



Shire of  
**Nannup**  
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# Agenda

Council Meeting to be held  
on Thursday 23 October 2014  
Commencing at 4.15pm

# 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**

Heather Walford – Nannup Garden Village

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.

8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 28 August 2014 be confirmed as a true and correct record.

9. **MINUTES OF COUNCIL COMMITTEES**

Risk Management meeting held 28<sup>th</sup> August 2014.

10. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
11. **REPORTS BY MEMBERS ATTENDING COMMITTEES**
12. **REPORTS OF OFFICERS**

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12.3	Planning Application for dwelling and dam - Lot 281 on DP 45092 Folly Road, Nannup	
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12.5	Cancer Support Garden	
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12.16	Land Transfer - Danjangerup Cottages	
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<b>13.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>	
(a)	OFFICERS	
(b)	ELECTED MEMBERS	
<b>14.</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
<b>15.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>	
<b>16.</b>	<b>CLOSURE OF MEETING</b>	

# **COMMUNITY & ECONOMIC DEVELOPMENT SERVICES**

AGENDA NUMBER:	12.1
SUBJECT:	Amendment No.17 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption (initiation)
LOCATION/ADDRESS:	Lot 2008 Nursery Road, East Nannup
NAME OF APPLICANT:	Phil Hewitt
FILE REFERENCE:	TPL1/17
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995
DATE OF REPORT:	25 September 2014

Attachment 12.1.1: Correspondence from applicant

Attachment 12.1.2: Location plan

Attachment 12.1.3: Special Use provisions – extract from Scheme

## **BACKGROUND:**

The applicant seeks Council support to rezone Lot 2008 Nursery Road, East Nannup from “Special Use (SU2)” to “Agriculture”. The applicant’s correspondence is set out in Attachment 12.1.1 which provides background information.

The site’s location is shown in Attachment 12.1.2 which is an extract of the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). The site is zoned “Special Use (SU2)” in LPS3. Attachment 12.1.3 sets out the Special Use provisions from LPS3. In summary, the zoning allows the potential for 20 strata titled holiday cottages (chalets) along with a timber plantation and rural pursuits. The site is approximately 65 hectares in area.

The site is located in Precinct NR2 in the *Shire of Nannup Local Planning Strategy* (2007). Precinct objectives are:

- “Protect agricultural areas of State/Regional significance.
- Provide for the sustainable use of land within the agricultural zones, and outside the Townsite Strategy Area, for a range of rural pursuits.
- Encourage tourist-based activities where not in conflict with above.”

The draft *Shire of Nannup Local Planning Strategy* (2014) classifies the site as “Tourism” which reflects the intent of the current LPS3 zoning.

**COMMENT:**

The request to rezone the site from “Special Use (SU2)” to “Agriculture” is supported and raises no planning issues. It is essentially a “down zoning” which will result in the site’s zoning being consistent with adjoining and nearby agricultural properties. The proposed Agriculture zoning provides the potential to consider proposed uses outlined by the applicant, following gazettal, by submitting a Planning Application and addressing relevant planning, environment, servicing and landscape considerations.

Given the applicant’s request and rationale outlined in Attachment 12.1.1, it is recommended that the Council adopt (initiate) the scheme amendment.

Subject to the Council’s decision, scheme amendment documentation will be prepared to the satisfaction of the Chief Executive Officer. After this, the documentation will be forwarded to the Environmental Protection Authority (EPA) seeking environmental clearance. Following this, the amendment will be publicly advertised for 6 weeks by placing a sign near the site, writing to stakeholders, placing notices in local papers, placing details on the Shire’s website and having information available at the Shire office.

Following the close of the consultation period, the matter will again be considered by the Council to determine whether or not to support final adoption of the scheme amendment. After this, the Western Australian Planning Commission will next assess the scheme amendment request with the final decision made by the Minister for Planning.

**STATUTORY ENVIRONMENT:**

*Planning and Development Act, Town Planning Regulations 1967 and LPS3.*

**POLICY AND CONSULTATION IMPLICATIONS:**

There are no policy implications. Assuming the EPA provides environmental clearance, the scheme amendment request will be publicly advertised for 6 weeks.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the required scheme amendment processing fee.

**STRATEGIC IMPLICATIONS:** Nil

**VOTING REQUIREMENTS:** Simple majority

**RECOMMENDATION:**

That Council:

1. Agree to adopt (initiate) an amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to Part 5 of the *Planning and Development Act 2005*, by rezoning Lot 2008 on Plan 126679 Nursery Road, East Nannup from “Special Use (SU2)” to “Agriculture”.
2. Note that scheme amendment documents will be prepared to the satisfaction of the Shire’s Chief Executive Officer.
3. Authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 17 documents.
4. Note the Shire’s Chief Executive Officer will refer Scheme Amendment No. 17 to the Environmental Protection Authority for assessment pursuant to section 81 of the *Planning and Development Act 2005*. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Town Planning Regulations 1967*.

AGENDA NUMBER:	12.2
SUBJECT:	Local Planning Policy No. 22 - Outbuildings: Submitted for final adoption
LOCATION/ADDRESS:	Applies throughout the district
FILE REFERENCE:	ADM 9
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Robert Jennings - 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 Local Government Act 1995)
DATE OF REPORT:	13 October 2014

Attachment 12.2.1: Recommended final adoption version of Policy No. 22  
Outbuildings

Attachment 12.2.2: Submissions

### **BACKGROUND:**

The purpose of this report is to inform Council of the public consultation outcomes and to seek Council's final adoption of *Local Planning Policy No. 22 – Outbuildings*. The recommended adopted version of the policy is set out in Attachment 12.2.1 and incorporates minor amendments from the version that was publicly advertised. Recommended amendments are outlined in “highlight” or “strikeout”.

At the Council Meeting of 26 June 2014, the Council passed the following motion at minute No 9142:

“That Council:

1. Support the public release of draft *Local Planning Policy 22 – Outbuildings* outlined in Attachment 1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Shire of Nannup Local Planning Scheme No. 3* with an increased advertising period of six weeks.
2. Reconsider draft *Local Planning Policy 22 – Outbuildings* following the close of the public submission period and will determine whether or not to adopt the policy with or without modification.”

In accordance with the Council resolution, the Shire administration consulted extensively for a 6 week period by writing to and inviting comments from relevant stakeholders and government agencies, placing public notices in local papers on multiple occasions, placing details on the Shire website and having information available at the Shire office.

The Shire received two submissions on the draft policy which are outlined in Attachment 12.2.2. The submissions raise issues on two components of the draft policy which are considered in the “Comment” section.

The Shire does not have a Local Planning Policy on outbuildings. The lack of an outbuildings policy means there is limited guidance for the community or applicants as to what outbuildings are supported or not supported and there is a lack of associated guidance for the local government in determining Planning Applications. Currently, the only guidance is the *Residential Design Codes of Western Australia* (R Codes) which only relates to the Nannup townsite and which provides limited guidance on outbuildings and there are some generic clauses in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3) relating to matters such as amenity.

**COMMENT:**

*1. Overview*

It is suggested that Council is now in a position to finally adopt *Local Planning Policy No. 22 – Outbuildings* as set out in Attachment 12.2.1. This is slightly amended from the advertised draft version. Considering the extensive consultation that occurred on the draft policy, which resulted in two submissions, it can only be assumed that there is overall community acceptance of the policy.

The recommended final adoption version of Local Planning Policy 22 seeks to balance the provision of legitimate and appropriate outbuildings, while minimising the adverse impacts of outbuildings on the amenity of neighbours. Most outbuildings in the district will continue to not require a Planning Application.

*2. Matters raised through the submissions*

The two submissions are outlined in Attachment 12.2.2. The recommended final version incorporates some of the matters raised in the submissions.

The Department of Planning submission relates to areas subject to the R Codes. In the Shire of Nannup, this is primarily the Residential Zone, but also relates to residential or outbuilding development in the Future Development, Special Residential, Mixed Use, Town Centre and certain Special Use zones. The R Codes provide guidance relating to “deemed-to-comply” outbuildings; however the only guidance for “design principles” in section 5.4.3 is “Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties”.

The draft and recommended final version seeks to provide additional guidance relating to Planning Applications for outbuildings that are assessed through the design principles. It is not intended to change the deemed-to-comply requirements



of the R Codes. A Planning Application is required where an outbuilding does not comply with the deemed-to-comply requirements. The applicant is then required to justify their application and the Planning Application will be considered on its merits, including whether it is consistent with the Outbuildings Policy.

Based on the Department's submission, minor changes are proposed to the policy including issues relating to floor area and height.

Due to the larger residential lot sizes in the Nannup townsite, compared to many other urban centres and towns, it is suggested there is generally increased capacity to consider relatively larger outbuildings in Nannup. Preliminary research undertaken by the Shire administration reveals that in recent years, some outbuildings have been proposed above 100m<sup>2</sup> in the Residential Zone. While noting this, most outbuildings in the Residential Zone are below the 10% site area. There have been various outbuildings proposed around 180m<sup>2</sup> in the Special Rural Zone and there have been a number of outbuildings proposed around 240-280m<sup>2</sup> in the Agricultural Zone in recent years.

Mr Prater raises issues with the draft policy relating to limiting outbuildings on vacant lots for land zoned Residential, Special Residential and Special Use. In summary, it is suggested the submission is generally addressed by the R Codes where there is an expectation that the outbuilding is associated with a single house. The draft and recommended final policies are more flexible than the R Codes and provide the opportunity for the local government to consider an outbuilding on a vacant lot in the Residential, Special Residential and Special Use zones subject to the dwelling being substantially commenced within two years. The recommended final policy provides the opportunity to consider outbuildings on vacant lots in other zones. Based on Mr Prater's submission, the policy has been amended to clarify this.

The recommended final policy has also been modified to reflect Council's "Temporary Accommodation" policy to reflect where a permanent residence is being constructed outside of the Nannup townsite.

### *3. Next steps*

Subject to the Council's decision, the Western Australian Planning Commission will next consider the policy.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005*, LPS3 and the R Codes. Clause 2.4 of LPS3 provides the ability to prepare or amend a Local Planning Policy.

**POLICY AND CONSULTATION IMPLICATIONS:**

Local Planning Policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Planning Applications.

The draft policy has been subject to community and stakeholder consultation.

**FINANCIAL IMPLICATIONS:**

The Shire met the cost of advertising the draft planning policy, including placing notices in local papers.

**STRATEGIC IMPLICATIONS:**

The policy, if finally adopted, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness. A finalised Outbuildings Policy is expected to have minimal economic impacts given that the focus of controlling outbuildings (including size, height, location etc.) is on Residential, Special Residential and Special Rural zoned land rather than on industrial or agricultural/rural zoned land.

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

That Council:

1. Grant final adoption to *Local Planning Policy 22 – Outbuildings* as set out in Attachment 12.2.1.
2. Refer the policy to the Western Australian Planning Commission seeking endorsement.
3. Advise submitters of the above and thank them for their input into the process.

AGENDA NUMBER:	12.3
SUBJECT:	Planning Application for dwelling and dam
LOCATION/ADDRESS:	Lot 281 on DP 45092 Folly Road, Nannup
NAME OF APPLICANT:	Citycrest Pty Ltd
FILE REFERENCE:	A1308
AUTHOR:	Steve Thompson, Consultant Planner
REPORTING OFFICER:	Robert Jennings - 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 Local Government Act 1995)
DATE OF REPORT:	13 October 2014

Attachment 12.3.1: Information from applicant

Attachment 12.3.2: Location plan

Attachment 12.3.3: Submissions

### **BACKGROUND:**

The applicant has lodged a Planning Application for a proposed relocated dwelling and a large dam (with associated clearing of native vegetation) with details set out in Attachment 12.3.1.

The site:

- is located approximately 5 kilometres east of the Nannup townsite as shown in Attachment 12.3.2;
- does not adjoin a public road reserve, however it has an easement that links the site with Dunnet Road;
- is 60.53 hectares in area, contains native vegetation and contains no buildings;
- is zoned "Agriculture" in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3), with the site located within the Public Drinking Water Source Area - Special Control Area. Clause 6.2.4 of LPS3 seeks to ensure that land use and development does not create adverse impacts on the public drinking water source. A single dwelling is a permitted use in the Agriculture Zone;
- is designated as a bush fire prone area in the endorsed *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup*;
- forms part of Policy Area No. NR1 in the *Shire of Nannup Local Planning Strategy (2007)*. The Strategy seeks to protect the town's water supply (Tanjannerup Dam catchment); and
- the draft *Shire of Nannup Local Planning Strategy (2014)* allocates the site as "General Agriculture" within the Tanjannerup Creek Catchment Area.

The Shire administration invited public comment on the Planning Application for 28 days by writing to adjoining landowners and 5 other stakeholders. The Shire received two submissions on the Planning Application from the Department of Water and the Forest Products Commission, which both raised no objections. Internally, advice was received from the Shire's Environmental Health Officer and the Acting Manager Infrastructure. Details are outlined in Attachment 12.3.3.

**COMMENT:**

*1. Overview*

It is recommended that Council approve the Planning Application for a single dwelling (relocated dwelling) and dam subject to conditions given that:

- the dwelling and associated development will not impact the Tanjannerup Dam public drinking water catchment;
- the lot has legal vehicular access via an easement;
- a single dwelling is a permitted use in the Agriculture Zone; and
- planning conditions can assist to reduce impacts and risks.

While noting the above, the key issues with the application are summarised below.

*2. Fire risk*

Given the lot was historically created, there is a need to consider opportunities to reduce fire risk on their merits. The applicant is aware of the risks and in response has prepared a fire management plan which proposes measures such as low-fuel areas and the provision of water supplies. As part of the building permit, the proponent will need to engage the services of a bushfire management consultant to determine the Bushfire Attack Level. The dwelling is then required to be constructed in accordance with Australian Standard AS3959-2009.

*3. Dam*

The proposed dam is large, measuring 40 metres in width, 40 metres in length and has a depth of up to 3.5 metres at the deepest point. The proponent estimates the dam will have a capacity to potentially hold 2.2 mega litres of water. The local government does not have the expertise to determine the structural integrity of the dam and to address the risks associated with the design, construction and associated maintenance of the dam. The Shire's Acting Manager Infrastructure recommends the need for a certified practicing consulting engineer to certify the structural integrity of the proposed dam. Such a request is consistent with the approach taken by various other local government authorities.

*4. Clearing of native vegetation*

The applicant has separately applied to the Department of Environment Regulation to clear 4.85 hectares of native vegetation to accommodate the dwelling, dam and low fuel areas.

**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005* and LPS3

**POLICY AND CONSULTATION IMPLICATIONS:**

Various Local Planning Policies are relevant in assessing this Planning Application including *LPP15 Dedication of Road Access* and *LPP21 Bushfire Management*. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Planning Application.

Additionally, there are various State Planning Policies which are relevant in assessing the Planning Application including *Environment and Natural Resources Policy*.

The application has been subject to consultation.

**FINANCIAL IMPLICATIONS:** None

**STRATEGIC IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

That Council approve the Planning Application for a single dwelling and dam on Lot 281 on DP 45092 Folly Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Planning Approval has lapsed, no further development is to be carried out.
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 design of the dam wall and associated spill way being certified by a certified practicing civil engineer to ensure that they are structurally sound with details provided to the local government prior to construction.
4. A certified practicing civil engineer certifying that the dam wall and associated spill way have been suitably constructed.
5. The dwelling is connected to a water storage tank with a minimum capacity of 135,000 litres, or to an alternative water source approved by the local government.

#### Advice

- A) The proponent is advised that this Planning Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) The proponent is advised that the approved development must comply with all relevant provisions of the *National Construction Code (Building Code of Australia)*, the *Health Act 1911* and associated regulations. Additionally, as part of the Building Permit, the relocated dwelling should meet the requirements of Council's *Relocated Dwelling Policy*.
- C) The site is designated as a "bushfire prone area". As part of the building permit, the proponent will need to engage the services of a bushfire management consultant to determine the Bushfire Attack Level. The dwelling is then required to be constructed in accordance with Australian Standard AS3959-2009.
- D) The proponent should ensure that firebreaks, the low fuel area around the dwelling, and the driveway/access are appropriately maintained in accordance with the *Shire of Nannup Bush Fire Control Notice*. Additionally, the proponent should review, appropriately implement and maintain measures to reduce the risk of bush fires as set out in publications such as *The Homeowner's Bush Fire Survival Manual (2007)* and *Prepare Act Survive (2012)*.
- E) The approval should not in any way be implied that the local government will provide a constructed public road to service the site.
- F) Ideally, the proposed dam is made available as a water source for fire protection purposes under the *Bush Fires Act 1954*.
- G) 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.

AGENDA NUMBER:	12.4
SUBJECT:	Modifications to Local Planning Policy No. 19 – Heritage Conservation: Submitted for consent to publicly advertise
LOCATION/ADDRESS:	Applies throughout the district
FILE REFERENCE:	ADM 9
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Robert Jennings - 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 Local Government Act 1995)
DATE OF REPORT:	14 October 2014

Attachment 12.4.1: Modified draft *Local Planning Policy No. 19 Heritage Conservation*

Attachment 12.4.2: Current *Local Planning Policy No. 19: Heritage Conservation* (2011)

Attachment 12.4.3: Extract of *Shire of Nannup Municipal Heritage Inventory* (1996)

Attachment 12.4.4: Extract of *Shire of Nannup Local Planning Scheme No. 3*

### **BACKGROUND:**

The purpose of this report is to seek Council support to publicly advertise a draft modified planning policy relating to heritage conservation. The modified draft policy, outlined in Attachment 12.4.1, is intended to generate community discussion and in time provide clearer guidelines for assessing Planning Applications.

The Council at its meeting on 22 September 2011 granted final adoption to Local Planning Policy 19 (set out in Attachment 12.4.2). The current policy does not contain a Heritage List.

An extract of the Municipal Heritage Inventory (MHI) from 1996 is provided in Attachment 12.4.3. An MHI has no statutory power so is unable to require, for instance, a Planning Application proposing demolition of a place that is only on the MHI.

The MHI is different to a Heritage List. An MHI is a local heritage survey which identifies places that are of cultural heritage significance for the district. An MHI provides valuable information which assists the Council to determine which places should be on the Heritage List. In comparison, a Heritage List is a list of places compiled under a Local Planning Scheme for which planning approval will be required for demolition, alterations or other development affecting the cultural heritage significance of the place. Accordingly, a Heritage List will have statutory backing through LPS3.

Attachment 12.4.4 sets out an extract of LPS3 relating to heritage protection. Heritage Lists must be compiled with regard to the MHI, but do not necessarily include all places on an MHI.

It is suggested there is a need to modify the Heritage Conservation Policy. The reasons include:

- if a proposal was received today to demolish an important heritage place that is on the MHI, the Shire is not able to require the proponent to submit a Planning Application. In order to provide statutory protection to significant heritage places, the places need to be included on the Heritage List;
- a key objective of LPS3 is to ensure heritage values are protected and managed in a responsible and sustainable manner. In order to achieve this objective, LPS3 provides for the establishment of a Heritage List;
- to clarify Council's policy position on various matters, including incentives for heritage conservation, which could include modifying development standards and possible rate rebates to achieve effective on-the-ground outcomes; and
- to encourage community/stakeholder debate and seek comments from the owners/managers of places on the Heritage List set out in the draft Policy.

**COMMENT:**

1. *Overview*

The modified draft planning policy (Attachment 12.4.1) includes a Heritage List and incorporates various modifications to the current policy outlined in Attachment 12.4.2.

The purpose of the Heritage List is to ensure that heritage issues for places considered of high State or local significance are adequately incorporated into the planning assessment process. The aim is to ensure the heritage significance of a place is given due regard as one of the planning considerations that affect a development proposal. Inclusion on the Heritage List is not to be construed as an intention by the Shire to refuse proposals that require the demolition or modification of a listed place.

In some cases, the local government may determine that a place should be protected against demolition and refuse to grant Planning Approval. Alternatively, the local government may impose conditions in order to ensure heritage matters are appropriately addressed. It is noted that any applicant aggrieved by such a decision is able to review this decision as provided by Part 14 of the *Planning and Development Act 2005*.



*2. Places to be included and not included on the draft Heritage List*

The Shire administration, in consultation with the Nannup Historical Society, has reviewed the MHI and information on the State Heritage Office's heritage database relating to the district. The draft policy's Heritage List includes places with the following management categories set out in the MHI:

- highest level of protection and recommended for entry into the State Register of Heritage Places (called management category "A" in the policy);
- highest level of protection and protect through the Scheme (called management category "B" in the policy); and
- retain and conserve if possible – conserve through the Scheme (called management category "C" in the policy).

Places which are significant, but not essential to an understanding of the district, are classified as management category "D" and are not included on the Heritage List.

Attachment 3 of the draft policy (Attachment 12.4.1) sets out development control principles. Given that statutory controls only relate to heritage places on the Heritage List, there are limited development control principles relating to places not included on the Heritage List. The local government is only able to encourage proponents to achieve appropriate heritage outcomes for these places.

*3. Policy process*

The draft policy is considered appropriate to be publicly advertised for community and stakeholder comment. If Council agrees, submissions will be invited using various methods. It is proposed to consult widely for a six week period by the Shire administration writing to and inviting comments from a wide range of stakeholders and government agencies, writing to owners/managers of places on the draft Heritage List, placing public notices and details in local papers on multiple occasions, placing details on the Shire website and information being available at the Shire office.

The goal of the draft policy is to encourage community and stakeholder debate and to seek the receipt of submissions. Following the closure of the consultation period, the Council and the Shire administration will consider the submissions and determine whether the draft policy is suitable for final adoption or whether it should be modified.

#### *4. Assisting heritage conservation*

The Shire does not financially assist private landowners or community groups with heritage conservation. It is suggested that Council consider whether it wishes to fund financial and promote non-financial heritage initiatives in the short to medium term. There are various alternatives, including the Council setting aside monies into a heritage account/reserve which can assist private landowners undertake restorations for places on the Heritage List. Financial assistance would be subject to a written request from the landowner and be linked to available funding, merit assessment and may require the landowner to engage a heritage consultant to ensure improvements are sympathetic to the place's heritage significance. Another initiative is seeking the support of historical societies/groups regarding the granting of heritage awards for landowners who have or are committed to restoring places on the Heritage List or MHI.

#### **STATUTORY ENVIRONMENT:**

*Heritage Act of Western Australia, Planning and Development Act, LPS3 and State Planning Policy 3.5 Historic Heritage Conservation.* Section 2.4 of LPS3 provides the ability to prepare, amend or rescind a Local Planning Policy.

#### **POLICY AND CONSULTATION IMPLICATIONS:**

Local Planning Policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Planning Applications.

Should the Council agree to its public release, the draft policy set out in Attachment 12.4.1 will be subject to community and stakeholder consultation.

#### **FINANCIAL IMPLICATIONS:**

There are costs to the Shire in advertising the draft policy.

The intent of the draft policy is not to place an onerous financial implication on the owners and developers of heritage listed places. The draft policy seeks to find the balance between the adequate protection of heritage significance, whilst still allowing for appropriate development to occur on a property. It is intended to assist in providing certainty to property owners, the public and Council on how planning proposals affecting places with high heritage significance will be assessed.

The financial implications associated with the conservation of heritage places will depend on whether the site is on the Heritage List. There are various other factors including the nature of the place and its use, the ability of the site to be flexible for

alternative use, the property market, the location of the site and refurbishment versus re-building costs.

It is suggested that the Shire will not be responsible for meeting direct costs to the majority of heritage places as they are typically privately owned or on land managed by the State Government. The Shire is however responsible for managing various heritage buildings and these need to be appropriately maintained.

It is suggested that Council consider its position regarding assisting heritage conservation in upcoming budgets.

### **STRATEGIC IMPLICATIONS:**

The Shire has a long and interesting history that is partly embodied in its places of heritage significance. There is a community expectation that this heritage is protected for future generations. The level of protection needs to be balanced against the community's expectations for appropriate development in the district; therefore, the draft policy seeks to ensure that heritage is incorporated into a balanced planning decision-making process.

Implications will depend on various matters, including whether the place is publically or privately owned or managed, whether it is built or natural, the condition of the site, structure or place, effective resources for appropriate management/maintenance and the results of community/stakeholder comments on the draft policy.

The policy, if adopted, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness.

**VOTING REQUIREMENTS:** Simple Majority

### **RECOMMENDATION:**

That Council:

1. Support the public release of the draft modified *Local Planning Policy 19 – Heritage Conservation* outlined in Attachment 12.4.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Shire of Nannup Local Planning Scheme No. 3* with an increased advertising period of six weeks.
2. Reconsider the draft modified *Local Planning Policy 19 – Heritage Conservation* following the close of the public submission period and determine whether or not to adopt the policy with or without modification.

AGENDA NUMBER:	12.5
SUBJECT:	Cancer Support Garden
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	REC 2a
AUTHOR:	Louise Stokes – Community Development Officer
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	13 October 2014

Attachment 12.5.1: Letter from Cancer Support group

**BACKGROUND:**

The Cancer Support group has been communicating with Council for the past two years to consider an appropriate location for the 'Rest a While' garden. This proposal is to establish a garden that is a place of reflection for residents and visitors who may be undergoing cancer treatment, or have lost family or friends to cancer.

Previous locations that were considered but discounted for various reasons include the Old Road Board Building Park, next to the playground on Brockman Street and on the Catholic Church land next to the Bottle Shop. In discussing the future landscaping requirements at the Recreation Centre it was considered that this may be a suitable location for the garden.

**COMMENT:**

Several meetings have been held with the Cancer Support group and most recently a meeting was held with the Recreation Centre Project Manager/Architect, Head Gardener, Councillor Longmore, Cate Stevenson and the Chief Executive Officer.

Locating the 'Rest a While' garden at the Recreation Centre is supported for the following reasons:

1. The community garden project in support of cancer can come to fruition, and
2. Council will receive funding to assist with the establishment of the landscaping,

There are few grant opportunities that landscaping, car parking and gardens qualify for. An application will be submitted to the forthcoming round of Royalties for Regions funding to complete the Recreation Centre works including road signage, landscaping, car parking, exterior lighting, rendering of the existing building frontage, and pathways, as these works will all be important to the visual

aesthetic of the precinct but are not currently included in budgets. It is envisaged that this will be a very competitive funding round and a positive outcome cannot be guaranteed.

The Cancer Support community group have verbally indicated in meetings that they would be willing to assist with ongoing maintenance of the gardens. The Cancer support group has donated \$1,656.45 to date and committed to raising funds required to complete this project. It was discussed at the meeting that the Shire of Nannup garden team is currently at capacity maintaining existing gardens if ongoing maintenance was to be the responsibility of Council.

Subject to Council's approval, the Architect will prepare a concept plan for the car parking, landscaping, and design of the 'Rest a While' garden that can be utilised to progress the development of the garden and to assist in seeking funding to complete the project.

**STATUTORY ENVIRONMENT:** None.

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

1. Potentially ongoing maintenance costs of the garden, subject to discussion with the Manager Infrastructure.
2. Savings to Council of landscaping for the establishment of the garden at the Recreation Centre.
3. Cost of developing concept plan for Recreation Precinct to complete the Recreation Centre project.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Plan 2013 – 2023:

3. *Our Built Environment. Shire and Streetscape*

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATIONS:**

1. That Council establish the 'Rest a While' Cancer support garden within the Recreation Precinct.
2. That Bollig Design completes a concept plan of the Recreation Precinct for landscaping, car parking, exterior lighting, rendering of the existing building frontage, signage and pathways.

AGENDA NUMBER:	12.6
SUBJECT:	ANZAC Avenue of Honour
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Community Development Officer
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	13 October 2014

Attachment 12.6.1: Funding acknowledgement letter

**BACKGROUND:**

In 2013 Mr Trevor Hay presented to Council regarding establishing an Avenue of Honour using money from the Anzac Centenary federal grant funding scheme. Funding of \$5,593 has been approved by the Department of Veterans Affairs under their ANZAC Centenary Local Grants program.

**COMMENT:**

It is proposed that the Avenue of Honour will be officially opened on the 25<sup>th</sup> April 2015 in conjunction with the ANZAC Day proceedings.

Further to information received at the February Council meeting, it can be confirmed that all World War Two Nannup servicemen are included in the Avenue of Honour. Mr Trevor Hay will liaise with Cr Gilbert to determine an appropriate acknowledgement for Adie Lindsay who was a nurse.

Council would be responsible for any ongoing maintenance and repairs to the Avenue of Honour.

**STATUTORY ENVIRONMENT:** None.

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

1. In kind support from Council required to erect tree plaques and interpretive panels as approved by the Manager Infrastructure.
2. Maintenance costs during establishment period of trees, being water and time (anticipated to be two hours per week over summer)

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Plan 2013 – 2023:

2. *Our Community: Value our Heritage and Festivals.*

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

That Council accept the funding of \$5,593 from the Department of Veterans Affairs to auspice the development of the ANZAC Avenue of Honour on Higgins Street.

AGENDA NUMBER:	12.7
SUBJECT:	Local Emergency Management Arrangements
LOCATION/ADDRESS:	NANNUP
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ASS 23
AUTHOR:	Louise Stokes – Community Development Officer
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	13 October 2014

- Attachment 12.7.1: Part A - Emergency Management Arrangements
- Attachment 12.7.2: Part B - Emergency Management Arrangements  
(CONFIDENTIAL Separate Cover)
- Attachment 12.7.3: Part C&D - Emergency Management Arrangements
- Attachment 12.7.4: Recovery Plan - Emergency Management Arrangements
- Attachment 12.7.5: Animal Welfare Plan

**BACKGROUND:**

At the May 2012 meeting Council adopted Part A and B Emergency Management Arrangements and proposed to complete the remainder of plans as required by the Emergency Management Act 2005.

**COMMENT:**

Comprehensive work has been undertaken to develop the Emergency Management plans and to modify the language and information to a more user friendly document for use in emergencies. These are now working documents that can be easily referred to and updated. Part B is solely the contact information, which reduces the requirement to update every plan quarterly and is not a public document.

Consultation has been undertaken with the Local Emergency Management Committee and feedback has been incorporated into the plans.

The Animal Welfare Plan was developed in 2013 in conjunction with community members. This plan formalises work that is already undertaken in the community in an emergency and provides a list of contact details. It is not the intention of Council to get heavily involved in the area of animal rescue and rehabilitation in an emergency due to resource constraints and not being core business.

These plans have now been endorsed by the Nannup Local Emergency Committee.

**STATUTORY ENVIRONMENT:** Emergency Management Act 2005.

**POLICY IMPLICATIONS:** Nil.



**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:**

Complies with Emergency Management Act 2005 and ensures Council has plans in place for emergency incidents

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATIONS:**

1. That Council adopt Part A, B, C & D and the Recovery Plan of the Local Emergency Management Arrangements.
2. That Council adopt the Animal Welfare Plan for the Shire of Nannup

AGENDA NUMBER:	12.8
SUBJECT:	Grant Acceptance for an Economic Profile for the Shire of Nannup
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 38b
AUTHOR:	Robert Jennings – Chief Executive Officer
REPORTING OFFICER:	Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	13 October 2014

Attachment 12.8.1: AEC Proposal for Economic Analysis Data for the Shire of Nannup

Attachment 12.8.2: Letter of Agreement from SWDC

**BACKGROUND:**

Quotations were sought from consultants for the development of an Economic Profile for the Shire of Nannup. The successful consultants brief (refer Attachment 12.8.1) was forwarded to the SWDC for their funding support.

A letter of agreement for funding (refer Attachment 12.8.2) has been received from the South West Development Commission (SWDC) for the development of an Economic Profile for the Shire of Nannup.

As the grant would be in excess of what could be approved by Officers, Council endorsement of the agreement is being sought.

**COMMENT:**

The Economic Profile will provide much needed information on the economic and some social context for the Shire of Nannup. Much of the data currently available for the Shire of Nannup is mixed in with South West or Warren Blackwood data sets.

Key information that could be gained from the Economic Profile includes:

- The size and structure of the Nannup economy, population size and growth
- Basic information such as the number of businesses and industry sectors
- Property market characteristics
- Economic opportunities
- Ageing impacts on the economy and the development of appropriate infrastructure
- A contextual basis for future projects and developments

- Development of existing business cases such as the WA Emergency Management Institute and new Business Cases like the Quannup Pastoral Lease

The value of the grant is \$24,034 + GST and will be supplemented by an additional \$10,000 from the Shire of Nannup already allocated to develop economic opportunities.

**STATUTORY ENVIRONMENT:** None.

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:**

An allocation of \$10,000 for economic development identified in the Shire of Nannup 2014/15 budget will supplement the \$24,034 + GST from the SWDC.

**STRATEGIC IMPLICATIONS:**

The Shire of Nannup Community Strategic Plan 2013- 2023  
*Our Economy*

2.1 *Promote innovative ideas and value add to businesses and industry*  
*Encourage and support more industry, businesses and employment into our Shire*

**VOTING REQUIREMENTS:** Simple majority

**RECOMMENDATION:**

That Council accept the funding of \$24,034 + GST from the South West Development Commission to undertake the Economic Profile for the Shire of Nannup.

# **WORKS & SERVICES**

AGENDA NUMBER:	12.9
SUBJECT:	Fees & Charges – Hire of Depot Equipment
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 8
AUTHOR:	Bret Howson – Acting Manager Infrastructure
REPORTING OFFICER:	Bret Howson – Acting Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil.
DATE OF REPORT	14 October 2014

## **BACKGROUND:**

A request has been received from Darradup Voluntary Bush Fire Brigade to hire various items of plant and equipment for a fund raising event. There are no fees set out in the council's fees and charges for two of these items and this will need to be addressed if the request is supported.

## **COMMENT:**

The two items of equipment for which there are no set fees are a lighting tower and a generator. The following fees are suggested:

1. Hire of light tower \$136 per day
2. Hire of 60Kva generator \$165 per day.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY AND CONSULTATION IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Small increase in fee income.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple majority.

## **RECOMMENDATION:**

That the following fees be added to the council's fees and charges:

1. Hire of light tower \$136 per day
2. Hire of 60Kva generator \$165 per day.

AGENDA NUMBER:	12.10
SUBJECT:	Heavy Vehicle Cost Recovery Model
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK6
AUTHOR:	Bret Howson – Acting / Manager Infrastructure
REPORTING OFFICER:	Bret Howson – Acting / Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	24 September 2014

Attachment: 12.10.1 Worked Example 1

Attachment: 12.10.2 Worked Example 2

**BACKGROUND:**

This report seeks Council endorsement of a pricing structure which identifies the cost that the Shire can recover from heavy vehicles for consumption (or capital damage) of the road network. At this stage, Shire officers are only seeking the Council's endorsement to proceed to public consultation.

This gap cost calculation will be administered by the proposed creation of a new Council policy - Road Contributions, which will allow Shire officers to recover the cost of road consumption from heavy vehicle operators (carting campaigns such as timber, logging, grain, extractive industry).

The proposed cost is a proportional share of the actual costs attributable to heavy traffic, calculated by axle numbers and applied to individual vehicle movement. The cost recovery will apply to each operator based on their individual carting campaign. Other operators using the same section of road will also be requested to contribute based on their individual carting movement.

It is the officer recommendation that any recovered funds be set aside in one reserve account for road works associated with heavy traffic.

**COMMENT:**

In developing a fee structure that was equitable for heavy vehicle operators, did not duplicate other charges already imposed and was justifiable, the work of the National Transport Commission was used as a basis for the Shire's fee calculations.

The National Transport Commission (NTC) has the responsibility for developing and recommending heavy vehicle road use charges to the Australian Transport Council (ATC) and then applying these charges nationally via vehicle registration and fuel use.

Heavy vehicle road use charges are set by the ATC to recover heavy vehicles' share of the road expenditure. A two-part charging system applies, comprising a fuel charge (19.663 cents per litre) and an annual registration charge. The money collected from these charges is then distributed to the State and Local Governments through road grants. It is therefore important that in setting Shire contributions for heavy vehicles that charges are not made twice, once through the Federal system and again by the Shire.

The first national road user charging system was developed for heavy vehicles in Australia by the NTC in 1992 and implemented in 1995-96, and then a second pricing determination was agreed and implemented in 2000. The methodology ensures that costs allocated to heavy vehicle classes are recovered in aggregate, based on average, but does not match charges to the costs associated with individual vehicle types.

A third pricing determination was presented to the Australian Transport Council in 2005, which is reflective of the patterns of use, loading between different types of vehicles and pavement restoration expenditure, however the recommendations of the third determination were not endorsed by Transport Ministers despite it being a more comprehensive and fair determination.

Despite some weaknesses in the pricing determinations, the current national approach is still highly regarded by international standards and continues to provide a platform for further development.

It is recommended that the NTC model for cost recovery for heavy vehicles be used by the Shire as a basis of determining a cost recovery to charge applicants for heavy vehicle use. It is important to note that that costs recovered will be for other than what would be considered as normal use, i.e. any use which requires special permission from local or state government would be considered as "other than normal use", such as extra mass or oversized vehicles.

This system will only be used for heavy vehicle operation within the Shire of Nannup that requires permission from the Shire.

#### *The Calculation*

It is important that the Shire does not duplicate other Federal or State charges for heavy vehicles when calculating a cost recovery system for the Shire's network, therefore the following "**cost allocation rules**" developed by NTC and approved by Australian Transport Council have been used for the Shire's calculations.

The cost allocation rules:

1. Vehicle use expenditure type:

The different measures of vehicles use related to the road expenditure include:

- VKT (vehicle-kilometres of travel)
- ESA-km (equivalent standard axle kilometres of travel)
- PCU-km (passenger car unit kilometres of travel)
- AGM-km (average gross mass kilometres of travel)

2. Road Expenditure type (Attributable costs)

- Pavement rehabilitation and new construction
- Servicing and operating expenditure.
- Low cost safety/traffic improvements
- Asset extensions and improvements
- Bridg maintenance and construction

3. Non-attributable costs:

NTC considers that non-attributable costs are defined as being unrelated to the cost of providing capacity on the road network or to other factors relating to road use. These costs have been shared equitably between vehicle classes so as to provide the least distortion to road use decisions.

NTC's 2nd determination allocated 50% of road maintenance expenditure to non-attributable costs.

4. Pavement Maintenance:

Routine Maintenance - repairing potholes, minor patching and crack sealing.

Periodic Maintenance - resealing and resurfacing.

NTC 2nd pricing determination allocated 50% of routine maintenance expenditure to AGM-km and 50% of periodic maintenance to AGM-km. Therefore it was considered that 50% of maintenance costs are attributable to heavy traffic due to mass.

5. Non-motorised road use:

NTC's 2nd pricing determination has made assumptions (based on a survey of local government engineers in 1999) that 75% of urban local road expenditure and 50% of rural local road expenditure exists solely to provide access, amenity, or provide for non-motorised road users, and hence is not related to motorised road use. The value of this expenditure has been excluded from the Shire's cost recovery process.

The cost recovery model for the Shire of Nannup has been based on the current expenditure for the financial year 2013/14. These figures were used in the Shire's determination rather than the National average figures used in the NTC model. The National average expenditure is slightly higher than the current expenditure for the Shire of Nannup. The Shire's figures include all funding on roads.

- Damage caused by heavy traffic = \$0.043 per Equivalent Standard Axle (ESA)
- National average expenditure relative to heavy traffic use = \$0.032 per Equivalent Standard Axle (ESA)
- Shire of Nannup 2013/2014 expenditure relative to heavy traffic use = \$0.013 per ESA

This basically means that the Shire of Nannup is spending 1.3 cents, per standard axle, of its own funds on capital road expenses, whereas the National average is 3.2 cents. The NTC has calculated that heavy vehicles damage the road at a rate of 4.3 cents per axle, therefore showing that many Local and State Authorities are not keeping up with road damage forecasts.

The use of the Shire of Nannup own figures was to ensure that heavy vehicle operators were only being charged for actual expenditure rates, not for costs which are being recovered by State and Federal Governments.

It is difficult to determine the level of Federal Government support, which consists of the heavy vehicle charge, therefore 100% of State Government funding (including WALGA grant) has been excluded from this cost recovery model.

The NTC model also has stated that 50% of road cost (non-attributable) should be shared across all vehicle classes. Again, determining which portion of this 50% is attributable to individual vehicle classes would be very difficult. Therefore the non attributable portion of road expenditure has been excluded from the Shire of Nannup's calculation. However 5 of the 12 classes of vehicle would require permits to operate on Council network, therefore it is considered that 5/12<sup>th</sup> (or 40%) of the 50% non-attributable costed can be added to the cost recovery unit rate.

In 2013/14 the Shire of Nannup spent an average of 1.3 cents per kilometre per ESA. It is recommended that this figure be used as the unit cost for the recovery model for extraordinary heavy vehicle operations on the Shire's road network.

Council officers have developed a spreadsheet which uses the above calculation to determine the recoverable cost from an individual application. Attached to this item are two worked examples:



**Example 1:**

*An application made to cart 25,000 tonnes over a 3 month period on 6.0 kilometre length of East Nannup Road. The application was for an average of 6 loaded trips per working day for 3 months.*

*The calculation shows that this type of operation will do \$1,840 damage to the road pavement, over and above what is considered as normal use. This figure also represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.*

*The calculation also shows that the road will require \$3,335 worth of maintenance associated with this carting campaign.*

**Example 2:**

*An application made to cart 30,000 tonnes per year over a 6.0 kilometre length of Fourace Road. The application was for an average of 7 loaded trips per calendar day for 3 months.*

*The calculation shows that this type of operation will do \$2,208 damage to the road pavement, over what is considered as normal use. This figure also represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.*

*The calculation also shows that the road will require \$4,002 worth of maintenance associated with this carting campaign.*

The cost can be recovered by Council under Road Traffic Act 1974, Section 85, Part 2.

**STATUTORY ENVIRONMENT:**

The head of power which can be used to recover the costs calculated by this policy is found in the Road Traffic Act 1974, Section 85, Part 2.

Road Traffic Act 1974 - Part IV - Miscellaneous states:

*Section 85. Power of local government to recover expenses of damage caused by heavy or extraordinary traffic*

- (1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or*

*extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.*

- (2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.*
- (3) For the purposes of this section the Minister shall be deemed the local government which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be credited to the Consolidated Fund.*
- (4) Proceedings for the recovery of any expenses hereunder shall be commenced within 12 months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than 6 months after the completion of the contract or work.*

*[Section 85 amended by No. 6 of 1993 s. 11; No. 14 of 1996 s. 4; No. 49 of 1996 s. 64.]*

#### **POLICY IMPLICATIONS:**

It is recommended should the Council endorse the cost recovery model, a new policy will be developed for road contribution and will include a clause similar to the following:

#### ***Heavy Vehicle Cost Recovery Contribution***

*Prior to issue of permit, the Chief Executive Officer may negotiate the Heavy Vehicle Cost Recovery agreement for a non-returnable capital damage payment of \$0.013 (1.3 cents) per equivalent standard axle. The cost recovery unit shall apply to all vehicle movement (loaded and unloaded) over the full term of the carting campaign as listed on the application.*

*Council may negotiate an agreement for a maintenance bond to be held for the term of the carting campaign based on the maintenance requirement of \$0.023 (2.3 cents) per equivalent standard axle. This bond will be returned to the*

*proponent once the carting campaign is complete, and associated section of road and all maintenance works are to the satisfaction of the Chief Executive Officer.*

**FINANCIAL IMPLICATIONS:**

It is recommended that any capital cost recovered from any agreement under this policy be held in one reserve account solely for the purpose of capital upgrade on any Shire road which is affected by heavy traffic.

The Shire of Nannup does not have the high volume of carting similar to the Pilbara and Goldfields areas, however the annual income expected from the a number of smaller volume campaigns is expected to total approximately \$20,000 to \$30,000 per year.

Any amount calculated and claimed from heavy vehicle use under this agreement for capital damage will not be returned to the applicant at the end of the carting campaign.

Any amount calculated and claimed from heavy vehicle use under this agreement for maintenance will be returned to the applicant at the end of the carting campaign, if the road condition is to the satisfaction of the Chief Executive Officer.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

That the Council:

1. endorses the use of the cost recovery model for heavy vehicle operations for the recovery of capital damages costs for the Shire of Nannup's paved road network, for a 30 day public consultation period.
2. endorses the cost recovery unit at \$0.013 per equivalent standard axle (ESA) for recovery of capital damage costs for the Shire's paved road network, with an annual review of this unit rate to the Shire of Nannup's actual expenditure on or about June 30 each year.
3. request the Chief Executive Officer to report back to the Council with results of consultation on Heavy Vehicle Cost Recovery model with a proposed Council policy for Council consideration.

# **FINANCE & ADMINISTRATION**

AGENDA NUMBER:	12.11
SUBJECT:	Vacancies on Committees
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	8 October 2014

Attachments:

## **BACKGROUND:**

Councillor representation on the various Advisory Committees was last reviewed at the Ordinary Meeting on 24 October 2013. The resignation of Councillor Dobbin has resulted in a vacancy on the Australia Day Advisory Committee and the Plant Replacement Group. Councillor Steer has indicated that he wishes to step down as the council's representative on the Warren Blackwood Alliance of Councils. There is currently no elected member representation on the Regional Road Group and the only attendee from Nannup has been the Manager Infrastructure.

An elected member appointed to any committee as the Council's representative has a responsibility, under section 2.10 of the *Local Government Act 1995*, to inform the Council of issues arising from each committee attended by the elected member.

The method of informing the Council of business arising from meetings that Councillors attended on behalf of the Council is through a verbal or written report to the next Ordinary Meeting of the Council following the committee meeting the elected member attended.

## **COMMENT:**

The Australia Day Advisory Committee considers nominations for the Premier's Australia Day Awards and recommends candidates for those awards to Council. The Committee also considers nominations for honorary freemen.

The Advisory Committee currently comprises four members:

1. Cr Lorkiewicz
2. Cr Mellema
3. Cr Slater
4. Vacant (Cr Dobbin)

The second vacancy arises on the Plant Replacement Group, which currently comprises three members:

1. Cr Lorkiewicz
2. Cr Mellema
3. Vacant (Cr Dobbin)

The officer recommendation is that Cr Stevenson fills the vacancies created by the resignation of Councillor Dobbin.

The Council has two representatives on the Warren Blackwood Alliance of Councils:

1. Cr Dean (in his capacity as Shire President)
2. Cr Steer

Councillor Longmore deputises if either of the above councillors is unable to attend the meetings and the officer recommendation is that Councillor Longmore replaces Councillor Steer on the group.

The Regional Road Group comprises representatives from each local government in the region and is serviced by Main Roads WA. It carries out a variety of tasks including:

- determining the relative road funding need in its region
- establishing a five year plan for the distribution of State roads funds in its region
- developing methods for the annual distribution of roads funds to Local Government roads in its region
- assisting the State Road Funds to Local Government Advisory Committee with Local Government priorities at the regional level

Voting on the group can only be by elected members but there is currently no Shire of Nannup elected representative on the Group. The officer recommendation is that the Shire President be nominated to attend the Regional Road Group.

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

**POLICY IMPLICATIONS:** The committees oversee various Council policies.

**FINANCIAL IMPLICATIONS:** Elected Members receive an attendance fee of \$44.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATIONS:**

1. That Cr Stevenson be appointed to the Australia Day Advisory Committee and the Plant Replacement Group.
2. That Councillor Longmore be appointed as Council's representative on the Warren Blackwood Alliance of Councils.
3. That the Shire President be nominated to represent the Shire of Nannup on the Regional Road Group.

AGENDA NUMBER:	12.12
SUBJECT:	Request for Write Off
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 5
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	7 October 2014

Attachment 12.12.1: Email from Mr K Dunnet

**BACKGROUND:**

A request has been received to waive tip fees billed to Mr. K Dunnet for tyres deposited at the Nannup Waste Management Facility. The request is appended at Attachment 12.12.1.

**COMMENT:**

Mr Dunnet visited the Nannup Waste Management Facility on 15 October 2013 to deposit a load of tyres. The attendant advised that he would have to pay \$120 to dispose of the load but Mr Dunnet refused and proceeded to deposit the tyres. In cases such as this the tip attendant notes the date and due amount on the monthly return to the Shire. Any individuals who have refused to pay the tip fee are then billed directly. Mr Dunnet was invoiced for the outstanding amount on 4 December 2013.

Mr Dunnet later visited the Shire offices and discussed the charge with the Manager Corporate Services. As stated in his letter, his contention is that he was not depositing his own waste but used tyres deposited on his land without his consent. His alternatives to disposal at the council's facility were to either allow them to accumulate or dump them in the bush. He was advised that the council charge only covered the council's own cost of disposal and that if he wished to have the charged remitted, he would need to make his case to Council.

This case highlights some of the issues relating to waste management:

- Lack of traffic control measures at the waste site – the waste in question was deposited because there is no barrier to entry at the waste facility. This is currently being addressed by implementing improved traffic control measures, including an entry barrier.
- Dealing with illegally dumped waste – in this case the waste was on private property, putting the property owner in the position of paying for disposal or illegally dumping the waste elsewhere. Had the waste been dumped on land controlled by the Department of Parks and Wildlife they would have to dispose of it themselves and pay the council's relevant tipping fee. If the

waste had been dumped on Shire land, then the council would have had to pay the disposal charges.

- Setting a fee structure that encourages responsible disposal – whilst the council only passes on its own disposal costs, these can be quite high for some hazardous waste. Consideration could be given for allowing a wider range of goods to be disposed of without charging at the facility and increasing the levy under the Waste Avoidance and Resource Recovery Act.

These and other issues will be considered as part of the council's revised Waste Strategy.

**STATUTORY ENVIRONMENT:** *Local Government Act 1995 Section 6*

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:** A reduction of up to \$120 if the charge is remitted.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

That in accordance with Council policy the charge is not remitted.



AGENDA NUMBER:	12.13
SUBJECT:	Nannup Visitor Services MOU
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	TRS 3
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	7 October 2014

Attachment: 12.13.1 Visitor Services Draft MOU

Attachment: 12.13.2. Letter from the Community Resource Centre

## **BACKGROUND**

Following the decision of the Nannup Tourism Association (NTA) to dissolve, a presentation was given to Councillors during the Information Session of the September 2012 meeting regarding the status and future actions regarding both the Visitor Centre and the Caravan Park. At that meeting it was decided to support the tourism industry by releasing an Expression of Interest (EOI) for Nannup Visitor Services.

The original contract was offered to Jane Eddy, however Councillors at the January 2013 Information Session agreed to discontinue this contract and re-advertise the contract for visitor servicing.

The Expression of Interest was advertised for a period of 14 days and one Expression of Interest was received from the Nannup Community Resource Centre (CRC). The Nannup CRC model was based on one centre open five days per week from 9am to 5pm at the CRC and one centre open seven days per week at the A Taste of Nannup premises from 10am to 4pm.

The initial one year contract was extended by two months to terminate on 30 June 2014 to allow Council to consider whether it wished to provide further funding for the service in its annual budget. Following a presentation by the Community Resource Centre to the May Council meeting Council decided to continue to support the service but at a lower level. The decision to continue support for the service was based upon the CRC's intention to seek accreditation as a Visitor Centre, which would allow them to apply for funding available through the Royalties for Regions program. In a presentation to the May meeting of Council the CRC requested a minimum contribution of \$10,000 - \$15,000.

## **COMMENT**

Following the approval of the budget for 2014/15 a revised contract was prepared and provided to the CRC. The CRC Manager pointed out that a binding contract

would prove an obstacle to seeking further funding and requested that a less formal document replace the previous contract.

In response to this request the Community Development Officer drafted a Memorandum of Understanding (MOU) for consideration by the CRC. The draft MOU sought for the service to continue at a similar level as previously provided and for the \$10,000 contribution from the council to be provided as support for the service. A final version of the MOU was agreed with the Manager of the CRC on 30 July 2014. A copy of the draft MOU is appended at Attachment 12.12.1.

The proposed MOU was considered by the CRC Management Committee. Whilst recognising the financial commitment from the council the CRC Management Committee did not feel that it was able to provide the service within the resources available and ceased providing the service in September 2014; their letter advising the council of this decision is appended at Attachment 12.12.2.

Council now has two options:

1. Readvertise the Expression of Interest
2. Discontinue its support for a visitor service

#### Option 1

This would be the third time that the council has sought a suitable provider for visitor services. Interest in the past has been limited but a formal request for consideration has been received from A Taste of Nannup. Readvertising would be required to allow any other interested parties to come forward.

This option would allow a continued visitor centre presence in the town, allowing a central point for visitor enquiries. A new MOU could also place responsibility for maintaining the information boards in town and at the town entrances with the new provider. This could generate an economic return.

Given that substantial savings may be required in the 2015/16 budget funding for more than one year could not be guaranteed.

#### Option 2

Choosing not to seek an alternative provider would result in a budget saving in 2014/15. As the budget for the service was largely funded by withdrawing budgetary provision for councillors' annual ICT allowance, this could be reinstated if desired; alternatively it could be used to fund other economic development services or retained as a saving.

Unless local businesses filled the gap created by the withdrawal of the service by the CRC, visitors would have no recognised place in town to seek tourism advice. The most likely points of call would be the caravan park, the Nannup Music Club office or the Shire.

**STATUTORY ENVIRONMENT:** None.

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:** No financial impact if Option 1 is preferred. A possible saving in the budget of up to \$10,000 if option 2 is preferred.

**STRATEGIC IMPLICATIONS:**

The Shire of Nannup Forward Plan 2011/12- 2015/16  
*Program 13 Economic Services and Tourism.*

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

1. That Council readvertise the Expression of Interest for the provision of a Visitor Information Service for a period of 14 days.
2. Financial support for this service to be discontinued in the 2015/16 budget.

AGENDA NUMBER:	12.14
SUBJECT:	Budget Monitoring – August & September 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Corporate Services Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	8 October 2014

Attachment 12.14.1: Monthly Financial Statements for the period ending 31 August 2014

Attachment 12.14.2: Monthly Financial Statements for the period ending 30 September 2014

Attachment 12.14.3: Table Showing Detailed Variances for 2014/15

**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 \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachments 12.14.1 and 12.14.2.

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:**

The gross surplus that is anticipated for the end of this financial year is expected to be \$901; this is shown in the table below.

	<i>(Surplus)/Deficit \$</i>
<b>Gross (surplus)/deficit expected for the year</b>	
Income – over received	(\$25,628)
Expenditure – overspent	\$24,727
<b>Projected surplus at end of the year</b>	<b>(\$901)</b>

Income for the year is expected to be \$25,628 higher than budgeted, mainly due to additional properties being added to the rate base resulting in higher rates and service charges. This is offset by Financial Assistance Grants being slightly lower than anticipated. We have also received grant funding of \$19,900 to assist with costs associated with the Bridal Trail. This will have a nil effect overall with spending within the contributions and donations account being over spent by the same amount.

At this early point in the financial year most expenditure is expected to be contained within budgets. There are a few areas which, if they are to remain constant, may see overspends by the end of the financial year.

Insurance costs are expected to be lower than budgeted by approximately \$25,000; this has arisen because there will be fewer employees as the Mowen Road project comes to a close. The reduced number of employees has a consequent impact on the cost of Workers Compensation Insurance.

Fuel Costs are currently trending at 10% over budget. While the actual costs will rely on works undertaken and distances travelled and the cost per litre of the fuel, it is anticipated that there will be an overspend within this category of approx \$25,000 by 30 June 2015.

Staff training costs have also been higher than budgeted for. With the recruitment of three new outdoor employees has come the need for additional training to ensure that they are capable and trained for their new positions, this has resulted in an overspend within this area. Additionally from an OH&S perspective there are areas which required training skills to be updated in order to comply with the act. At this point in time, it is anticipated that the overspend in this area will be \$3,000.

Capital expenditure items are all within allocated budgets.

Attachment 12.14.3 provides a detailed breakdown of income and expenditure incurred to 30 September 2014 and the associated annual budgets. The first two columns show the budget and the income or expenditure to date against each account code. The two columns on the right show the budget remaining for the year and the anticipated income or expenditure at the year end.

The variances shown in the statutory statements at Attachment 12.14.2 that are not commented on above result from income and expenditure not being in accordance with the profile adopted for the budgets and are therefore due to timing differences.

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** An anticipated saving at the end of the year of approximately \$901.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION:**

It is recommended that the Monthly Financial Statements for the periods ending 31 August 2014 and 30 September 2014 be received.

**Shire of Nannup**  
**Ordinary Council Meeting Agenda: 23 October 2014**

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AGENDA NUMBER:	12.15
SUBJECT:	Monthly Accounts for Payment - August & September 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Corporate Finance Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	14 August 2014

Attachment 12.15.1: Accounts for Payment Schedule– August & September 2014

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 30 September 2014 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 are two corporate credit cards currently in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. There are no credit card transactions to report for August or September 2014.

**Municipal Account**

Accounts paid by EFT	6356- 6516	\$755,454.87
Accounts paid by cheque	19578 –19625	\$44,946.91
Accounts paid by Direct Debit	99515 - 99510	\$0.00

Sub Total Municipal Account \$800,401.78

**Trust Account**

Accounts paid by EFT		\$360.00
Accounts Paid by cheque	22780 - 22786	\$630.50

Sub Total Trust Account \$990.50

**Total Payments** **\$801,392.28**

**STATUTORY ENVIRONMENT:** LG (Financial Management) Regulation 13

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:** As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple majority

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$801,392.28 in the attached schedule be endorsed.



**Shire of Nannup**  
**Ordinary Council Meeting Agenda: 23 October 2014**

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AGENDA NUMBER:	12.16
SUBJECT:	Land Transfer - Danjangerup Cottages
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 36
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	21 October 2014

Attachment 12.16.1: Draft Lease

Attachment 12.16.2: Letter from Department of Housing

Attachment 12.16.3: Location Plan

**BACKGROUND:**

The Council entered into a 30 year lease agreement with Danjangerup Cottages Incorporated (DCI) on 1 August 1991; the lease was for a peppercorn rent. It provided for the lease of land at Lot 306 Cross Street Nannup, part of Reserve Number 39740, to be used for the purposes of Aged Persons Homes.

DCI is seeking to transfer its interest to another provider and is working with Alliance Housing; this process is being facilitated by the Department of Housing.

Whilst the original agreement has remained unaltered since 1991, further investigation has shown that the area of the land under the council's control has changed. Attachment 12.16.3 shows the area of land controlled by the council, now renamed Lot 320 Cross Street. The original lease entered into in 1991 related to the area marked "A" on the plan (the original Lot 306).

In 2003 DCI entered into negotiations to secure part of the land owned by the Roman Catholic Church to build three additional units on the site. This land was gifted by the church for that purpose and the whole site (Lots, 100,101 and 320) re-subdivided to form the current configuration of the site. As part of this process the area of land marked "B" on the plan was added to Lot 306 to form the new Lot 320. The Vesting Order of 31 March 1992 was revoked and a Management Order over Lot 320 was issued on 9 June 2004. The Management Order restricts the use of Lot 320 to "Aged Person Homes only" and gives the council the power to lease the land for up to 21 years.

DCI sought funding from the Community Housing Program to construct the three additional units but appears to have been unsuccessful. In supporting the application Council resolved contribute \$45,000 towards the drainage works that would be required to construct the units.

In August 2007 Council resolved to write to the Roman Catholic Bishop of Perth to request that the laneway (Lot 66) connecting Walter Street and Adam Street be

gifted to the Crown for amalgamation into Lot 320 for the purposes of future aged unit development. There is no record of a reply to this request and the land remains in the ownership of the Church.

At the Council meeting on 27 June 2013 Council resolved:

**8989 DUNNET/STEER**

1. Council agree in principle to the relinquishment of the lease and for Alliance Housing to take over the management of Danjangerup Cottages.
2. Council advise the Department of Housing that it agrees to the severance of clause 4(k) from the lease between the Council and Danjangerup Cottages Incorporated dated 1 August 1991.
3. Council agree to the execution of a new lease with Alliance Housing on terms to be agreed.
4. Council agree to hold a trust fund for the balance of surplus funds from Danjangerup Committee, plus interest and a contract be drawn up to this effect between the Danjangerup Committee and the Shire of Nannup to release these funds for the expansion of the Danjangerup Cottages in the future.

**CARRIED 8/0**

Subsequent to this a draft lease was prepared and presented to Council on 22 August 2013. Council resolved:

**9012 CAMARRI/DUNNET**

1. Council endorse the draft lease as set out in Attachment 1 as a basis for discussion with Alliance Housing and the Department of Housing.
2. The Council provide a written undertaking to the Department of Commerce that any surplus funds entrusted to it by the Danjangerup Cottages Committee will only be used for the charitable purpose as defined in the rules of Danjangerup Cottages Incorporated.

**CARRIED 7/1**

The draft lease endorsed by Council is appended at Attachment 12.16.1.

The Department of Housing (DoH) has now written to the council requesting that rather than enter into a new lease agreement that, instead, the land is controlled directly by them; their letter is appended at Attachment 12.16.2.

**COMMENT:**

The CEO, Manager Corporate Services and the Community Development Officer met with Alliance Housing and the DoH on 8 October 2014 to discuss options for progressing the transfer of the site to Alliance Housing's control.

The change of approach from the DoH is largely driven by the complex nature of the legal agreement entered into at the start of the project. The original agreement was a Joint Venture Agreement (JVA) between Homeswest and Danjangerup Cottages Incorporated (DCI) and although the land for the development was vested with the Council, the Council itself was not party to the JVA.

There has been considerable delay in effecting the transfer to Alliance Housing Association because of the nature of the existing agreement. A new agreement cannot be finalised until other government departments, including the Treasury, are satisfied that it is legally sound. In the meantime Alliance Housing is managing the units on behalf of DCI under a fee-for-service arrangement. The position on the equity built up in the units also cannot be fully resolved, restricting Alliance Housing's ability to invest in the site and access funds set aside for maintenance.

However, a new agreement would not be necessary if the DoH were able to enter into a lease with Alliance Housing under the terms of its existing head lease. If this option could be implemented then the transfer to Alliance Housing could be completed much more quickly and the position on the equity in the units resolved. To do this the DoH needs to control the land and that is why they are asking the Council to relinquish its management order. Adopting this approach would effectively remove the council from the management of the site.

Should Council determine to retain the management order, the DoH will instruct their legal services to draft a new joint venture arrangement (JVA) to cite the Housing Authority and the Shire of Nannup and Alliance Housing Association. A new template JVA is being developed and while the drafting may take some time, the template is expected to facilitate the statutory approval process required under Section 12A of the Housing Act. Negotiation of such a JVA would therefore be subject to the arrangement receiving the approval the Minister for Housing and the Treasurer as to the terms and conditions of such JVA.

The Residential Tenancies Act places the ultimate responsibility for rented accommodation on the landlord; under the current arrangement this is the Council, rather than those persons managing the units. The ability to control the site therefore comes with a commensurate liability; this liability would be removed if the site were vested instead with the DoH.

Should Council wish to retain a degree of control an alternative approach might be to seek agreement with the DoH and Alliance Housing on a masterplan for the site. This would allow the Council to have some input into the development of

aged housing within the town without the liability that accompanies a position of landlord.

Should Council seek to directly manage the units the current arrangement between DCI and Alliance Housing would have to be terminated; this is not in the council's control. Managing aged accommodation requires expertise that is not currently available within the existing staffing structure and suitably skilled staff would need to be engaged to manage the units.

Resolution 8989(4) of 27 June 2013 allows the council to accept any unallocated funds remaining after the dissolution of DCI. Officers have been in correspondence with the Department of Commerce to give an undertaking that any funds it receives will be used for the same purposes as DCI. This position remains unchanged; however, this matter is not in the council's control and is the subject of discussions between the DoH, Alliance Housing Association and DCI.

Based on the notes above, the officer recommendation is to not support the request to transfer the Management Order on the grounds that the council wishes to retain control over the development of the site.

**STATUTORY ENVIRONMENT:** Land Act 1933, Residential Tenancies Act 1997.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** The development of a materplan for the Danjangerup Cottages site would support Objective 1.2.2 of the Corporate Business Plan - *Advocate for improved facilities and services for our aged.*

**VOTING REQUIREMENTS:** Simple Majority.

### **RECOMMENDATIONS**

Council does not agree to surrender the Management Order in respect of Reserve No. 39740 in favour of the Department of Housing.

**Shire of Nannup**  
**Ordinary Council Meeting Agenda: 23 October 2014**

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AGENDA NUMBER:	12.17
SUBJECT:	Tender for the Management of the Nannup Caravan Park
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 5
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	9 October 2014

Attachment 12.17.1: Financial Assessment

Attachment 12.17.2: Submitted Development Proposals

Attachment 12.17.3: Submitted Tenders (Separate Cover: CONFIDENTIAL ITEM)

**BACKGROUND:**

At its meeting on 24 July 2014 Council approved the tendering of the Management and Development of the Nannup Caravan Park, with a contract start date of 1 January 2015. Contract documentation was prepared and an advertisement placed in local and State-wide publications requesting submissions from interested parties by 4 September 2014.

**COMMENT:**

Three valid tenders were received:

1. Daniel and Jane Eddy
2. Barry & Jacki-Lee Fawcett
3. Ton & Jo Van Hattem

The tender documentation set out the methodology for evaluating tenders. The requirement was for a submission that provided the best value for money, rather than the highest return to the council.

Scoring the tenders is largely a judgemental process. Scoring was therefore undertaken by an evaluation panel comprising the CEO and Manager Corporate Services. In assessing scores the methodology used is to award the maximum score to the tenderer who, in the opinion of the evaluation panel, rated most strongly against the criteria; the remaining tenderers were then awarded scores based on that benchmark.

The point scoring mechanism was used as follows:

	Points Score
Price	45
Financial Capacity	10
Local Weighting	5
Technical & Physical Capacity	
Relevant Experience	10
Personnel & Skills	5
Resources	5
Development Plan	20
	<hr/> 100 <hr/>

### **Contract Price**

The tender allowed a great deal of flexibility in structuring the price proposal. In the event all tenderers opted to base their proposal for the lease on a percentage of gross turnover. Each tenderer made different assumptions about the level of turnover that might be generated from the park. For the purposes of comparing the different proposals a common level of turnover was used for each proposal; this took the actual income for 2013/14 as the base point and increased it incrementally by 5% per annum over the ten year period. The result of this assessment is shown at Attachment 12.17.1 and gave the following results:

- Daniel and Jane Eddy - \$17,861
- Barry & Jacki-Lee Fawcett - \$89,303
- Ton & Jo Van Hattem - \$89,303

Tenderers were also allowed the flexibility to propose their own lease terms, as the term of the lease could affect the price a tenderer is willing to pay. The terms proposed were as follows:

- Daniel and Jane Eddy – 30 years with an option to extend for a further 20 years (two extensions of 10 years each)
- Barry & Jacki-Lee Fawcett – 10 years
- Ton & Jo Van Hattem – 20 years

To allow for these variations the contract document explained that the financial evaluation would be based on the 10 year initial term. It should be noted that the tender submitted by Daniel and Jane Eddy proposed a staged increase to 15% of turnover over the full period; however this proposal would still be below the competing proposals for the first 20 years of the lease.

The point scoring mechanism for this element divided the 45 points available into thirds (i.e. the best proposal receiving 45 points, the next 30 points and the third 15 points). Since two of the proposals were of the same value the available points for first and second were combined and divided equally between the parties.

### **Financial Capacity**

Tenderers were requested to submit a profit and loss statement and a financial return, along with suitable financial referees. All the submissions were from private individuals and this requirement proved difficult to comply with; however each tenderer provided financial references and a statement to support their general financial standing.

In order to allow this report to be considered in open session these details are available as confidential documents and any discussion on this aspect would require the meeting to be closed to the public.

The information provided was assessed by the Manager Corporate Services. In this assessment Ton and Jo Van Hattem were assessed as the strongest tenderers financially and therefore received the top score of 10 points. Daniel and Jane Eddy were able to show that they had significant sums that could be invested in the park and 7 points were awarded. Compared to the other two tenderers Barry and Jacki-Lee Fawcett were unable to demonstrate in their submission that they had significant capital to invest in the park and were awarded 2 points.

### **Location**

The council's purchasing policy allows it to favour local suppliers. In scoring this element 5 points were available for using local suppliers in running the business and for running the business from the existing site. All tenderers provided this undertaking and were awarded the full 5 points available.

### **Technical and Physical Capacity**

This part of the evaluation sought to measure the capability of each of the contractors to carry out the specification set out in the tender documents.

Ten points were available for the tenderers to demonstrate how they would run the caravan park and meet the specification set out in the tender. Not surprisingly the current manager of the park was able to demonstrate a comprehensive knowledge of the park and its operations and scored the maximum 10 points. As previous caravan park employees Barry and Jacki-Lee Fawcett were also able to show a good awareness of the requirements and were awarded 7 points. Although the Van Hattens did not have an extensive background in managing this type of facility, they were able to demonstrate a good business awareness coupled with some experience in hospitality; they were awarded 5 points.

Five points were available for the tenderers to demonstrate that they had sufficient personnel, with the right skills to run the park. Again, as the current incumbents, Daniel And Jane Eddy were able to demonstrate that they had the capacity and skills to fulfil the specification with suitably qualified personnel and were awarded the full 5 points available. As discussed above, the other tenderers were able to demonstrate less capability in this area and were awarded 3 (Fawcetts) and 2 (Van Hattems) points respectively.

Five points were available for the contractor to demonstrate that they could provide sufficient resources to properly manage the park. All the tenderers could either provide the necessary resources or would acquire them from the council at the start of the contract. All tenderers were therefore awarded 5 points for this element.

### **Development Plan**

A key element of the assessment is the tenderer’s ability to demonstrate their ambitions for the park over the term of the lease. The submissions from Daniel and Jane Eddy and Ton and Jo Van Hattem adopted a similar approach in their proposed development of the park. Both sought to extend the existing manager’s accommodation, provide new permanent accommodation structures, provide better communal facilities and improve the existing amenities. Both demonstrated a considered approach with expected timelines and an assessment of the investment to be deployed. Both were therefore awarded the maximum 20 points. The submission from Barry and Jacki-Lee Fawcett fell significantly below the submissions from the other two tenderers and they were awarded 7 points. The submitted development plans are appended at Attachment 12.17.2.

### **Summary**

After all the scoring had been completed the position was as follows:

	Possible Score	D & J Eddy	B & J Fawcett	T & J Van Hattem
Price	45	15	33	33
Financial Capacity	10	7	2	10
Location	5	5	5	5
Technical & Physical Capacity				
Relevant Experience	10	10	7	5
Personnel & Skills	5	5	3	2
Resources	5	5	5	5
Development Plan	20	20	7	20
	100	67	62	80



The most economically advantageous tender was therefore submitted by Ton and Jo Van Hattem.

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

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Lease income over the 10 year period of approximately \$90,000.

**STRATEGIC IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple Majority

**RECOMMENDATION**

It is recommended that the contract for the management and development of the Nannup Caravan Park be awarded to Ton and Jo Van Hattem.

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

- (a) OFFICERS
- (b) ELECTED MEMBERS

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

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

**16. CLOSURE OF MEETING**



# Agenda Attachments

## 23 October 2014

Attachment	Title
9.1	Risk Management August 2014 Minutes
12.1.1	Correspondence from applicant
12.1.2	Location plan
12.1.3	Special Use provisions – extract from Scheme
12.2.1	Recommended final adoption version of Policy No. 22 Outbuildings
12.2.2	Submissions
12.3.1	Information from applicant
12.3.2	Location plan
12.3.3	Submissions
12.4.1	Modified draft <i>Local Planning Policy No. 19 Heritage Conservation</i>
12.4.2	Current <i>Local Planning Policy No. 19: Heritage Conservation (2011)</i>
12.4.3	Extract of <i>Shire of Nannup Municipal Heritage Inventory (1996)</i>
12.4.4	Extract of <i>Shire of Nannup Local Planning Scheme No. 3</i>
12.5.1	Letter from Cancer Support group
12.6.1	Funding acknowledgement letter
12.7.1	Part A - Emergency Management Arrangements
12.7.2	Part B - Emergency Management Arrangements (Separate Cover: CONFIDENTIAL ITEM)
12.7.3	Part C&D - Emergency Management Arrangements (Separate Cover: CONFIDENTIAL ITEM)
12.7.4	Recovery Plan - Emergency Management Arrangements
12.7.5	Animal Welfare Plan

**Shire of Nannup**  
**Ordinary Council Meeting Agenda: 23 October 2014**

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<b>12.8.1</b>	AEC Proposal for Economic Analysis Data for the Shire of Nannup
<b>12.8.2</b>	Letter of Agreement from SWDC
<b>12.10.1</b>	Heavy Vehicle Cost Recovery Model – Worked Example 1
<b>12.10.2</b>	Heavy Vehicle Cost Recovery Model – Worked Example 2
<b>12.12.1</b>	Email from Mr K Dunnet
<b>12.13.1</b>	Visitor Services Draft MOU
<b>12.13.2</b>	Letter from the Community Resource Centre
<b>12.14.1</b>	Monthly Financial Statements for the period ending 31 August 2014
<b>12.14.2</b>	Monthly Financial Statements for the period ending 30 September 2014
<b>12.14.3</b>	Table Showing Detailed Variances for 2014/15
<b>12.15.1</b>	Accounts for Payment Schedule– August & September 2014
<b>12.16.1</b>	Draft Lease
<b>12.16.2</b>	Letter from Department of Housing
<b>12.16.3</b>	Location Map
<b>12.17.1</b>	Financial Assessment
<b>12.17.2</b>	Submitted Development Proposals
<b>12.17.3</b>	Submitted Tenders (Separate Cover: CONFIDENTIAL ITEM)