following:

- Drainage Management Plan;
- Access Strategy;
- Fire Management Plan;
- Agricultural Impact Assessment;
- Visual Impact Analysis;
- Local Water Management Strategy;
- Landscape Management Plan;
- Land Capability/Geotechnical Assessment;
- Developer's Contribution Plan;
- Environmental Assessment; and
- Producing Building Design Guidelines.

However, the specific rezoning/Amendment documentation would simply require a 'concept' plan along with an explanation of the proposed subdivision and development and how the above matters would be considered. It is not necessary to detail the above as part of the Scheme Amendment.

It is recommended that Council initiate the rezoning process for the subject land. Guidance should be given as to the anticipated lot yield (8 lots) along with an indication that subject to appropriate design and the result of the above studies/investigations, lots down to 5000m<sup>2</sup> may be acceptable, provided an average of 1 ha. is achieved.

Should the proponent seek a more dense subdivision arrangement (i.e. lot areas less than 1ha average), then he would need to provide evidence to Council that the Local Planning Strategy and the Nannup Townsite Strategy should be modified.

#### **STATUTORY ENVIRONMENT:**

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act and Town Planning Regulations. This allows the proponent to proceed with preparation of amendment documents with the knowledge that Council is prepared to consider the rezoning concept.

Upon preparation of amendment documents for the rezoning of the land, the matter would be presented to Council for formal consideration and resolution.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

Fees associated with the processing of Town Planning Scheme amendments are set out in Council's current Schedule of Fees and Charges of \$3,300.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That Council advise the owner of Lot 500 Brockman Highway that:

1. In principle, it is prepared to consider an Amendment to the Shire of Nannup Local Planning Scheme No. 3 ('the Scheme') for the above land to be zoned 'Future Development zone' where it reflects the direction of Area 8C of the Local Planning Strategy, the Nannup Townsite Strategy and the Scheme on the following basis:
  - the anticipated lot yield would be eight (8) lots;
  - subject to appropriate design lots down to 5000m<sup>2</sup> may be acceptable, where an average of 1 ha. is achieved;
  - a Concept plan being prepared and incorporated into the draft Amendment which reflects the above; and
  - the draft Amendment documents addressing:
    - relevant planning matters,
    - drainage;
    - access;
    - fire management;
    - visual impact;
    - water management;
    - land capability/geotechnical;
    - developer contributions;
    - environmental assessment; and
    - building design guidelines.
2. That Council advise the owner of Lot 500 Brockman Highway to arrange for the preparation of the amendment documents prior to Council considering a request for formal adoption.
3. Should the owner of Lot 500 Brockman Highway seek a more dense subdivision arrangement (i.e. lot areas less than 1ha average.), the owner be advised that he would need to detail to Council why the Local Planning Strategy and the Nannup Townsite Strategy should be modified to reflect such a change.

**VOTING REQUIREMENTS:**

**ROB PAULL  
TOWN PLANNING CONSULTANT**

# **FINANCE &** **ADMINISTRATION**

AGENDA NUMBER: 10.5  
SUBJECT: Communication Services in Nannup District  
LOCATION/ADDRESS:  
NAME OF APPLICANT:  
FILE REFERENCE: ADM 29  
AUTHOR: Shane Collie – Chief Executive Officer  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachments:

1. Memorandum from Wadi Farm Consultancy Services (9 separate attachments to this document).
2. Draft Community Communications Survey.
3. Information from Shire of Donnybrook/Balingup.

## **BACKGROUND:**

For some time now it has been intended to undertake research into some of the known communication gaps in the Nannup district. Council has recognised this and included the issue in its last review of its Forward Plan.

The issue of poor communications was also highlighted in recent fire events in the Balingup Road and Cundinup areas.

## **COMMENT:**

The following areas have been identified as requiring improvement:

- Free to air SBS television, at least for the Nannup townsite.
- ABC radio coverage and location/initiation base of transmission.
- Free to air GWN television reception quality in Nannup townsite.
- Inadequate mobile phone coverage

Each area is discussed briefly below with additional detail contained in the attached memorandum from Wadi Farm Consultancy Services. Note the various form of communications are not discussed in any order of priority.

- Free to air SBS television - Nannup townsite.

This area was looked at a few years ago following representation from Ms Karen Sallik. While there has not been a groundswell of representation on seeking the introduction of this service it would be appropriate to try and ascertain if residents did want to receive SBS television, and if available, would people be willing to contribute toward any costs that may be associated with obtaining the service.

- ABC radio coverage and location/initiation base of transmission.

The main issue associated with ABC radio coverage appears to be the signal emission point with some transmissions being received from places like Karratha or Kalgoorlie.

- Free to air GWN television reception quality in Nannup townsite.

This is an issue with the signal strength on the Dunnet Road tower. Discussions with GWN have been held and input from Mr Peter Thompson sought who has an interest in this area has undertaken some investigation prior.

- Inadequate mobile phone coverage

This has been an issue for some time, in the main due to the technology for mobile telephony being line of sight and Nannup having topography not conducive to line of sight. This issue can be critical in an emergency situation and was highlighted when residents of Balingup Road had all communications cut off during the recent fires.

Contact has been made with the Shire of Donnybrook/Balingup and a concerted joint lobby effort is planned to improve these services. The townsite of Balingup does not have mobile phone coverage at all.

In summary all of the communications matters raised are strictly not core areas of Council's responsibility and it needs to be determined the extent of resources that are put into addressing them. This is a philosophical matter for Council to determine and links very much to recent discussions on what Council's core business is.

The proposed action plan is supported and will at the very least give Council a reasonable picture of what the community would like to see Council doing as well as the degree of which Council funds (if any) are allocated to such areas.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

Minimal at this point being essentially officer time allocation and minor printing and postage. Council may consider future budget allocation if it so chooses.

As noted in the body of this report. Funding allocations will be required to be budgeted and allocated accordingly in the year in which they are received. This report does not relate to funding in the present financial year.

**STRATEGIC IMPLICATIONS:**

Current Forward Plan Action item 13.4 (H) states as follows:

*Seek improvements to district mobile telecommunications coverage, to ensure adequate and modern communication systems are in place throughout the district.*

Current Forward Plan Action item 13.4 (I) states as follows:

*Seek improvements to communications services of SBS and GWN (Television) and ABC Radio reception. The area should receive services on par with other areas of the state and programs that are relevant to this area.*

**RECOMMENDATION:**

That Council implement the following action plan in relation to improving communications within the Nannup district:

1. Request Hon Terry Redman, MLA assist Council with lobbying the Federal Government to change the satellite feed for the Nannup retransmission facility from Karratha to Bunbury so that local residents can receive local emergency bulletins rather than those related to the North West of Western Australia.
2. Ascertain existing ABC Local Radio reception throughout whole Shire district by way of a "Community Communications Survey".
3. Carry out an analysis of what ABC Local Radio services are currently received and the effective coverage of each within the Shire and identify any "gaps" in the service provision.
4. If the Shire is totally covered by ABC Local Radio (without gaps) then undertake a community awareness program (advertising the available radio stations and frequencies).

5. Ascertain the level of need within the Nannup townsite and adjacent rural area (up to 5kms from Dunnet Road retransmission facility) for the provision of SBS Radio and TV, GWN & WIN TV retransmission facilities. Once again this can be incorporated into the above "Community Communication Survey".
6. If the community survey also highlights that the reception for GWN TV & WIN TV is in need of upgrading, investigate the options available to have both companies improve their service delivery to the residents of Nannup.
7. If there is a demonstrated need within a majority of residents within the "catchment area" investigate the costs associated with the provision of a combined SBS Radio and TV, GWN & WIN TV retransmission service for the area and determine how these costs are to be funded prior to making application for a subsidy.
8. Support the Donnybrook-Balingup Shire's request for improved mobile phone coverage in small tourist towns where limited or no mobile phone coverage exists as well as identifying coverage blackspots in the Nannup district and investigate options for improvement.
9. Investigate all other funding opportunities that maybe available, ie SWDC, Telstra, Federal Government "Communications Black Spot" funds etc.

## **VOTING REQUIREMENTS**

**SHANE COLLIE  
CHIEF EXECUTIVE OFFICER**



AGENDA NUMBER: 10.6  
SUBJECT: Sport and Recreation Association Membership  
LOCATION/ADDRESS:  
NAME OF APPLICANT: Nannup Sport and Recreation Association  
FILE REFERENCE: REC 5  
AUTHOR: Shane Collie – Chief Executive Officer  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachment: Letter from Mr Charles Gilbert, Secretary Nannup Sport and Recreation Association.

**BACKGROUND:**

Correspondence has been received from the newly formed Nannup Sport and Recreation Association seeking a Council nomination for the newly constituted board. The nomination sought is not for the executive committee which will meet much more frequently than the board. It is understood the board will meet a few times per year.

**COMMENT:**

With Council recognising and looking at a significant upgrade in one form or another of the Recreation facilities in Nannup over the coming years this group is seeking active involvement in this and other associated sport and recreation activities. Council representation is a positive step. The interface between facility users, clubs and Council is very important in terms of progressing plans for any upgrade and therefore this role assumes a high priority.

An elected member with an interest in this area is encouraged to nominate for the board. Note Cr Lorkiewicz has informally expressed an interest in being the Council representative on the committee.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That Council nominate Cr \_\_\_\_\_ as the Council representative on the proposed Nannup Sport and Recreation Association.

**VOTING REQUIREMENTS:**

**SHANE COLLIE  
CHIEF EXECUTIVE OFFICER**

AGENDA NUMBER: 10.7  
SUBJECT: Fire Awareness and Prevention Meeting  
LOCATION/ADDRESS: Nannup  
NAME OF APPLICANT:  
FILE REFERENCE: FRC 4  
AUTHOR: Shane Collie – Chief Executive Officer  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachment: Notes of Fire Awareness and Prevention Meeting 23/2/09.

**BACKGROUND:**

Council members would be aware and a number attended the above meeting held in the Town Hall on Monday 23 February 2009. The meeting was very well attended with approximately 140 people there.

**COMMENT:**

As a fire awareness initiative and general briefing on recent fire incidents in the district the meeting was a resounding success. The briefing notes attached give a summary of matters raised at the meeting including the involvement of the Department of Environment and Conservation and the Fire and Emergency Services Authority.

There were 4 outcomes/actions contained in the meeting notes:

1. DEC will lobby ABC South West and the State Government so that Nannup can receive local coverage in their houses, not just in their cars.

No Action required from Council though Council is looking at implementing a similar communications strategy at today's meeting.

2. From Frank Colreavy, a motion put to the floor: That Council use some of the Royalties for Regions money to improve the Telecommunications in Nannup. Frank Camarri seconded the motion. It was put to the vote and carried. It was requested that this motion was taken to the Council

Again Council is looking at a communications strategy in this regard. It is not recommended that any Royalties for Regions funds be put toward improving communications at this point in time as it is not a core business function of Council as well as priorities for communications have not yet been determined. This may come out of the action plan that Council is considering.

Additionally it is unclear what exactly was desired to be funded by virtue of the above motion.

3. Max Walker, Chief Fire Control Officer for the Donnybrook/Balingup Shire requested thorough Brad Commins that the Volunteer Brigades and the Nannup FMO be thanked for all of their efforts during the Ferndale fires.

This has occurred.

4. Cheryle Brown stated; I would like to thank DEC and the Shire FMO – Terese Levick-Godwin for the support provided to us during the recent fire at Cundinup. The recent fires in the district have demonstrated the absolute necessity for a dedicated Fire Management Officer within the Shire. I believe funding was only provided for this financial year and I hope that FESA and the Shire recognize the value of the FMO position and allocate funding for the continuation of this position.

FESA have committed to a further 3 years funding for the position @ \$15,000 per year and Council will consider a similar amount in its budget deliberations over the coming months.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATIONS:**

1. That Council receive the notes from the Fire Awareness and Prevention Meeting held on Monday 23 February 2009.
2. That Council advise via notation in the Nannup Telecentre Telegraph and via direct letter to Mr Frank Colreavy that Council is looking at a specific communications strategy which does not include at this stage an allocation of Royalties for Regions funds indicating the reasons why as contained in this report.

**VOTING REQUIREMENTS:**

**SHANE COLLIE  
CHIEF EXECUTIVE OFFICER**

AGENDA NUMBER: 10.8  
SUBJECT: Monthly Financial Statements for 28 February 2009  
LOCATION/ADDRESS: Nannup  
NAME OF APPLICANT:  
FILE REFERENCE: FNC 9  
AUTHOR: Craige Waddell – Manager Corporate Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 12 March 2009

Attachment: Monthly Financial Statements for the period ending 28 February 2009

**COMMENT:**

The monthly Financial Statements for the period ending 28 February 2009 are attached.

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That the Monthly Financial Statements for the period ending 28 February 2009 be received.

**VOTING REQUIREMENTS:**

**CRAIGE WADDELL  
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.9  
SUBJECT: Acceptance of Shire of Nannup Annual Report 2007/08  
LOCATION/ADDRESS:  
NAME OF APPLICANT:  
FILE REFERENCE: ADM 17  
AUTHOR: Craige Waddell - Manager Corporate Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachment: Annual Report 2007/08 is included as a separate document with this agenda.

**BACKGROUND:**

Section 5.53 (1) of the Local Government Act 1995 stipulates that a Local Government is to prepare an Annual Report for each financial year. Council has delegated (Delegation 10) that task to the Chief Executive Officer and the Annual Report has been provided to Council members under separate cover and formed the basis of the Audit Committee meeting held earlier today.

Section 5.54 (1) stipulates that Council must accept the Annual Report no later than 31 December after the financial year concluded. Section 5.54 (2) states that if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after the financial year, the annual report is to be accepted by the local Government no later than 2 months after the auditor's report becomes available. The auditor's report became available 17 March 2009.

**COMMENT:**

The Annual Report for the Shire of Nannup for the financial year 2007/08 will be circulated to members prior to the Audit Committee meeting scheduled to be prior to today's Council meeting. The Annual Report contains all 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.

**STATUTORY ENVIRONMENT:**

Section 5.54 (1) of the Local Government Act 1995 deals with the acceptance by Council of the Annual Report.

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. At least 14 days local public notice must be given for the holding of the meeting.

It is proposed to be hold the Annual Electors Meeting at 6.00pm Monday 20 April 2009. This assumes the Annual Report is accepted at today's meeting.

An advertisement has been prepared for the Busselton Margaret River Times informing electors of the proposed timing of the Electors meeting. It will also appear in the Nannup Telegraph. Appropriate notices will be posted throughout the town.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATIONS:**

1. That Council accept the Annual Report for the Shire of Nannup for the financial year 2007/08 per section 5.54 (1) of the Local Government Act 1995.
2. That Council hold its Annual Electors Meeting on Monday 20 April 2009 in the Shire Function Room commencing at 6.00 pm.

**VOTING REQUIREMENTS:**

Absolute Majority decision required for the acceptance of an Annual Report.

**CRAIGE WADDELL  
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.10  
SUBJECT: Nannup Tigers Football Club Agreement  
LOCATION/ADDRESS: Nannup Community Centre  
NAME OF APPLICANT: Nannup Tigers Football Club  
FILE REFERENCE: REC 2  
AUTHOR: Craige Waddell – Manager Corporate Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 13 March 2009

**BACKGROUND:**

The current agreement between the Nannup Shire Council and the Nannup Tigers Football Club for the use of the Nannup Community Centre expired on 24 February 2009.

**COMMENT:**

The agreement commenced on 24 February 2000 and was for two years with three one year extensions.

Council last year extended the current agreement as it was recognised that it works relatively well and should remain in place until planning and development issues for the Recreation/Community Centre were finalised. These issues were discussed along with recommendations being made within the Recreation Centre Feasibility Study which was received for advertising at the May 2008 meeting of Council.

Council's Sport, Leisure and Recreation Advisory Committee are continuing to review the Recreation Centre Feasibility Study along with the public comment received, with recommendations to Council from that process yet to be received.

Contact has been made with the secretary of the Nannup Tigers Football Club who has stated that they will continue with this agreement until the newly formed Nannup Sporting Club is in a position to take over this agreement.

Contact has been made with the Chairperson of the newly formed Nannup Sport and Recreation Association who has stated that it is the desire of this club to take over this agreement when they are in a position to do so. This will be dependent upon a number of matters being finalised, however it should be in about three months time.

The recommendation to this item is to extend the current arrangements with the Nannup Tigers Football Club for a further 12 month period. This will allow the newly formed Nannup Sport and Recreation Association ample time to be in a position to take over this agreement. When they are ready, Council will be able



to negotiate with them to formalise an agreement over the use of the Community Centre and cease the agreement with the Nannup Tigers Football Club.

**STATUTORY ENVIRONMENT:** Local Government Act 1995.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That Council consent to an extension of the agreement between the Nannup Shire Council and the Nannup Tigers Football Club over the use of the Community Centre for a further 12 month period commencing 25 February 2009 and concluding on 24 February 2010.

**VOTING REQUIREMENTS:**

**CRAIGE WADDELL  
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.11  
SUBJECT: Nannup Community Kindergarten Memorandum of Understanding  
LOCATION/ADDRESS: Corner Grange Rd and Adam St.  
NAME OF APPLICANT: Nannup Community Kindergarten  
FILE REFERENCE: BLD 11  
AUTHOR: Craige Waddell – Manager Corporate Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 16 March 2009

Attachment: Nannup Community Kindergarten Memorandum of Understanding

**BACKGROUND:**

The current Memorandum of Understanding (MOU) between the Nannup Shire Council and the Nannup Community Kindergarten (copy attached) for the use of the building located on Reserve 29142, Corner Grange Rd and Adam St has been in place since June 2000.

It contains a clause whereby it is reviewed annually on its anniversary.

**COMMENT:**

One of the primary reasons that the MOU was entered into with the Nannup Community Kindergarten was to give it some degree of continuity of occupation of the premises with an understanding of both Council's and their responsibilities associated with the maintenance of the building and grounds.

Contact has been made with the Chairperson of the Nannup Community Kindergarten who has stated that their organisation is happy to continue with the MOU as it currently stands. From an officer point of view, the MOU arrangement appears to work well. There are no known reasons why the extension should not be invoked.

If the tenancy of the premises changes in the future due to any outcome from the Children's and Families Facilities Feasibility Report, then appropriate negotiations will be entered into with the parties involved to ensure that an agreement of some description is in place.

As the MOU is structured, both parties must agree to the extension on an annual basis. The recommendation to this item includes the granting of a delegation of authority to the Chief Executive Officer to agree to future extensions of the MOU within the terms and conditions of the existing MOU. If the Nannup Community Kindergarten as part of their request for an extension requests any changes to the lease, then the approval of Council shall be sought for the extension.

**STATUTORY ENVIRONMENT:** Local Government Act 1995.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATIONS:**

1. That Council extend the Memorandum of Understanding between the Nannup Shire Council and the Nannup Community Kindergarten for the use of the building located on Reserve 29142, Corner Grange Rd and Adam St for a further 12 month period commencing 20 February 2009 and concluding on 19 February 2010.
2. That Council delegate authority to the Chief Executive Officer to agree to future extensions of the Memorandum of Understanding between the Nannup Shire Council and the Nannup Community Kindergarten for the use of the building located on Reserve 29142, Corner Grange Rd and Adam St within the terms and conditions of the existing Memorandum of Understanding. If the Nannup Community Kindergarten as part of their request for extension requests any changes to the lease, then the approval of Council shall be sought for the extension.

**VOTING REQUIREMENTS:**

Absolute majority decision required for delegation of authority.

**CRAIGE WADDELL  
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.12  
SUBJECT: Rating Methodology  
LOCATION/ADDRESS: Nannup  
NAME OF APPLICANT:  
FILE REFERENCE: FNC 9  
AUTHOR: Craige Waddell – Manager Corporate Services  
DISCLOSURE OF INTEREST:  
DATE OF REPORT: 17 March 2009

Attachment: Minutes Rates Committee meeting 17 March 2009

**BACKGROUND:**

Council at its December 2008 meeting resolved in part:

that Council examine the mix of rateable land, looking at future needs for orderly development of agriculture and land use:

- (a) Rating issues,
- (b) Retaining agricultural status in terms of suitable land and land use.
- (c) Where land is not suitable for agriculture – what other uses can be considered – lifestyle, development of multi-purpose areas.
- (d) Mix with urban areas.
- (e) What other models are available?

And that this be considered at an information session in March 2009.

Council further requested at the February 2009 information session that a meeting of the Rating Committee comprising the whole of Council be arranged to discuss this matter.

**COMMENT:**

A meeting was arranged for the Rates Committee dated 17 March 2009 to discuss this matter. The attached minutes from this meeting contains one recommendation to Council as follows:

*That Council not have differential rating categories, leaving only a general Unimproved Valuation rate in the dollar and a general Gross Rental Valuation rate in the dollar for the 2009/10 financial year.*

This resolution was passed after detailed discussion over the possibility of having a differential rate for properties used for primary production, and other land use types.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

Dependant upon the differential rates in the dollar adopted by Council through the budgeting process.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

Council adopt the following rating model for implementation in the 2009/10 financial year:

GROSS RENTAL VALUATION:       General

UNIMPROVED VALUATION:       Rural

**VOTING REQUIREMENTS:**

**CRAIGE WADDELL  
MANAGER CORPORATE SERVICES**

<p>AGENDA NUMBER: 10.13  SUBJECT: Accounts for Payment  LOCATION/ADDRESS: Nannup Shire  FILE REFERENCE: FNC 8  AUTHOR: Tracie Bishop – Administration Officer  DISCLOSURE OF INTEREST:  DATE OF REPORT: 18 March 2009</p>
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Attachment: Schedule of Accounts for Payment.

**COMMENT:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

**Municipal Account**

Accounts Paid By EFT EFT 541 – 595	\$ 693,688.57
Accounts Paid By Cheque Vouchers 17297 - 17391	\$ 135,703.76
Direct Debits Vouchers 99119 - 99121	\$ 19,388.00

**Trust Account**

Accounts Paid By EFT EFT 563	\$ 46,242.24
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**STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 13

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in the Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$895,022.57 in the attached schedule be accepted.

**VOTING REQUIREMENTS:**

**TRACIE BISHOP  
ADMINISTRATION OFFICER**