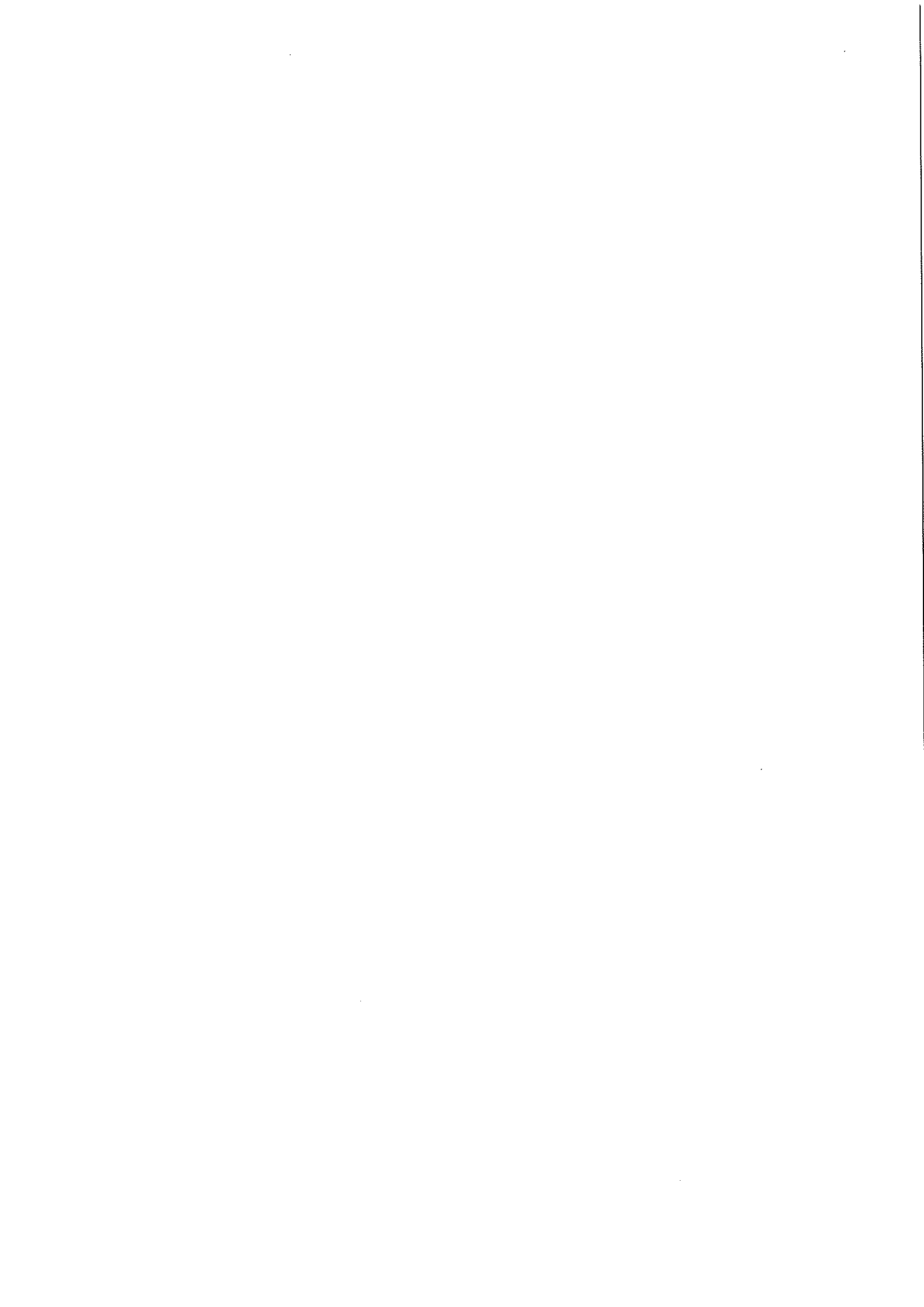


AGENDA

Council Meeting to be held
on Thursday 25 February 2010



Shire of Nannup

NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Nannup Council will be held on Thursday 25 February 2010 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 25 February 2010:

- 3.15 pm Information Session
- 4.15 pm Meeting commences
- 7.00 pm Dinner.



SHANE COLLIE
CHIEF EXECUTIVE OFFICER

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

Mr Tony Mitchell asked five questions at the January 2010 Council meeting regarding the proposed Grange Road parking area which have been responded to per the detail below. Mr Mitchell was also provided with the background to the issue and should the matter progress Council would ensure that Mr Mitchell and other business premises are part of a consultation process.

1. *Have either of the owners of the properties numbered 35 or 37 Warren Rd been notified of the shire's proposed intentions to create this thoroughfare?*

No, formal consultation has not yet occurred.

2. *How does the shire intend to make private the above two residences. (fences, brick walls)*

This has not been considered by Council.

3. *Does the shire realize the security implications that arise by creating a public laneway next to the town's bank?*

Council would need to determine if there is any alteration to the present circumstances as to whether an altered security risk becomes evident. This would need to be balanced against the public good of creating parking. As a business you may wish to consider and comment on this aspect when compared to any likely increase in passing pedestrian traffic which one would think would impact positively on business.

4. *Why is this shire intending to create a public laneway when all shires in the eastern states, and more recently, the shires of inner Perth, have sold the land in their laneways, mainly due to unsociable behaviour and other criminal acts that occur in these darkened corridors?*

Response to question 3 covers this. The individual circumstances of this community would need to be taken into account and comparisons with inner city areas one would think would not be particularly relevant.

5. *Is not the distance from the proposed car park in Grange Rd. to the town hall via Grange Rd., and the distance from the post office to the town hall via Warren Rd., the same? If so for what logical purpose does this town need an alleyway?*

The laneway is not the need. It is parking that is the need and the laneway can facilitate connecting parking with business premises, a situation that one would anticipate that business would support.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms Cheryle Brown wishes to make a presentation on the Telecentre.

Mr Bob Longmore wishes to make a presentation on the Community Arboretum.

7. 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 January 2010 be confirmed as a true and correct record.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

10. REPORTS OF OFFICERS

Agenda No.	Description	Page No.
DEVELOPMENT SERVICES		
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11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

(a) OFFICERS

(b) ELECTED MEMBERS

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

The following notice of motion was included in the January 2010 agenda and was requested to be laid on the table by the mover Cr Mellema;

Cr Mellema

I move that:

"the Shire of Nannup commence an investigation for the provision of a "purpose-built" Community Resource Centre facility to house the Telecentre that will cater for their current and anticipated needs for the short to medium term in the future in addition to providing for future extensions for other community purposes.

As part of the investigation, Council will undertake the following:

- *Identification of possible suitable sites*
- *Independent preparation of a needs analysis*
- *Independent preparation of a feasibility study*
- *Preparation of concept plans and indicative costing*
- *Extensive community consultation to gauge the level of community support for a Community Resource Centre against other proposed major infrastructure projects (estimated costs of each project to be detailed and how each project is to be funded included in, the survey)*
- *If the Community Resource Centre attains the highest priority, a quantity surveyor's report on the proposed concept plans to be prepared*
- *Funding sources to be identified and finalised*
- *Tenders called for architects*

- *Tenders or quotes for project management*
- *Tenders for construction"*

Justification for the Notice of Motion (Cr Mellema):

1. Council recognises that the current Telecentre facility is insufficient to meet the current needs of the community for the following reasons:
 - The infrastructure being used was the old hall supper room and any proposal to extend the building to cater for the Telecentre's future requirements is constrained by the location of the Town hall's effluent disposal holding tanks and drains and setback limits on the site.
 - To provide proper training facilities, a Telecentre requires a training room separate from the public area to allow students uninterrupted time.
 - A training room can also be utilised for video-conferencing purposes etc.
 - A separate area for internet cafe purposes is also desirable to allow users greater privacy than currently available.

Other Comments (Cr Mellema):

The location of a new Community Resource Centre should, if at all possible, have main street frontage to maximise the accessibility to the public, however careful consideration of any proposed site should ensure that the site should be capable of not only accommodating the building but also all parking required under the Nannup Town Planning Scheme #3 without reallocating some of it in other areas of the townsite.

The site should also have considerable room for extensions for other community purposes in the future without compromising the provision of parking onsite.

Any such site should be situated so as to avoid any complications associated with the 1 in 100 year flood level.

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

14. CLOSURE OF MEETING

DEVELOPMENT

SERVICES

AGENDA NUMBER: 10.1
SUBJECT: Annual Registration of Food Premises
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: HLT4
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8th February 2009

- Attachments:
1. Food Act 2008 (Extract).
 2. Local Government Act 1995 (Extract).
 3. Preparing for the Food Act 2008.
 4. Letter to Food Operators (Draft).

BACKGROUND:

The *Food Act 2008* which became operative on 23 October 2009, places responsibilities upon local government as enforcement agencies, one of which is the registration of food businesses. Attachment 3 is the checklist for Local Government for "*Preparing for the Food Act 2008*".

COMMENT:

In order to meet the requirements of the *Food Act 2008*, as an "*enforcement agency*", the Shire is required to:

- a. Receive notification of food businesses (s107)
- b. Receive applications for registration (s110)
- c. Approve; approve subject to conditions; or decline the registration of food premises (s110)
- d. Maintain a register of food premises (s115)

There is provision in the *Food Act 2008* for payment of fees under the *Local Government Act 1995* Part 6, Division 5, Subdivision 2. The *Food Act 2008* provides for both a registration and annual surveillance fees (s107, s110). The information required for "notification" and for "registration" is similar and the duplication of applications and fees would appear to be unnecessary.

The legislation provides for “notification”, “registration” and “surveillance” fees. It is proposed that there be one fee, an annual application for registration with an associated fee and that the Shire maintains a registrar of notifications, provides an annual inspection and certificate of registration. There would be one fee payable with regards the annual application for registration which would in effect be for the “notification”, “registration” and “annual surveillance”. With regards to change of ownership, registration is not transferrable, therefore any new owner is required to reapply for registration and pay the requisite fee.

The process of application for registration provides for a fee to cover administration and inspection. The establishment of the fee would be in accordance with the *Local Government Act 1995* (Attachment 2). In accordance with s6.17, the fee for a service or for goods a local government is required to take into consideration; the cost to the local government of providing the service or goods; the importance of the service or goods to the community; and the price at which the service or goods could be provided by an alternative provider. Additionally, a higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

In establishing a fee, Council could consider a number of options; charge based on standard inspection, charge based on priority classification system, charge based on demand, charge based on “public good” factor, charged based on grading or no charges.

Standard Inspection: The setting of a standard fee of say “\$100” is simple to implement and administer. This system does not factor in the different food premises and the associated time involved and based on the amount fixed it may not cover full cost and as such general revenue would be supporting a business.

Priority Classification System: In considering the level of fee incorporating the “priority classification system” would allow for a range of fees subject to the level of risk associated with the food business, and frequency of visits. Alternatively, a fixed fee and inspection regime maybe considered. Additionally, consideration as to full cost recovery through to partial or no cost recovery could be adopted.

The following “*Priority Classification System for Food Businesses*” from the Environmental Health Australia guide could be adopted.

Serial	Classification	Assessment frequency (Every X months)		
		Starting Point	Maximum	Minimum
1	Exempt food business	At the discretion of the enforcement agency. Judgment based on health risk and complaints.		
2	Low	18	12	24
3	Medium	12	6	18
4	High	6	3	12

This assessment can be modified based on risk factors

Serial	Adjustment	Non Compliance – Number and type
1	Increased if	Greater than ten (10) or more non compliances Greater than two (2) serious non compliances Greater than six (6) non compliances including serious
2	Decreased if	Not more than one (1) non compliance (non serious) An approved Food Safety Plan is in place Food handler training/qualifications

Demand: This system would require a fixed charge being provided for the Shire's services and a record of time expended and charged accordingly. This system may appear to be simple, but has high administration costs and relies on all services being recorded and costs recovered.

Public Good: In areas of health an assessment of "public good" can be made which allows adoption of a flexible fee structure. Should Council believe the provision of registration and annual surveillance is a core activity and contributes to the health and well being of the community then funding of the service could be 100% from general revenue and no charge to businesses, through to 100% cost recovery, or a "public goods" factor being applied. The actual costs are assessed by Council and they apply a percentage "public good" rebate. An example would be, actual cost \$400 x 40/100 (public good factor) = \$240. This mechanism allows for phasing in of costs given that Council currently has not been charging for "health services" and in subsequent years the service could move to full cost recovery.

Grading of Food Premises: Food premises would be graded from A to E. An "A Grade" complies in all regards through to "E Grade" for non compliances. This mechanism has been successful in businesses using the "A" grading as a marketing tool. The incentive applied is a reduced registration cost for "A" grade premises based on a need for reduced visits. This system does become self limiting and can place officers in a predicament with regards grading of premises.

No Charge: Council may consider that it does not wish to apply charges for registration.

Costs: To base a fee for service using the minimum assessment frequency the likely costs are:

Serial	Classification	Assessment frequency (Every X months)	
		Minimum	Cost
1	Exempt food business	At the discretion of the enforcement agency. Judgment based on health risk and complaints.	
2	Low	24	\$240
3	Medium	18	\$290
4	High	12	\$340

Alternatively, one (1) visit per year with receipt of one (1) application and issue one (1) certificate of registration a fixed cost of \$240.

In addition any level of service above that allocated in the fee set, for example complaints, sampling, follow up inspection and request for registration on change of ownership (registration is not transferrable) are charged out at actual time at a cost recovery charge of \$80 per hour for an Environmental Health Officer.

A draft of the letter to all food operators in Nannup is as at Attachment 4.

It is recommended that Council adopts a fixed fee of two hundred and forty dollars (\$240) for service (notification, receipt of registration application, one inspection per year and issue of certificate of registration). Any additional costs incurred are covered by Council. An alternative is the adoption of a "public good" factor.

It is recommended that a fee for service based on actual and reasonable time for an Environmental Health Officer is fixed at \$80 per hour.

STATUTORY ENVIRONMENT:

Food Act 2008, Food Regulations 2009, Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopts the following fees under the Local Government Act 1995 for inclusion in the 2010/11 draft budget (effect from 1 July 2010).

- (1) Annual registration of food premises \$240.
- (2) Charge out for an Environmental Health Officer \$80 per hour.

VOTING REQUIREMENTS:

A handwritten signature in black ink, appearing to read 'Ewen Ross', written in a cursive style.

**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**

Part 9 — Registration of food businesses

107. Notification of conduct of food businesses

- (1) The proprietor of a food business must not conduct the food business at any premises unless the proprietor has given written notification in respect of those premises to the appropriate enforcement agency, in the approved form, of the specified information.

Penalty:

- (a) for an individual — a fine of \$10 000;
 - (b) for a body corporate — a fine of \$50 000.
- (2) In subsection (1) —
specified information means the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the food business is conducted.
- (3) Subject to subsection (4), the notification must be accompanied by the fee, if any, prescribed by the regulations.
- (4) If the appropriate enforcement agency is a local government —
- (a) any fee prescribed by the regulations for the purposes of subsection (3) does not apply to notification given to the agency under this section; and
 - (b) the fee for notification given to the agency under this section may be imposed and recovered by the agency under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.

108. Exemption in relation to notification of information

Section 22 (to the extent to which it requires notification of the information referred to in section 107) and section 107 do not apply to the conduct at any premises of the following food businesses —

- (a) any food business that is not required by the Food Safety Standards to notify that information;
- (b) any food business that is registered in respect of those premises under this Act or under a law prescribed by the regulations.

109. Conduct of unregistered food businesses

- (1) The proprietor of a food business, other than an exempted food business, must not conduct the food business at any premises unless the food business is registered in respect of those premises under this Part.

Penalty:

- (a) for an individual — a fine of \$10 000;
- (b) for a body corporate — a fine of \$50 000.

(2) In subsection (1) —

exempted food business means a food business, or a food business within a class of food businesses, prescribed by the regulations for the purposes of this section.

110. Registration of food businesses

- (1) The appropriate enforcement agency may register a food business in respect of any premises for the purposes of this Part.
- (2) The proprietor of a food business may apply, in the approved form, to the appropriate enforcement agency for the registration of the food business in respect of any premises under this Part.
- (3) The application must be accompanied by —
 - (a) if required by the appropriate enforcement agency — the design and fit-out specifications, in a form approved by the appropriate enforcement agency, of the premises, if food is to be handled in the course of conducting the food business at those premises;
 - (b) any other information that the appropriate enforcement agency requires to determine the priority classification of the food business; and
 - (c) subject to subsection (4), the fee, if any, prescribed by the regulations.
- (4) If the appropriate enforcement agency is a local government —
 - (a) any fee prescribed by the regulations for the purposes of subsection (3)(c) does not apply to an application to the agency under this section; and
 - (b) the fee for an application to the agency under this section may be imposed and recovered by the agency under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.
- (5) The appropriate enforcement agency may, after considering an application for registration —
 - (a) grant the application, with or without conditions; or
 - (b) refuse the application.
- (6) If the appropriate enforcement agency grants an application for registration, the appropriate enforcement agency must issue the applicant with a certificate of registration, in the approved form, that specifies the premises in respect of

which the registration is granted and sets out any conditions to which the registration is subject.

- (7) A condition to which the registration is subject may relate only to compliance with this Act.
- (8) If the appropriate enforcement agency refuses an application for the registration of a food business in respect of any premises, the appropriate enforcement agency must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

111. Term of approval

The registration of a food business in respect of any premises under this Part remains in force until cancelled.

112. Variation of conditions or cancellation of registration of food businesses

- (1) The appropriate enforcement agency may vary the conditions of, or cancel, the registration of a food business in respect of any premises under this Part.
- (2) The registration of a food business in respect of any premises may be cancelled on one or more of the following grounds —
 - (a) any annual or other fee —
 - (i) prescribed by the regulations in relation to the registration of the food business in respect of those premises has not been paid by the time the regulations require the payment to be made; or
 - (ii) if subsection (3) applies — imposed by the appropriate enforcement agency in relation to the registration of the food business in respect of those premises has not been paid by the time the agency requires the payment to be made;
 - (b) the food business has ceased to be conducted at those premises;
 - (c) at the request of the holder of the certificate of registration that specifies those premises.
- (3) If the appropriate enforcement agency is a local government, then for the purposes of subsection (2)(a) in relation to the registration of a food business in respect of any premises —
 - (a) any annual or other fee prescribed by the regulations for the purposes of that provision does not apply to the registration of the food business in respect of those premises by the agency; and

- (b) an annual or other fee in relation to the registration of the food business in respect of those premises by the agency —
 - (i) may be imposed and recovered by the agency under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2; and
 - (ii) must be paid by the time the agency requires the payment to be made.
- (4) The appropriate enforcement agency may vary the conditions of, or cancel, the registration of a food business in respect of any premises only —
 - (a) after having given the holder of the certificate of registration that specifies those premises —
 - (i) written reasons for the agency's intention to vary or cancel; and
 - (ii) an opportunity to make submissions;and
 - (b) after having considered any submissions duly made by that person.
- (5) Subsection (4) does not apply to the cancellation of the registration at the request of the holder of the certificate of registration that specifies the relevant premises.
- (6) A variation of the conditions of, or the cancellation of, the registration of a food business in respect of any premises —
 - (a) must be by notice in writing;
 - (b) must be served on the holder of the certificate of registration that specifies those premises; and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.

113. Notification of certain changes to registered food businesses

- (1) The proprietor of a food business that is registered in respect of any premises under this Part must give written notification, in the approved form, to the appropriate enforcement agency of any of the following changes to the food business at those premises —
 - (a) the food business ceases to be conducted at those premises;
 - (b) the food business is sold;
 - (c) any change is made to the activities carried out for the purposes of the food business that is likely to affect its priority classification.
- (2) The proprietor must give the notification required under subsection (1) within 7 days after the relevant change takes place.

Penalty:

- (a) for an individual — a fine of \$20 000;
- (b) for a body corporate — a fine of \$100 000.

114. Review of decisions relating to registration

- (1) An applicant for the registration of a food business in respect of any premises under this Part, or the holder of a certificate of registration that specifies any premises, may apply to the State Administrative Tribunal for a review of a decision of the appropriate enforcement agency that relates to any of the following —
 - (a) the grant or refusal of the application for registration of the food business in respect of those premises under this Part;
 - (b) the imposition of conditions on the registration in respect of those premises;
 - (c) the variation of conditions of the registration in respect of those premises;
 - (d) the cancellation of the registration in respect of those premises.
- (2) An application under this section may only be made within 28 days after service of —
 - (a) in the case of an application for the review of a decision referred to in subsection (1)(a) or (b) — the relevant certificate of registration or notice of refusal under section 110; or
 - (b) in the case of an application for the review of a decision referred to in subsection (1)(c) or (d) — the relevant notice of the variation or cancellation under section 112.

115. Register of food businesses to be maintained

Each enforcement agency must prepare and maintain a list of —

- (a) food businesses notified to the agency in respect of any premises under section 107; and
- (b) food businesses registered by the agency in respect of any premises under section 110.

Local Government Act 1995 Part 6 Division 5 Subdivision 2

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.

- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.



Delivering a Healthy WA

Government of Western Australia
Department of Health

Preparing for the *Food Act 2008*

A checklist for local government

September 2009

Priority	Action	Check when complete
1	Download and read copies of: <ul style="list-style-type: none"> ▪ <i>Food Act 2008</i>¹ (the Act) ▪ Chapter 3 of the <i>Australian New Zealand Food Standards Code</i>² (the Code) 	
2	Alert food proprietors to the following key changes: <ul style="list-style-type: none"> ▪ That everyone 'selling' food will need to notify, and potentially apply for registration, at the local government where the food handling premises are located. ▪ That all existing food businesses may be subject to annual or other fees associated with registration (if the relevant local government has created fees under the <i>Local Government Act 1995</i>). ▪ That the Chapter 3 of the Code contains the majority of the food handling and hygiene requirements for all food businesses. ▪ That the penalties associated with non-compliance with the Act range from \$10,000 to \$500,000 and could include imprisonment for 2 years. ▪ That the Act provides the following enforcement options: <ul style="list-style-type: none"> ○ Infringement notices; ○ Improvement notices; and ○ Prohibition orders. 	
3	Amend electronic and printed resources so that they reflect the requirements of the Act and the Code. For example: <ul style="list-style-type: none"> ▪ Web-based information/publications; or ▪ Brochures/pamphlets/explanatory guides 	

¹http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html

²<http://www.foodstandards.gov.au/thecode/foodsafetystandardsaustraliaonly/>



Delivering a Healthy WA

4	Develop a notification/registration form that enables the collection of information required in <u>clause 4 of Standard 3.2.2³</u>	
5	Develop a registration form (<i>section 110(6)</i>).	
6	Develop a 'Food Business Risk Profiling' tool to enable risk classification of food businesses. ⁴	
7	Determine whether <i>Food Act 2008</i> fees will be charged and if so, develop in accordance with <i>Local Government Act 1995 Part 6 Division 5 Subdivision 2</i> .	
8	Develop a process to enable the appointment of authorised officers (<i>s.122</i>).	
9	Develop a 'Certificate of Authority' that can be provided to each authorised officer appointed (<i>s.123</i>).	
10	Develop (or amend) a 'Compliance and Enforcement Policy' that: <ul style="list-style-type: none"> ▪ Sets out the approach to compliance and enforcement that will be implemented by the local government authority; and ▪ Designates persons for the purposes of s.126 (persons who can issue infringement notices and persons who can withdraw). 	
11	Review any existing: <ul style="list-style-type: none"> ▪ health local laws; ▪ planning/building permit standard conditions; ▪ event application packages; or any other relevant documentation to ensure that any requirements in relation to food and the operation of food businesses that reflect the <i>Health Act 1911</i> or the <i>Health (Food Hygiene) Regulations 1993</i> are amended and updated to reflect the Act and the Code.	
12	Review standard operating procedures, policies and induction manuals to ensure they reflect the objectives of the Act.	

Note: the above checklist is not exhaustive and is intended to provide guidance only.

³ Appendix 2 of 'Safe Food Australia' contains a sample notification form:

<http://www.foodstandards.gov.au/newsroom/publications/safefoodaustralia2nd519.cfm>

⁴ A guidance document has been developed and is available at www.public.health.wa.gov.au



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XXX
XXX
XXX
Nannup, WA 6275

Dear Sir/Madam,

RE: INTRODUCTION TO THE FOOD ACT 2008

The *Food Act 2008* (the Act) was passed on the 8 July 2008 by the Western Australian Parliament and will be implemented on the 23 October 2009. The Act will be the principal piece of legislation regulating the sale of food in Western Australia (WA) and provides food safety regulation over the entire food supply chain; a paddock to plate approach. This represents a significant shift in the direction of food regulation and management within WA. The purpose of this letter is to provide an overview of some of the important changes to the new food regulatory system that the Act brings into fruition.

Application of the Act

The Act will apply to everyone involved in the sale of food in WA. Sale is defined broadly and includes activities such as:

- the supply of food as a meal to employees at the place of work in accordance with employment arrangements;
- offering of food as a prize or reward;
- the giving away of food for the purposes of advertisement;
- the supply of food under a contract together with accommodation, service or entertainment

Change in approach

The current food safety regulatory framework includes a number of legislative instruments created under the *Health Act 1911*. These include the *Health (Food Hygiene) Regulations 1993*, the *Health (ANZ Food Standards Code Adoption) Regulations 2001*, the *Health (Meat Hygiene) Regulations 2001* and local government local laws. The Act will replace all of these legislative instruments.

This regulatory system was prescriptive and subsequently very inflexible. In contrast, the Act provides for an outcome based approach. In this model of food regulation, food

safety outcomes are assessed which provides the food industry the opportunity to be innovative in relation to food safety management.

Furthermore, the Act clarifies that the responsibility for food safety rests on the food business.

Implementation of national standards

The Act implements the *Australia New Zealand Food Standards Code* (the Code). This means that all food safety requirements are contained within this national code. The advantage of this approach is that it provides for national consistency; a food business in WA will need to meet the same requirements as a food business operating anywhere else in Australia.

It is very important that the proprietors of all food businesses become aware of the requirements contained within Chapter 3 of the Code specifically. This chapter, known as the *Food Safety Standards*, contains the minimum food handling, hygiene and structural requirements for all food businesses. (Copy attached)

It is expected that food businesses that comply with the current legislation in terms of food premises fit out and construction will comply with the standard required in the Code.

Administrative matters

The Act makes significant changes to the way food safety is managed that you need to be aware of:

Food Safety Programs

Food Safety Programs must be implemented in food businesses that are captured under *Standard 3.3.1 (Food Safety Programs for Food Service to Vulnerable Persons)* of the Code; specifically high-risk food businesses such as hospitals, nursing homes and child care centres.

Although not a legal requirement for all food businesses, food safety programs are an effective food safety management tool and assist food businesses to manage their food safety risks. In addition, they are invaluable in ensuring that food businesses are able to demonstrate that all reasonable measures are being taken to produce safe and suitable food.

Notification Requirements

All food businesses must notify the appropriate enforcement agency in writing that they plan to conduct a food business. The information required includes contact details, the nature of the food business and the location of all proposed food premises. The purpose

of notification is so that enforcement agencies know of their existence can contact them if required and know the sort of food business in operation. In addition, it enables them to make a decision as to whether the food business needs to apply for registration as a food business. It is an offence not to provide this information.

Registration

Section 109 of the Act specifies that it is an offence to conduct a food business at any premises unless the food business is registered with the relevant enforcement agency in respect of those premises. This enables the enforcement agency to be aware of all food businesses trading within its responsible area and collect information in relation to food handling so that targeted food safety education, surveillance, enforcement and awareness programs can be developed.

Enforcement

The Act provides enforcement agencies with a number of new enforcement options, designed to assist them to manage compliance with the food standards. Depending on the severity of food safety breaches, authorised officers from enforcement agencies may issue or initiate any of the following:

- Formal warnings
- Improvement notices;
- Prohibition orders;
- Infringement notices (fines)
- Legal action through the Courts

It is important to be aware that the details of any successful prosecutions will be publicly listed on the Department of Health's website.

Further Information

- The Act is available online at: www.slp.wa.gov.au
- The Code and the Food Safety Standards are available at: www.foodstandards.gov.au
- Department of Health fact sheets and guidelines are available online: www.public.health.wa.gov.au
- Local Government Websites www.walga.asn.au/about_lg/council_websites

Attached is a Notification/Registration Form for your business which is required to be completed and returned to the Shire. At this stage the Shire is not charging a registration fee, but will be adopting an annual registration fee in the 2010/11 budget. The implementation of annual registration will occur in the 2010/11 financial year.

Please note that the information contained within this letter is intended to provide an overview of some of the key changes resulting from the implementation of the Act and is therefore not exhaustive.

I trust that this information has been of assistance to you. If you have any queries, please do not hesitate to contact Ewen Ross on 97561097.

Yours sincerely

**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**

Attachment:

1. Notification/Registration Form
2. Food Safety Standards Chapter 3



Shire of
NANNUP
The Garden Village

15 Adam Street,
P.O. Box 11, Nannup WA 6275
Telephone: (08) 9756 1018
Facsimile: (08) 9756 1275
Email: nannup@nannup.wa.gov.au
Web: www.nannup.wa.gov.au

Food Act 2008

Notification/Registration Form

Proprietor/Business details

Proprietor Name:		
Postal Address:		
ABN:		
Phone:	A/H:	Fax:
Email:		
Primary language spoken:	Number of equivalent full time staff:	

Premises details (if food vehicle/temporary food business please provide details of where the vehicle is garaged)

Trading Name:
Address of Premises:
Phone:
Email:
Name of person in charge and title (if different from proprietor):
Details of food vehicle (make, model, registration plate):
Details of any associated premises:

Description of use of premises

Please tick all boxes that apply (there may be more than one)

- | | |
|---|---|
| <input type="checkbox"/> Manufacturer/processor | <input type="checkbox"/> Hotel/motel/guesthouse |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Pub/tavern |

- | | |
|---|---|
| <input type="checkbox"/> Food Service | <input type="checkbox"/> Canteen/kitchen |
| <input type="checkbox"/> Distributor/importer | <input type="checkbox"/> Hospital/nursing home |
| <input type="checkbox"/> Packer | <input type="checkbox"/> Childcare centre |
| <input type="checkbox"/> Storage | <input type="checkbox"/> Home delivery |
| <input type="checkbox"/> Transport | <input type="checkbox"/> Temporary food premises |
| <input type="checkbox"/> Restaurant/café | <input type="checkbox"/> Mobile food operator |
| <input type="checkbox"/> Snack bar/takeaway | <input type="checkbox"/> Market stall |
| <input type="checkbox"/> Caterer | <input type="checkbox"/> Charitable or community organisation |
| <input type="checkbox"/> Meals-on-wheels | <input type="checkbox"/> Other _____ |

Please provide more details about your type of business

(For example: butcher, bakery, seafood processor, soft drink manufacturer, milk vendor, service station. If business is a catering business, please provide maximum patrons estimate)

Do you provide, produce or manufacture any of the following foods?

Please tick all boxes that apply

- | | |
|--|---|
| <input type="checkbox"/> Prepared, ready to eat ¹ table meals | <input type="checkbox"/> Confectionary |
| <input type="checkbox"/> Frozen meals | <input type="checkbox"/> Infant or baby foods |
| <input type="checkbox"/> Raw meat, poultry or seafood (i.e. oysters) | <input type="checkbox"/> Bread, pastries or cakes |
| <input type="checkbox"/> Processed meat, poultry or seafood | <input type="checkbox"/> Egg or egg products |
| <input type="checkbox"/> Fermented meat products | <input type="checkbox"/> Dairy products |
| <input type="checkbox"/> Meat pies, sausage rolls or hot dogs | <input type="checkbox"/> Prepared salads |
| <input type="checkbox"/> Sandwiches or rolls | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Soft drinks/juices | |
| <input type="checkbox"/> Raw fruit and vegetables | |
| <input type="checkbox"/> Processed fruit and vegetables | |

Nature of food business

	Yes	No
Are you a small business ² ?		
Is the food that you provide, produce or manufacture ready-to-eat		

¹ 'Ready to eat' means food that is ordinarily consumed in the same state as in which it is sold
² Is a business that employs less than 50 people in the 'manufacturing sector' or less than 10 people in the 'food services' sector

when sold to the customer?		
Do you process the food that you produce or provide before sale or distribution?		
Do you directly supply or manufacturer food for organisations that cater to vulnerable persons ³ ?		
To be answered by manufacturing/processing businesses only:		
Do you manufacture or produce products that are not shelf stable?		
Do you manufacture or produce fermented meat products such as salami?		
To be answered by food service and retail businesses only (including charitable and community organisations, market stalls and temporary food premises):		
Do you sell ready-to-eat food at a different location from where it is prepared?		

Hours of operation:

Monday		Friday	
Tuesday		Saturday	
Wednesday		Sunday	
Thursday			

Recall contact:

First name			
Last name			
Phone		A/H:	Fax:
Email			

Declaration:

I, the person making this application declare that:

- the information contained in this application is true and correct in every particular
- the prescribed fee of: Nil fee at this stage to be implemented 2010/11 financial year

Signature of applicant: _____

In the case of a company, the signing officer must state position in the company

Date: _____

The Shire of Nannup will not use or disclose any information about you or your business without your consent, unless acting under a good faith belief that such action is necessary to:

- enforce the Statements and Notices of the Shire of Nannup
- protect the rights or property of the Shire of Nannup
- lessen a serious threat to a person's health or safety; or
- comply with the law.

The Shire of Nannup will not sell, lease or rent its member lists to any third parties.

³ Standard 3.3.1 *Australia New Zealand Food Standards Code*

AGENDA NUMBER: 10.2
SUBJECT: Caravan Parks and Camping Grounds
LOCATION/ADDRESS: Brockman Street and Riversbend
NAME OF APPLICANT: N/A
FILE REFERENCE: Reserve 20333 and res 24762
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 18 January 2010

Attachments:

1. Development Guide Plan Brockman Street Caravan Park.
2. Development Guide Plan Riversbend Caravan Park.
3. Proposed Development Guide Plan for Riversbend Caravan Park and Camping Ground.
4. Reserve Plan "Foreshore" area.

BACKGROUND:

Council has two Caravan Parks and Camping Grounds which form a valuable asset for future development of the Nannup Townsite. They provide an open space to the north and west of the Townsite along the Blackwood River. This area could be extended to incorporate the Foreshore Park and extend south along the riverbank as far as Wilson Street.

This overall area would form a significant "Tourist and Cultural Precinct" and be a key tourist attraction for Nannup at the same time providing the facilities for temporary camping, festivals, walking areas and a "green belt" to the Townsite.

With reference to the Economics Standing Committee report (2009) *Provision, Use and Regulation of Caravan Parks (And Camping Ground) in Western Australia* and The Caravan Industry Association report (2009) *Sustainability Report for Caravan Parks and Associated Trades – Western Australia*, the retention of these facilities under Council control is likely to continue into the future. It is unlikely that any approval to freehold the reserves where the facilities are located would be granted. Research into this option was undertaken approximately 5 years ago and a negative response was received

COMMENT:

The current situation is:

1. Brockman Street Caravan Park and Camping Ground:

This facility has previously been licensed by the Shire and a current inspection has been made for the 2009/10 licensing year. Application from the Tourist Association has been received for Brockman Street. The applicant has been advised subject to checking of fire appliances that the facility could be licensed

for 30 sites. The facility is in generally sound condition, well maintained and ongoing improvements are occurring.

The inspection report did recommend some changes with regards to the leased area and facilities provided by the Tourist Association which are asset management issues, outside the inspection for the purposes of licensing.

Council's resolution 7822 of November 2007 approved a development plan for the Brockman Street facilities which was for the addition of 25 sites, making in total 45 power sites (Includes relocatable building) and undetermined number of "campsites". The full impact of this decision, such as the need for additional facilities to support the increase in sites and the funding required for the project was not fully considered. Additionally, there was unclear direction as to who was to progress the project, Tourist Association, Caravan Park and Camping Ground Committee or the Shire. As a result work on this development guide plan has been slow and has been stalled for the past 12 months.

2. Riversbend Caravan Park and Camping Ground:

This facility has not previously been licensed by the Shire. The reserve has certain limitations with regards topography and is bordered by the Blackwood River with resulting flooding constraints. The facilities are basic, with the exception of the new ablution block which would permit forty (40) sites to be developed. Due to terrain, the reserve would suit "cabins" in order to limit the area lost to roads and turning circles for caravans. They would also provide an all year round capability to the facilities offered in Nannup and have the potential to increase the return on the capital asset.

The development guide plan has been provided with three (3) options. Should this plan be adopted the rough order of cost is \$300,000 (Will increase due to requirement of certified retaining walls). The plans as submitted would not comply with the licensing conditions of the legislation. However, before further resources are committed to this project, the funding should be established. To meet legislative requirements there will be added costs to establish the road network and the number of campsites would be limited if retaining walls are not provided.

With regards to this facility Council by virtue of the construction of the new ablution facility has given a positive sign towards a commitment to further development. There is however risk applicable to Council as the owner and regulator in allowing this facility to operate without a license. To formalise this area as a Caravan Park and Camping Ground the Tourist Association need to make an application for a license to satisfy the legal requirements of the Caravan and Camping Ground Regulations 1997.

Council would be within its right to terminate the lease on the property if the property is not licensed as this would be considered a default on behalf of the tenant and/or owner being that the lease would be operating on an illegal premise. Note there is no intention to do this; it merely serves as a prompt to have the premises appropriately licensed in accordance with the Caravan and Camping Ground Regulations 1997 which will offer protection for both parties to the lease.

A meeting was held on 18 January 2010 with the Tourist Association to progress this issue. A new draft lease was provided as a start point. When it is in a position suitable for consideration it will be presented to Council.

3. Foreshore Park:

This area has been successfully incrementally improved over recent years. It now has an amphitheatre, seating, toilets, entry statement, parking, an arboretum and a walking path along the Blackwood River which links with the Riversbend facility (note not all year) and extends over the heritage railway bridge over the Blackwood River.

Further development could see Council having the increased management rights over the railway land extending along the Blackwood River to Wilson Street. This area could be further enhanced with a road along the eastern boundary, walking tracks, provision of an exercise trail, and extension of "temporary" camping in this area. This area is not leased to any party and Council retains full control over activities undertaken.

The area encompassing the Riversbend Caravan Park, 2 Brockman Street (Community House) Visitor Centre, Brockman Street Caravan Park, Arboretum, Amphitheatre, walkways and temporary camping area could form a basis for a commercial lease at some future date. A cost benefit analysis would need to be carried out to determine the best management options, outsourced or internally managed or a compromise between the two approaches.

4. Lease arrangements:

Currently there is an enforceable lease over the Brockman Street Caravan Park and the Riversbend Caravan Park and Camping Ground with the Nannup Tourist Association until 30 June 2012. This in effect places these facilities under the Nannup Tourist Association, whom can apply to Council under the terms of their lease for up to 50% of development cost of the asset. The level of development by the Tourist Association and the amount of operational costs covered by Council has been discussed with both parties.

5. Financial:

Currently Council consents to receive no rental income or return on the Brockman Street Caravan Park and Camping Ground and the Riversbend Caravan Park and Camping Ground, and is viewed as their contribution to tourism in the district. Council may wish to consider the financial commitments it has made over the past five years and if the model is suitable.

The expenditure for the Caravan Parks and Camping Ground over the past five years is \$231,259. This reflects only cost code 3932 which identifies operational costs only. Additional such as refuse bin pick up, house and grounds under the Works Manager, management costs and cost for the cleaning of the public toilets adjacent the Visitors Centre and old wooden facility inside the Brockman Street facilities are not included in this total. Neither is the cost of the new ablution facility at Riversbend included.

Year	Actual Budget
2005 2006	\$19,400.00
2006 2007	\$34,659.00
2007 2008	\$50,060.00
2008 2009	\$80,750.00
2009 2010	Estimated \$46,390.00
	\$231,259.00

Revenue

There has been no revenue received for the Riversbend Caravan Park and Camping Ground and Brockman Street Caravan Park and Camping Ground over the past five years. Funding in the form of grants has been received but these are not readily identifiable, exception being the toilet block at Riversbend facility.

Council needs to consider if it wishes to continue to pay for these facilities as "public good" from general revenue or that a move to greater user pays and some cost recovery. Valuation figures remain pending for Council's consideration in this regard.

Not forgoing the revenue issue, Council needs to consider the priority of funding being attributed to a Council asset which additionally has a legislative minimum standard to be complied with.

Recommendations

From a planning perspective it is recommended that a "Tourist and Cultural Precinct" be formed and included formally in Council's Townsite Strategy. This would provide a "green belt, open space" from the east, Riversbend Caravan Park and Camping Ground along the Blackwood River through to the back of Wilson Street. A future direction, outsourcing of all or parts thereof to provide a return to Council would be a positive step in terms of Council sustainability.

At this stage there has been no consideration of the status of the lease to organisations occupying the "Community House" and the necessary consultation and identifications of needs would need to be carried out if any change is considered. As will also the cost benefit analysis to base future direction on.

The two Caravan Parks and Camping Grounds need to be brought up to the legislative minimum for licensing and this should be undertaken prior to the new lease being finalised in 2012. To complete the approved development plan for Riversbend and Brockman Street Caravan Parks and Camping Grounds it is estimated that the Council (or others) could be facing an outlay of upwards of \$800,000.

The passing of resolutions without the requisite funding and direction for implementation is not a helpful strategy to move these facilities forward. From an "Inspector" perspective, liberal interpretation of the legislation can be applied if it is seen that the applicant (lessee) is working on an improvement plan. In respect of the Council owned facilities they do not meet a legislative minimum and there is no hard evidence that funding has been allocated for upgrading.

At this stage there needs to be a commitment from Council and the Nannup Tourism Association as to an investment plan for the facilities and their future intentions. The direction that is being worked towards is that there is a call for expressions of interest to operate the facilities from 2011/12 onwards with a new lease put in place upon termination of the current lease in June 2012.

The Tourism Association are in the best position to be the ongoing lessee provided an appropriate development plan is put in place and the minimum licensing standards met. This has been communicated to the Tourism Association chairman at the meeting held 18 January 2010.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

Caravan Parks and Camping Ground Act and Regulations 1997.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Per the body of this report.

STRATEGIC IMPLICATIONS:

Council's draft Forward Plan 2010/11 to 2014/15 contains Action Plans consistent with the recommendations in this report. It should be noted no funding commitment is attached to the action plans.

RECOMMENDATION:

1. That a "Tourist and Cultural Precinct" be formed to provide a "green belt, open space" from the east, Riversbend Caravan Park and Camping Ground along the Blackwood River through to the back of Wilson Street and that this be formalised in the future review of Council's Townsite Strategy.
2. That Council consider the development of a business plan covering the "Tourist and Culture Precinct" with a view of possibly outsourcing some components of the area (such as event attraction) based on economical and public good in order to achieve greater sustainability.
3. The Nannup Tourism Association is requested to provide an investment plan for the facilities leased and future intent with regards the lease and minimum licensing requirements of the Nannup Caravan Parks - which may or may not include funding requests to Council or other potential funding partners.

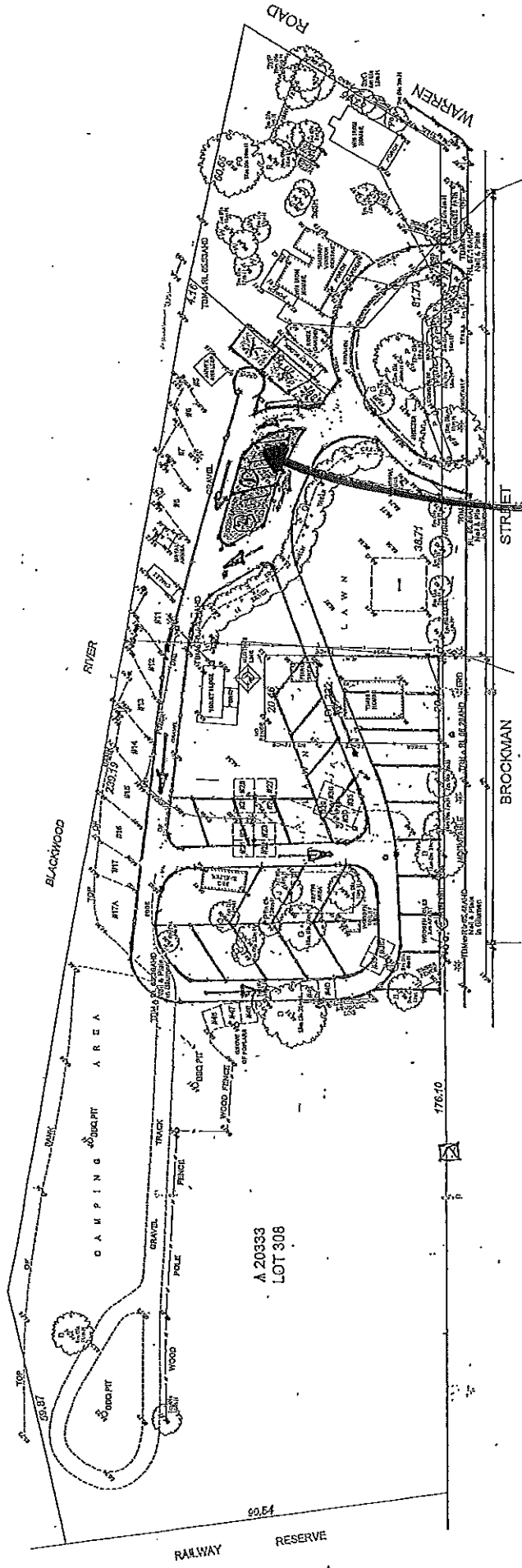
VOTING REQUIREMENTS:



**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**

BROCKMAN STREET CARAVAN PARK PLAN OF DEVELOPMENT

Adopted at committee meeting 5 March 2008



Managers Site

Proposed disabled bays adjoining the Visitors Centre ablation facility

PLAN FEATURES

- Angled access
- One way internal access
- Internal roads 5 metres wide
- Proposed disabled bays adjoining the Visitors Centre ablation facility

Note: Position of fibrotank sewer lines are approximate - derived from plumbers plans
 Lot Boundaries not checked

LEGEND		TREE LEGEND	
○	RAILWAY	D	DWARF PALM
○	RAILWAY	PG	GRASS PALM
○	RAILWAY	C	CASHEW
○	RAILWAY	J	JACARANDA
○	RAILWAY	B	BANANA PALM
○	RAILWAY	P	PALM TREE
○	RAILWAY	PO	POINCIANA
○	RAILWAY	R	ROSE PALM
○	RAILWAY	OR	ORANGE PALM
○	RAILWAY	LY	LYCOPodium
○	RAILWAY	YL	YALOWOOD

Balingup Road Caravan Park Conceptual Development Plan

NANNUP SHIRE CARAVAN PARK No.2
: DP 228954 - NANNUP - BALINGUP ROAD

CLIENT: SHIRE OF NANNUP
ORDER NO. 101620 JOB NO. 11128
DATE OF SURVEY: OCTOBER 2008

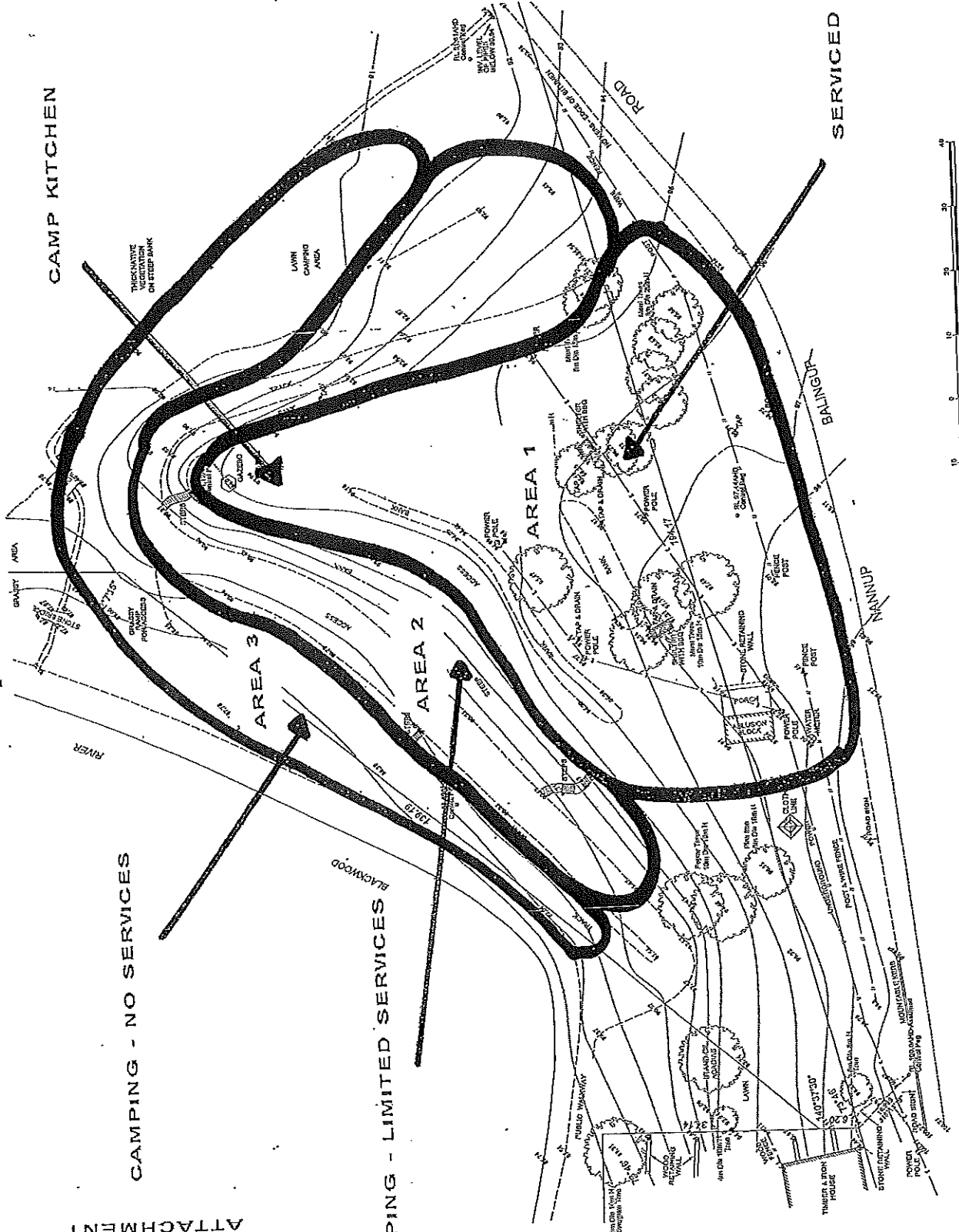
LEVEL DATUM ASSUMED
LEVELS SHOWN IN SLOPING DIGITS
CADASTRAL BOUNDARIES NOT RE-ESTABLISHED
MANY LARGE TREES NOT SHOWN

CAMP KITCHEN

ATTACHMENT

CAMPING - NO SERVICES

CAMPING - LIMITED SERVICES



ISSUES

- Traffic Management
- Tree Safety
- New Ablution
- Stairs
- Sullage Points
- Lighting

SERVICED SITES

Natur
61 Reynolds
Tel 081 141
small page

**DEVELOPMENT GUIDE PLAN
RIVERBEND CARAVAN PARK
BALINGUP ROAD NANNUP
RESERVE 24762 LOT 555 ON DP 58837**

BACKGROUND:

In July 2007 the Nannup Caravan Park and Camping Ground Advisory Committee formed by council produced a Conceptual Development Plan (CDP).

The main issues featured on CDP for future development are:

- Safe traffic flow within the site
- Safe vehicular access and exit points to site
- Defined areas for camping types (vans, motor homes, tents)
- Defined areas for levels of servicing
- Provision of facilities for disabled patrons
- Provision of safe illuminated access between the different tiers
- Consideration of permanent residents
- Renovation, modernisation or demolition of existing structures
- Use and adaptation of existing services
- Sullage and hygiene issues
- Tree safety

The topography of the park features five distinct levels. These narrow tiers and very steep areas create the main problems in designing a camping ground.

It is not a level playing field and space is at a premium.

Following this CDP the Shire of Nannup has requested the supply of a Development Guide Plan (DGP) incorporating the CDP issues, production of graphics showing various options, draft works project plan and an approximate estimate of associated costs.

The DGP is to be supplied in two stages.

Stage 1:- Produce a draft plan incorporating the above to distribute to interested parties for comment, advice and requirements. The parties include the Nannup Visitors Centre, Nannup Tourism Association members of the Nannup Shire and Council.

Stage 2:- After comments, opinions and feedback from the draft DGP a final report and plan is to be produced defining more accurately positions and types of camping areas, location and extent of services, an approximate timeline works project plan, a better costs estimate.

The DGP is not a final construction plan but an illustration of a possible development scheme to improve and build on the Park's assets and features for the benefit of the public and the Shire. Future work would require detailed construction plans for quantities, quotes, tenders and construction.

THE DEVELOPMENT GUIDE PLAN

Factors considered for the plan are:-

- Relevant legislation- WA Gov. Caravan Parks and Camping Grounds Act 1995
- WA Gov. Caravan Parks and Camping Grounds Regulations 1997 (Regulations)
- Aforementioned issues presented by the CDP
- Fire safety plan
- Recreation areas
- Cabin development
- Signage
- Pedestrian access to Warren Road
- Potential of whole reserve area for long term development
- Earthworks and retaining walls
- Chemical toilet dump point

SAFE TRAFFIC FLOW

The Regulations state that a two way facility road must have a minimum width of six metres and a one way road being four metres. This distance may be reduced at the discretion of the Shire.

The four options illustrated show a combination of one and two way four metre wide roads which may be deemed safe with appropriate signage. A turning circle is shown on option A and turning bays are provided for the northern cabins.

SAFE VEHICULAR ACCESS FROM MAIN ROAD

Two additional entry / exit points are to be created shown on all options. The western point will be two way up to the cabins then the roads from there will be one way. The grade is very steep and to exit the site from here would be impractical.

The new eastern point would service all roads and would be two way access. Both new points pose no road traffic visibility problems and are safer than the current access point.

CAMPING TYPE AREAS

Options A, B and C show areas for a selection of large to small caravans, large to small camper vans, camper trailers, tents and cabins. Option C shows no caravan accommodation at all which negates problems associated with manoeuvrability with articulated units in restricted space. Each type and size will be given a designated area to camp. There will be no mixing or incorporating of types.

Site numbers: Large units=4(8), medium units= 14(10), small units=12

Tents including overflow area =25

Numbers are calculated on statutory areas and space between sites.

Numbers in brackets are option D i.e. no caravans

LEVELS OF SERVICING

The Regulations stipulate required access to electricity, water, waste water disposal, rubbish disposal and toilet facilities. Local government has the right to define the level of servicing to each caravan and camping site.

The DGP tries to comply with the Regulations specifications where possible but follows the degree of service outlined on the sketch in the CDP.

Layout of services is not shown on the draft DGP. When a site layout scheme has been finalised the location and extent of the services will shown on the approved DGP.

DISABLED PATRONS FACILITIES

The DGP allocates two caravan / motor home sites to cater for disabled persons located south of the new ablution block. These sites will comply where possible with Part D3 of the Building Code or at the decision of the Shire.

ILLUMINATED ACCESS BETWEEN TIERS

Proposed positions of steps and stairs linking the tiers are shown on the drawings. Footpaths will link these to the ablution block and campers kitchen. The steps and paths will be illuminated by time-controlled lights.

PERMANENT RESIDENCY

Recent policy disallowing permanent residency negates the need for its provision in the DGP.

EXISTING STRUCTURES

The existing old ablution block is to be retained but renovated and modernised for use as a camper's kitchen or a caretaker's storage unit. The septic sewer system will be decommissioned. Grey water from this building will be discharged into the site sullage system.

A new field kitchen is proposed to the north of the new ablution block show in options A, C and D. This may be in addition to the renovated old block as a kitchen.

The options are (i) one kitchen + one caretakers shed (ii) two kitchens, no shed (iii) one kitchen no shed.

The existing hexagonal gazebo on the spit is in a prime viewing position and is to be retained and refurbished or demolished and replaced.

Existing open fire barbeque pits should be demolished and replaced at revised positions by pits capable of being secured during the fire ban season. Coin operated gas barbeques will be installed.

EXISTING SERVICES

Where possible and if practical the existing electricity, water and waste systems will be linked into the new services layout. These will be shown on the final DGP after site allocations have been agreed.

SULLAGE AND HYGIENE

Sullage and other waste water will be directed to a holding sump and linked to the new sewer system. Each caravan / motor home will be no more than ten metres from a sullage point. In non-serviced sites campers on lower levels will be requested to collect and dispose of their grey water at the sullage gullies provided on higher ground. The final DGP will show the sullage system design.

TREE SAFETY

Appropriately qualified consultants will be employed for advice on the safety of the trees on site on a regular basis or after storm activity.

To achieve maximum space for caravan parking and manoeuvrability certain trees may need to be removed.

If the park is to be motor homes and tents only the sites layout could be designed around the trees reducing the numbers to be removed.

FIRE SAFETY

A fire safety plan is to be drawn up after the DGP is finalised. FESA will be consulted for advice.

RECREATION

The Regulations show that ten per cent of the usable park space must be dedicated to active or passive recreation. The DGP includes a weatherproof and enclosed children's playground with apparatus, a picnic lawn near the stream outlet and a viewing/dining platform on high ground overlooking the Blackwood River.

Regulations also require a building for recreational or communal activities. This has not been included in the DGP.

CABINS & CHALETS

The DGP includes the construction of cabins or chalets.

The position of new buildings in the park is restricted to areas on or above the twenty five year flood event level plus five hundred millimetres. This contour line is shown on the drawings.

Suitable areas would accommodate two cabins in the south west of the site and three in the north east. Option B shows a single dormitory style cabin suitable for group and organisation stays.

To reduce fire hazards the cabins will be built on concrete slabs with metal frames and fibro-cement plank cladding.

Design and specifications for the buildings will not be included in the final DGP but approximate cost estimates have been obtained to build a basic cabin. –see cost estimates.

The access road shown to the cabins is indicative only. Minimum tree clearing and earthworks will be considered when planning its route.

EARTHWORKS

Most of the batters separating the tiers can be steepened with the construction of retaining walls. This will significantly increase usable flat areas for sites and mobility.

Facility access roads are to be constructed from compacted gravel suitably drained and cement stabilised where required.

Compacted hardstand areas will be constructed in the areas designate for large units.

Earthworks and sand pads will be constructed for the cabin development.

The employment of a civil engineer may be required to supply standard construction drawings for the retaining walls and as-con endorsement.

PEDESTRIAN ACCESS

The construction of a pedestrian footpath should be considered to link the Park closer to the town centre.

The distance from the existing site entrance to the Dry Brook Bridge is about one hundred and eighty metres and ample space within the verge for construction.

The existing path beside the riverbank from the Park to the Traffic Bridge and Brockman Street Caravan Park should be considered for upgrade. It is a short but safe and scenic walk.

During peak occupancy of the Site when the non vehicle overflow tent area is in use, car parking in the proposed Grange Road Car Park may be required. Safe pedestrian traffic design is essential.

SIGNAGE

Adequate and obvious warning and information signs will be erected along Balingup Road notifying motorists of camping ground vehicle and pedestrian entry and occurrence.

Signage within the Site will include speed limits, traffic direction flow, bay information, site map, general camp rules and information bay.

DUMP POINT

A chemical soil waste dump point will be installed in accordance with AS/NZS 3500.2.2 the position of this facility will be shown on the final DGP drawings after consultation with plumb contractors.

LONG TERM FUTURE POSSIBILITIES

Reserve 24762 covers an area of 3.76 hectares of which only 1.2 hectares is suitable for camp accommodation. The remaining land could be developed into active recreation.

The narrow middle section is very steep falling from Balingup Road down to the River but may be developed into mountain bike trails or fitness walking tracks.

To the north west of the land there is a flatter section which may be developed into activities such as an adventure park, assault course, outdoor gymnasium, exercise circuit or BMX track.

The future development of this land would attract local and visiting sporting groups for fitness stays where the proposed dormitory style cabin would be utilised. SEE Drawing 6

APPROXIMATE COST ESTIMATES

Local contractors have been approached to give rough estimates of costs to provide services and materials to complete the proposed development.

EARTHWORKS

Construction of access roads, retaining walls, batter stabilisation and building pads. : **\$ 120,000**

ELECTRICITY

Underground power @ \$30 per metre	10000
Pillars @ \$ 1500 per unit	13500
Standard lighting @ \$ 500 per unit	3500
	\$ 27,000

PLUMBING

Water supply @ \$18 per metre	3200
Sullage line @ \$20 per metre	3000
	\$ 6,200

Fittings not quoted until known
Sullage and dump point connections to sewer system not quoted in this draft

CABINS

Construct 8m x 7m (including 2m deck) – steel frame, steel roof, Hardyplank clad, gyrock lined on 100mm concrete slab. \$ 29,000- five off **\$ 145,000**

No quotes given in this draft for wiring, plumbing or cabin fitting.
Toilet arrangements to be decided.

\$300K

The engagement of a civil engineer and a quantity surveyor may be required closer to the final construction design stage.

Design construction details of cabins, field kitchen and old ablution block must be discussed before cost estimates can be made for these jobs.

ATTACHMENTS:

- Drawing 1 : Cadastral Plan of Site
- 2 : Option A
- 3 : Option B
- 4 : Option C
- 5 : Option D
- 6 : Possible long term land use

Project Plan spreadsheet

Anders Paul - December 2009

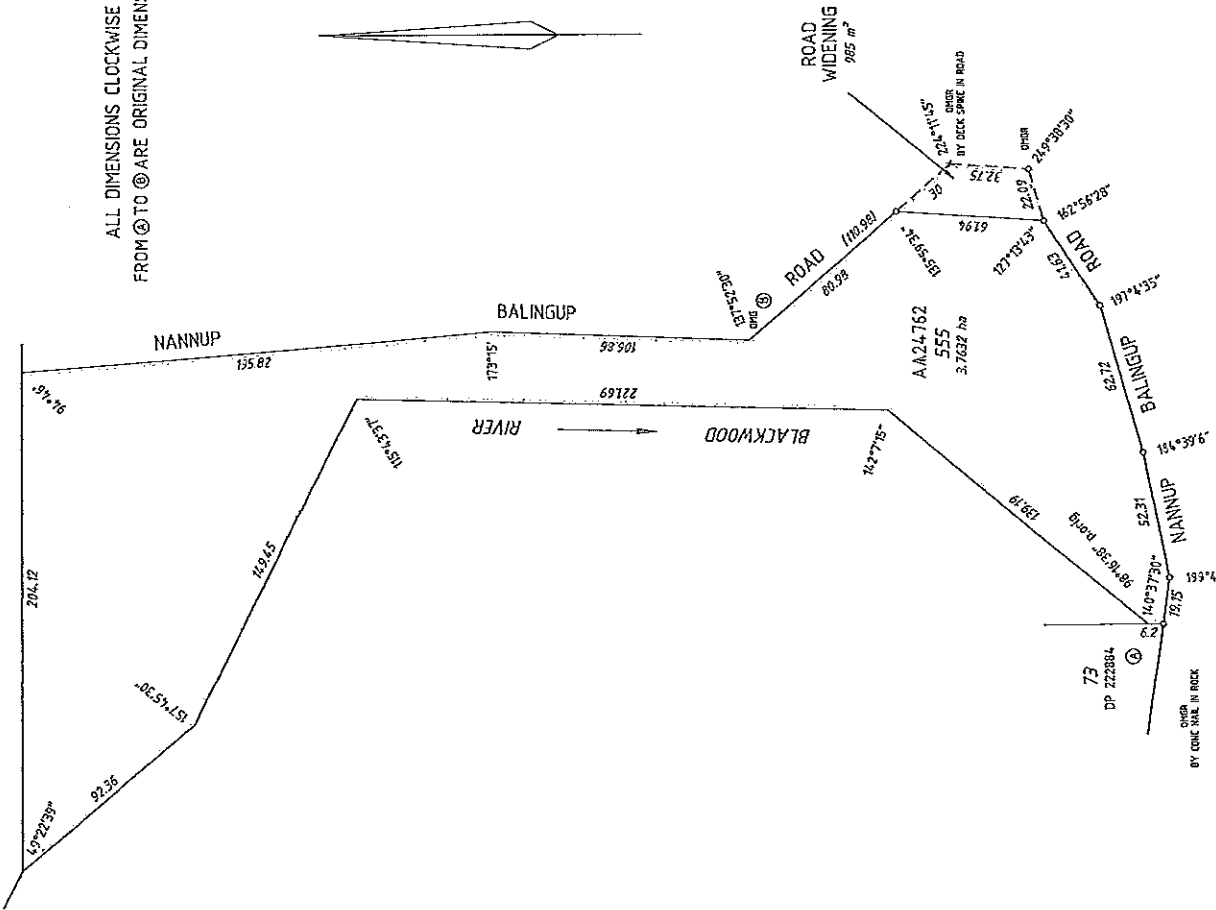
TYPE CROWN

PURPOSE SUBDIVISION

PLAN OF

LOT 555 & ROAD WIDENING

ALL DIMENSIONS CLOCKWISE FROM Ⓔ TO Ⓔ ARE ORIGINAL DIMENSIONS

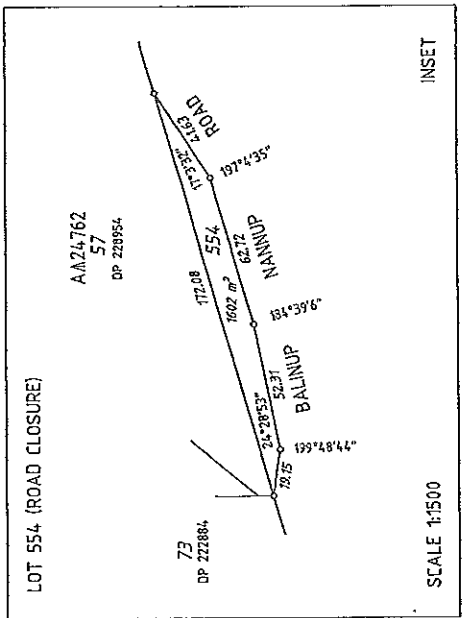


Nannup Surveys
PO Box 339, MANNUP WA 6275
Phone: 9756 0901
Mobile: 0432 110 940



AMENDMENT	AUTHORIZED BY	DATE

LOT	FORMER TENURE	ON PLAN / DIAGRAM	TITLE
555	PT LOT 57	DP 228954	LR 3055/214
	LOT 554	THIS PLAN (INSET)	



Drafted By:

 P.O. Box 9695, South Perth, WA 6150
 Ph: 9450 0969 Fax: 9450 4187

DISTRICT NELSON	SSA NO
TOWNSITE	FORMER TENURE
FILE 01844-1957	SEE TABLE
LOCALITY NANNUP	
LOCAL AUTHORITY SHIRE OF NANNUP	
OR	FIELD BOOK
INDEX B028 (2) 9.4.0	105871
BALINGUP SW (25)	
SCALE 1:1500 @A2	Ct Ref: 01908R
ALL DIMENSIONS ARE IN METRES	
SURVEYOR'S CERTIFICATE - Reg 54	
I Andrew Pash Surveyor The site of same is a correct reproduction of the survey and the disturbances from measurements contained in the field book copied for the purpose of this plan and that it complies with the relevant written laws in relation to section 1 & 10 of the Act.	
Drawing Number: 105871-2 Surveyor's Name: Andrew Pash	

LODGED DATE	TYPE OF VALIDATION	APPROVED BY
	FULL SURVEY	REPRESENTATIVE
	PROJECT	FILE
	ADDITIONAL	EXEMPT FROM
		MAP APPROVAL
		(Where applicable)
		DATE

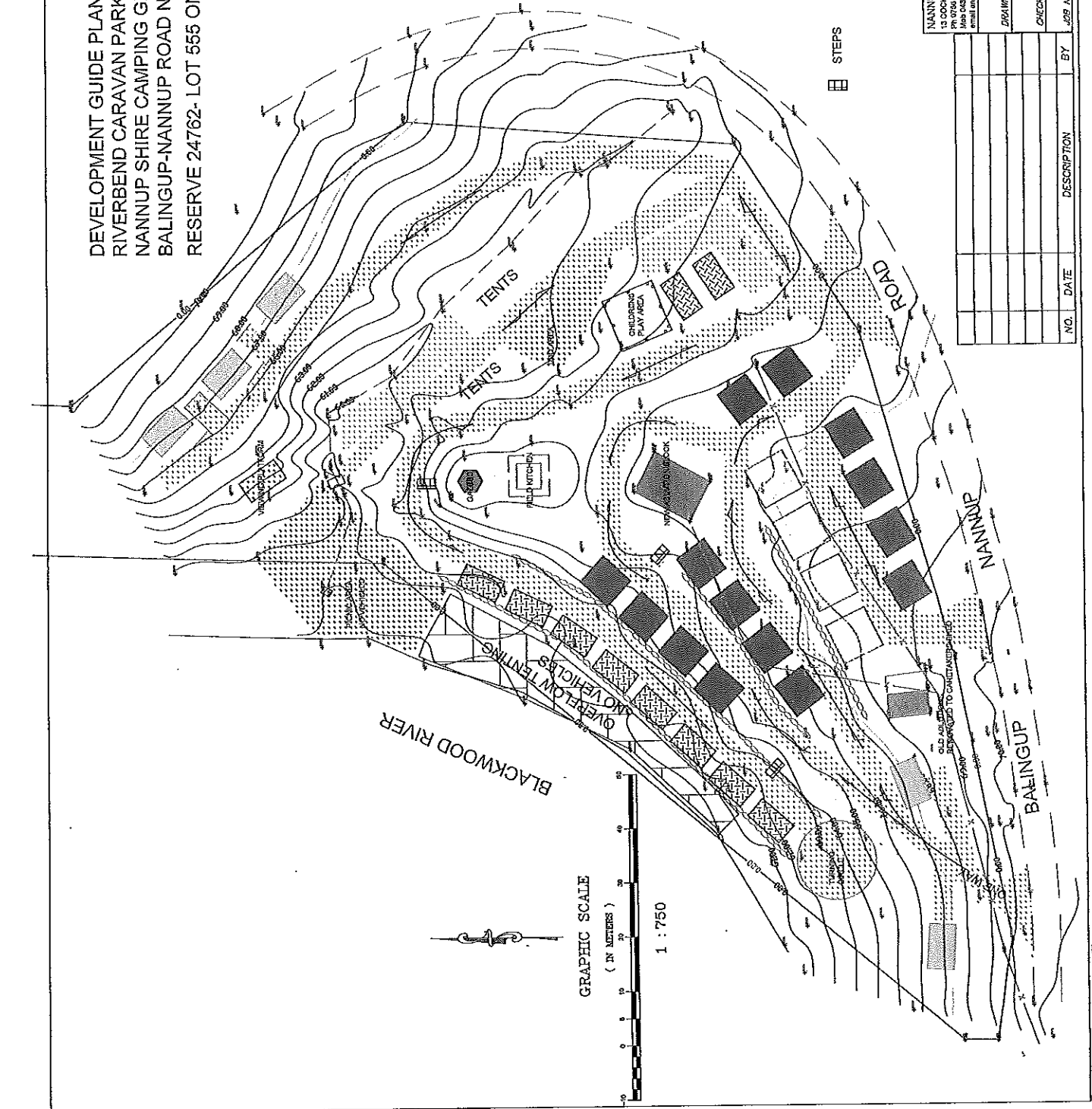
IN ORDER FOR DEALINGS
 COLLECT TO
 APPROVED
 NANNUP SURVEYS / AUTHORIZED LAND OFFICER
 DATE

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN
 58837
 SHEET 1 OF 1 SHEETS
 VERSION 1

DEVELOPMENT GUIDE PLAN OPTION "A"- UPGRADE
 RIVERBEND CARAVAN PARK
 NANNUP SHIRE CAMPING GROUND No 2
 BALINGUP-NANNUP ROAD NANNUP
 RESERVE 24762- LOT 555 ON DP 58837

- LEGEND**
- CABIN / CHALET
 - LARGE VANS / MOTOR HOMES
90m²
 - MEDIUM VANS / MOTOR HOMES
80m²
 - SMALL CAMPER VANS / TENTS
40m²
 - EXISTING STRUCTURES
 - ACCESS ROADS
 - RECREATION AREA
 - CAR PARKING FOR TENTS
 - BUILDING FFL (FLOOD + 0.5)
 - RETAINING WALL
 - LOT BOUNDARY



NANNUP SURVEYS
 13 COCKATOO DRIVE NANNUP WA 6375
 PH 08 93 5001 FX 0755 0802
 Mob 0832 110 040
 email ann@nnsurveys.com.au

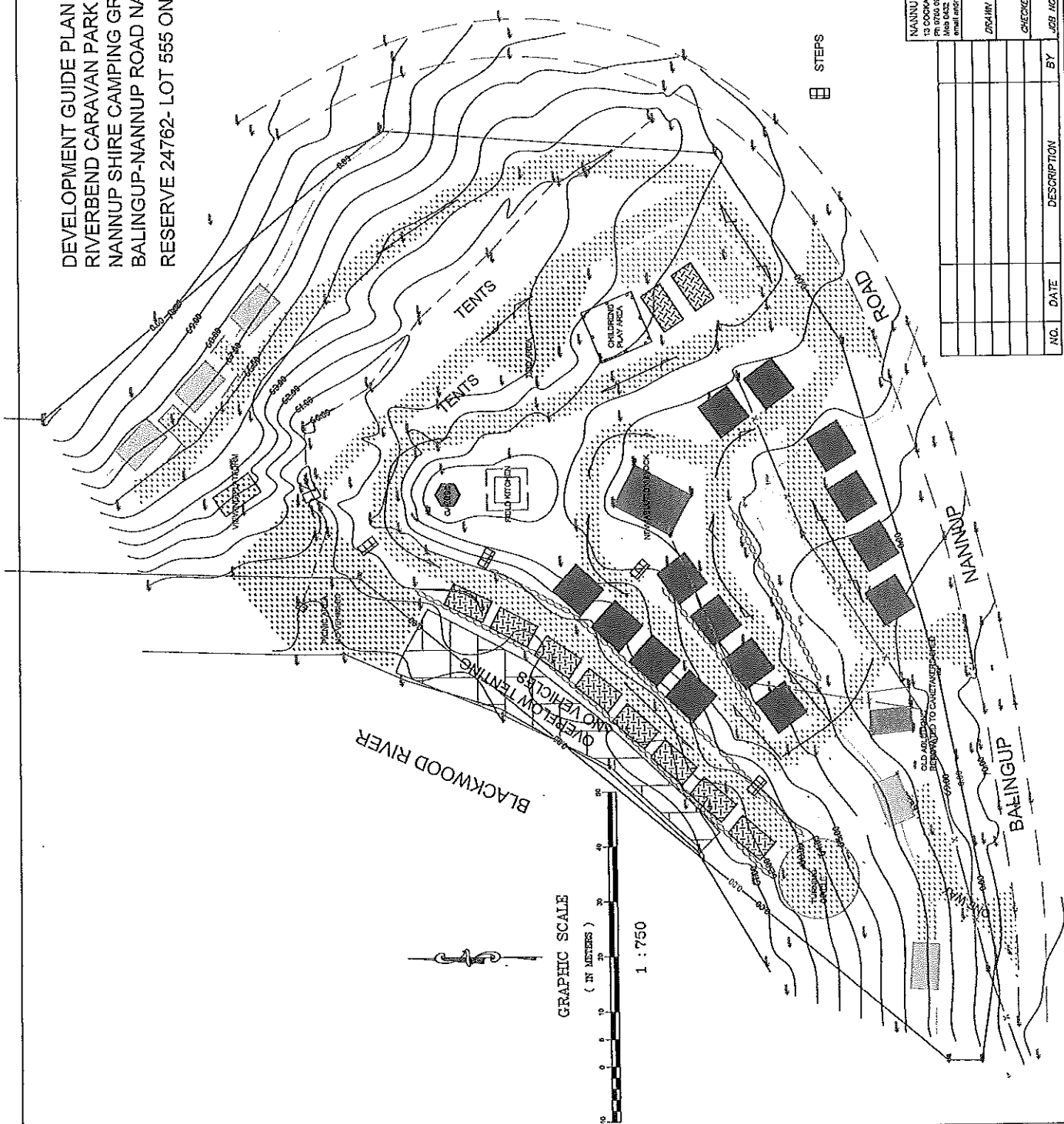
CLIENT:
 SHIRE OF NANNUP

NO.	DATE	DESCRIPTION	BY

DRAWN BY: AP	DATE: 06/11/2009
CHECKED BY: AP	DRAWING NO: RB100
JOB NO: SON 18	SHEET 1 OF 1

DEVELOPMENT GUIDE PLAN OPTION "C"
 RIVERBEND CARAVAN PARK
 NANNUP SHIRE CAMPING GROUND No 2
 BALINGUP-NANNUP ROAD NANNUP
 RESERVE 24762- LOT 555 ON DP 58837

- LEGEND**
- CABIN / CHALET
 - LARGE VANS / MOTOR HOMES 90m²
 - MEDIUM VANS / MOTOR HOMES 80m²
 - SMALL CAMPER VANS / TENTS 40m²
 - EXISTING STRUCTURES
 - ACCESS ROADS
 - RECREATION AREA
 - CAR PARKING FOR TENTS
 - BUILDING FFL (FLOOD + 0.5)
 - RETAINING WALL
 - LOT BOUNDARY
 - STEPS



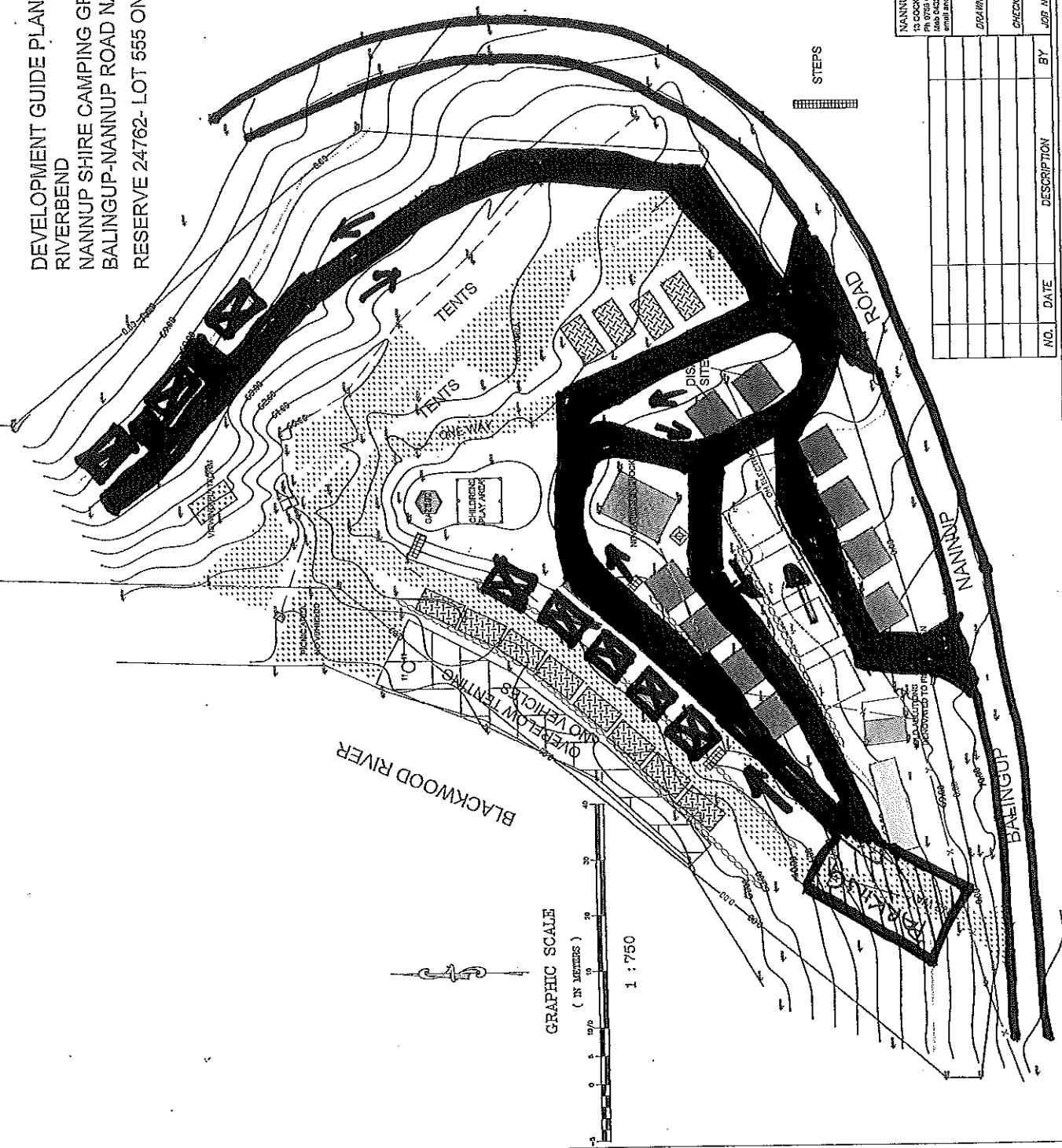
GRAPHIC SCALE
 (IN METERS)
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NANNUP SURVEYS 13 COOKATO DRIVE NANNUP WA 6239 Ph 0740 0001 Fx 0740 0002 Mob 0825 110 040 email andrew.patt@nannup.com		CLIENT: SHIRE OF NANNUP	
DRAWN BY:	AP	DATE:	13/11/09
CHECKED BY:	AP	DRAWING NO.:	RD102
JOB NO.:	SCM18	SHEET	1 of 1

NO.	DATE	DESCRIPTION	BY

DEVELOPMENT GUIDE PLAN OPTION P
 RIVERBEND
 NANNUP SHIRE CAMPING GROUND No 2 UPGRADE
 BALINGUP-NANNUP ROAD NANNUP
 RESERVE 24762- LOT 555 ON DP 58837

- LEGEND**
- CABIN / CHALET
 - LARGE VANS / MOTOR HOMES 90m²
 - MEDIUM VANS / MOTOR HOMES 80m²
 - SMALL CAMPER VANS / TENTS 40m²
 - EXISTING STRUCTURES
 - ACCESS ROADS
 - RECREATION AREA
 - CAR PARKING FOR TENTS
 - BUILDING FFL (FLOOD + 0.5)
 - RETAINING WALL
 - LOT BOUNDARY



NO.	DATE	DESCRIPTION	BY

NANNUP SURVEYS 13 COCKATOO DRIVE NANNUP WA 6730 Ph 08 9321 1111 Fax 08 9321 1100 Email andrew.gard@nannupsurveys.com		CLIENT: SHIRE OF NANNUP	
DRAWN BY: AP	DATES: 11/11/09	DRAWING NO.: RB101	
CHECKED BY: AP	JOB NO.: SON18	SHEET 1 OF 1	

GRAPHIC SCALE
 (IN METRES)
 1 : 750

POTENTIAL DEVELOPMENT
RIVERBEND CAMPING GROUND
NANNUP

LOT 1

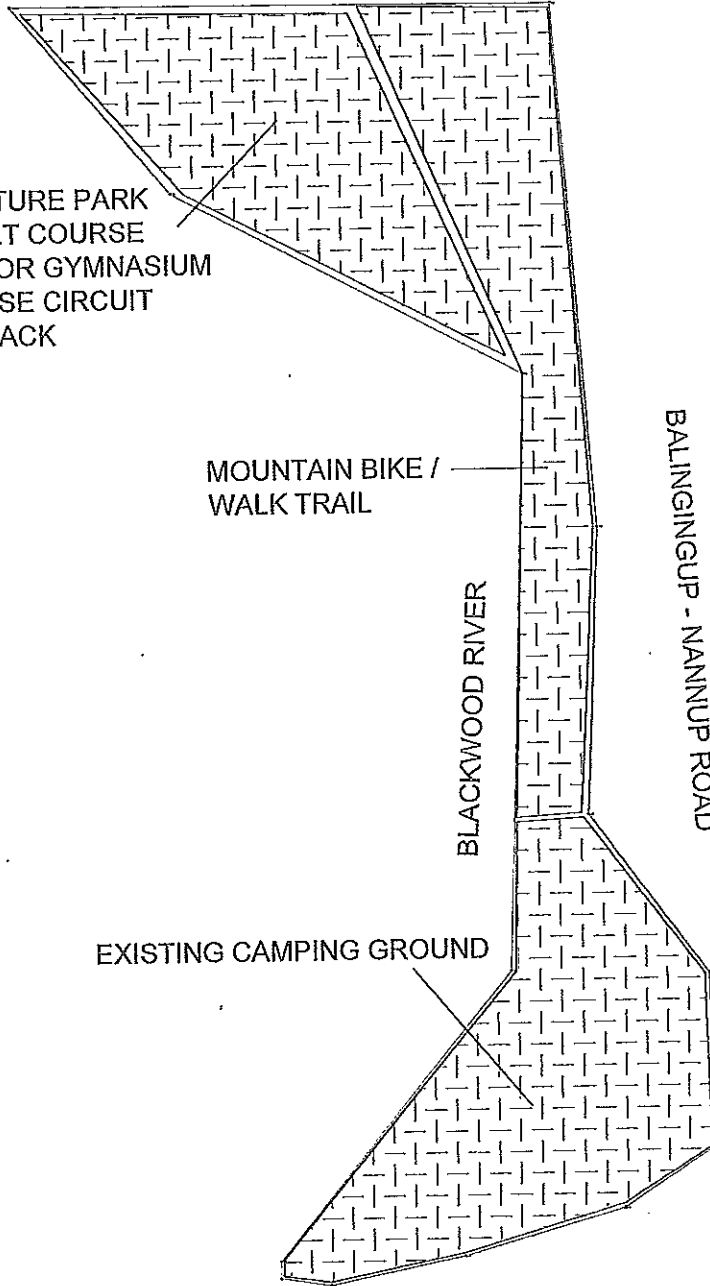
FUTURE ADVENTURE PARK
ASSAULT COURSE
OUTDOOR GYMNASIUM
EXERCISE CIRCUIT
BMX TRACK

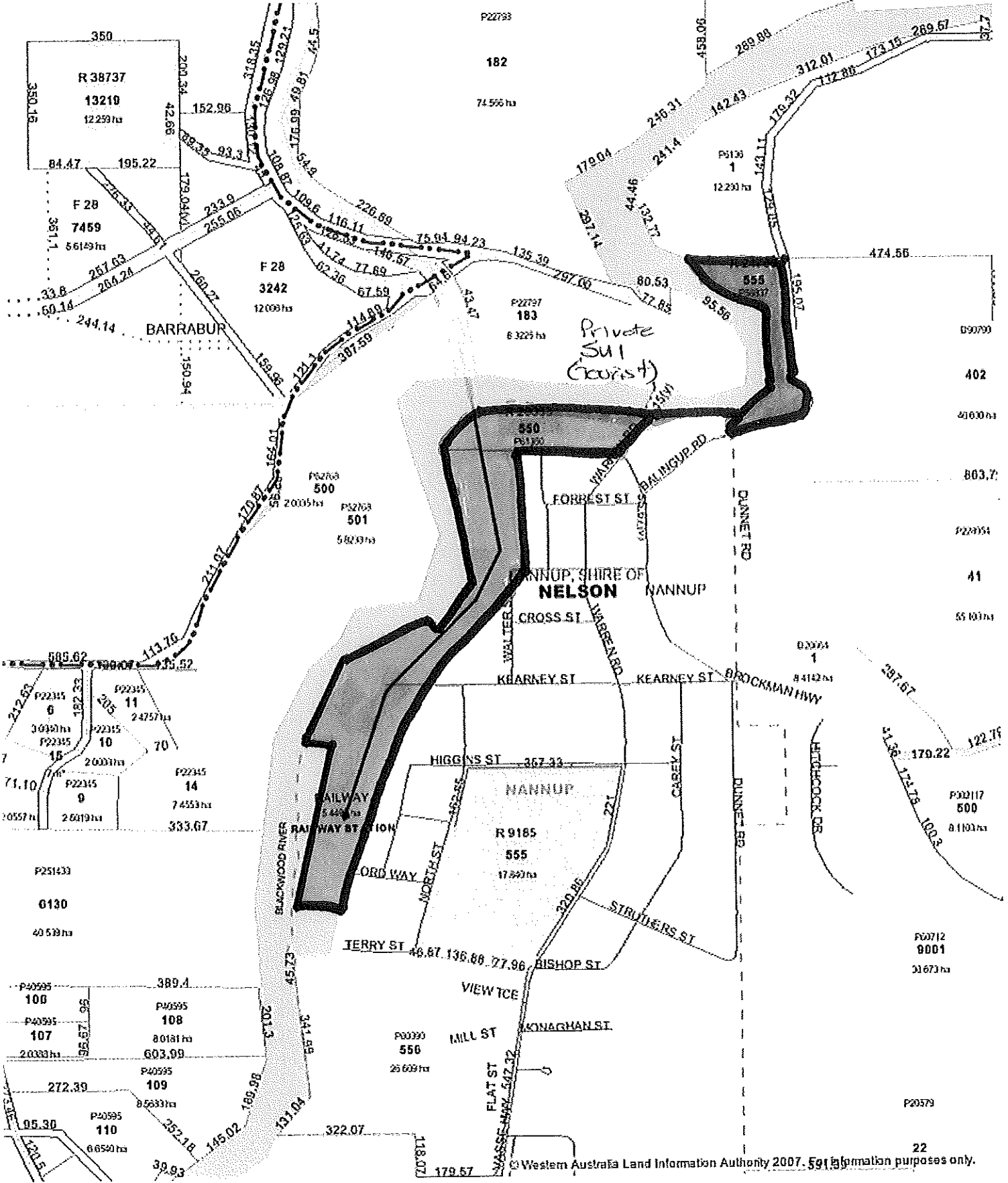
MOUNTAIN BIKE /
WALK TRAIL

BLACKWOOD RIVER

BALINGINGUP - NANNUP ROAD

EXISTING CAMPING GROUND





AGENDA NUMBER: 10.3
SUBJECT: Proposed Road Dedications
LOCATION/ADDRESS: Various Locations within the Shire District
NAME OF APPLICANT:
FILE REFERENCE: A191; A86; A1065; A82; A1065; A921; A111; A076; A1473;
A135; ROA132; WRK30
AUTHOR: Ewen Ross - Manager Development Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 16 February 2010

Attachments:

1. Locality Map - Agg Road (North).
2. Locality Map - Agg Road (South).
3. Locality Map - Poison Swamp Road.
4. Locality Map - Unnamed road linking Nelson Locations 3505 & 283 to Vasse Highway (Mr Harry Bone).
5. Locality Map - Unnamed road linking Nelson Location 490 to Vasse Highway
6. Locality Map - Shelley Road linking Nelson Location 3898 to Vasse Highway (Cambray Cheese).
7. Locality Map - Crossover linking Nelson Location 6790 to Barrabup Road.
8. Locality Map - Unnamed road linking Nelson Location 11174 & Lot 1 to Gold Gully Road.
9. Locality Map - Mowen Road Dedication & Associated nib through Reserve 12340 for access to Nelson Location 853.
10. Draft Policy – ADM 15 Dedication of Road Access.

BACKGROUND:

A number of undedicated and in some cases, unmade, tracks and roads for possible formal dedication as road reserves under the Land Administration Act 1997 have been investigated. Council will note that agenda item 10.4 also relates to the dedication of a laneway (road). From investigations undertaken there is a need for a "*Dedication of Road Access Policy*" and accompanying procedure which have been produced per attachment 10.

Some recent dedication issues that Council has dealt with include Mill Road (discontinued as owners responsibility), Cundinup South (Tomas/Precopio), Bogadillup and Agg Road (north) which were alignment and bridge issues. Progress on other road dedications has been limited. There has also been limited progress on Agg Road (south). A number of other requests or anomalies identified, predominantly for access tracks through DEC controlled land have not been progressed to a conclusion due to limited staff resources and other priorities.

COMMENT:

Council has only one policy that relates to access roads (WRK.8 Maintenance of CALM Access Tracks) and nothing in that policy relates to a consistent Council position on the dedication of access roads.

Prior to Council giving any further consideration to requests for the dedication of road access to private properties, Council is advised to set in place, by way of policy, clear guidelines of when it will give consideration to requests, who can request and under what circumstances Council may support such a request. In addition to the above, Council is also advised to include within its policy document how costs associated with creating dedicated road access is to be funded, who is to fund them, and over what period of time.

Some items that need to be considered are as follows:

1. Is the cost of compensation for landowners for land ceded to Council (whether by agreement or through compulsory acquisition) for a proposed road dedication which, in most cases will be substantial, to be met by Council?
2. Are the survey costs to resurvey each lot affected by a proposal and for the proposed alignment (which may be considerable depending on the length of road to be dedicated in each particular case) to be met by Council?
3. Are costs associated with lodgement of subdivision applications (where applicable) for each property affected by a proposal to be met by Council?
4. Should Council be expending ratepayers funds for the sole benefit of individual property owners or for commercial businesses? If not who should pay?
5. Is the proposed road dedication consistent with Council's Local Planning Scheme provisions and a priority from a planning perspective?
6. Does Council's Forward Plan provide for the construction of unmade roads to be dedicated and allocated as a priority?

Hence Council is advised to seek resolution to the above issues by way of adopting an appropriate policy to provide clear guidelines for how applications/requests for road dedications are to be dealt with in the future.

In respect of known outstanding possible road dedications, the following have been identified for some resolution:

1. Agg Road (North).
2. Agg Road (South).
3. Poison Swamp Road.
4. Unnamed road linking Nelson Locations 3505 & 283 to Vasse Highway.
5. Unnamed road linking Nelson Location 490 to Vasse Highway.
6. Shelley Road linking Nelson Location 2898 to Vasse Highway.
7. Crossover linking Nelson Location 6790 to Barrabup Road.
8. Unnamed road linking Nelson Location 11174 & Lot 1 to Gold Gully Road.
9. Mowen Road dedication & associated nib through Reserve 12340 for access to Nelson Location 853.

All the proposed road dedications numbered 1 to 4 and 6 involve access through DEC controlled lands, predominantly State Forest reserves and will need the Executive Director's agreement to cede the land for dedication.

A meeting was held on 10 February 2010 with Mr Brad Commins, Operations Manager (Blackwood Division) Department of Environment and Conservation, the Chief Executive Officer and consultant, Mr Kevin Waddington to review and gauge the level of support likely to be given to each proposal.

Points discussed include:

- The most practical alignment for each proposed dedication in relation to tracks current alignment and the most practical alignment for both the DEC and Council purposes;
- The condition of the existing tracks servicing private properties;
- DEC's attitude to the necessity to provide sufficient width within the proposed road reserve to allow Council to undertake clearing of roadside vegetation for road construction activity.

Prior to finalising the proposed access road dedication, Council needs to be appraised of the short, medium, and long term consequences of dedicating road access to properties already served by an access track.

1. Agg Road (North) – Attachment 1

Council resolved to dedicate a 15m road reserve along the road formation that links Revelly Bridge to Nelson Location 1274 at the Ordinary Meeting held on the 21st December 2006.

The decision to provide a dedicated road access for the northern section of Agg Road follows the decision of the State Government not to replace the Cundinup - Dudinillup Road Bridge and to upgrade the Revelly Bridge instead.

To provide access for the property owners disaffected by the closure of the Dudinillup Road Bridge, Council resolved to seek dedicated road access on the north western side of the Blackwood River. To date the upgrading of the Revelly Bridge and construction of the new road alignment has been completed (funded through Main Roads WA).

Negotiations with landowners have been ongoing with two of the three landowners agreeing with ceding the required land in exchange for unused road reserves within their properties being included into their title at no cost to Council.

The third landowner is seeking compensation for the (claimed) shortfall in value of the unused portion of road reserve to be included into the title compared to the value of land required for the altered alignment. The amount suggested is in the region of \$14,000.

Council will need to continue negotiations with the landowner once the final "as constructed" survey has been completed so that an accurate calculation of any difference in land area can be determined. Once any shortfall has been established, the Valuer General's Office will be requested to provide a valuation so that the compensation claim can be finalised.

Council will need to source funds to meet the possible compensation claim as all grant monies have been spent on the road construction phase. Funds will also need to be allocated for the survey and preparation of documents for lodging with State Land Services.

2. Agg Road (South) – Attachment 2

Commencing early 1951, landowners have sought to have dedicated road access to their properties (known as Agg Road) to allow them permanent access to Council's road network.

Since then changes in land status and access rights has meant that the majority of landowners have some form of legal access. Some landowners, even though they have some form of legal access, still wish to have their access dedicated.

Council resolved to dedicate a 15m road reserve along the road formation that links Revelly Bridge to the unmade road reserve south of lot 4 at the Ordinary Meeting of council held on the 21st December 2006. It appears that no further action has been undertaken since then due mainly to the lack of reaching agreement with a couple of land owners.

Advice from the DEC in regards to the "rights of carriageway" easements that were granted by CALM (or the Conservator of Forests) to landowners to gain access to their properties through CALM controlled/owned land, would have been revoked once CALM sold the land the easements applied to.

DEC negotiated with the new owners of the land "rights of carriageway" easements across the private properties to allow DEC (CALM) to haul their forest product from the State Forest areas to the dedicated road system. DEC also advises that as all harvesting operations have been completed and the balance of land holdings sold, there is no requirement for the easements in the future.

As there is no funding to meet survey costs for the southern section (and possible compensation claims), Council has, in all reality only one option available being to:

Rescind resolution 7606 point 2, of the 21st December 2006 for the dedication of the southern portion of Agg Road for the following reasons:

- All landowners currently have legal access (in one form or another) to their properties;
- Council has no legal responsibility to provide dedicated road access to any property;
- If landowners wish to obtain dedicated road status, then all costs associated with such an action should be met by the owners on a proportionate basis;

Where all owners agree to establish dedicated road access, once the dedication process has been completed the owners should be aware that any upgrading of the dedicated road is not an obligation of Council.

Therefore, Council is recommended to rescind the Council resolution 7606 point 2, of the 21st December 2006 and not to proceed with any dedicated road access unless the landowner/s agrees to meet all costs (compensation, survey, dedication fees and construction of the newly dedicated road to contemporary road construction standards approved by Council).

3. Poison Swamp Road, (Darradup Locality) – Attachment 3

Council has no written request to dedicate Poison Swamp Road from the owners of either Nelson Locations 11864 or 2883.

Council resolved to dedicate a 15m road reserve along the road formation that links Brockman Highway to Nelson Location 11864 and another 10m road reserve linking the western portion of the aforementioned proposed road reserve to Nelson Location 2883 at its Ordinary Meeting held on the 21st December 2006. Council has received DEC's written agreement to cede land for new road dedication.

As part of the agreement to cede the 15m section of State Forest, DEC has requested the closure of the un-named and un-constructed road reserve that adjoins the north eastern corner of Nelson Location 2883 and terminates in State Forest No. 58 and that it be incorporated into State Forest 58.

Council currently undertakes periodic maintenance grading of Poison Swamp Road which is contrary to its policy WRK 8 MAINTENANCE OF CALM ACCESS TRACKS, adopted by Council on the 25th May 2000. That policy states:

“Council will not assume maintenance of CALM Access Tracks even though such Tracks may provide access to private property. Council will however maintain such tracks on a private works basis at the applicant’s expense”.

Clearly the present situation is conflicting and it is not clear how Council became involved in the maintenance of this road. Council should either:

1. Dedicate the road if it is going to maintain it.
2. Cease undertaking work which clearly conflicts with its adopted policy.

Background information on this matter was sought through Cr Boulter (18 February 2010) as to how the area developed. It is up to Council’s discretion as to how it wishes to deal with this particular matter as it does seem to be as straight forward as a number of the other dedication matters.

As access is currently being provided through DEC State Forest and no written request has been received by Council to provide dedicated road access, Council is advised not to dedicate Poison Swamp Road until such time as the landowners seek such an action to be taken, and then if Council agrees to such a request it should only be on condition that the landowners meet all costs associated with the process and all costs of upgrading the road to contemporary road standards.

For the purposes of consistency the objective recommendation needs to be that Council cease to maintain the road as it is legally a DEC track. It is recommended that Council, by Absolute Majority, rescind resolution #7606 points 3 & 4 of the Ordinary Meeting of Council dated 21st December 2006, and not take any further action on this matter.

4. Unnamed road linking Nelson Locations 3505 & 283 to Vasse Highway (Mr Harry Bone) – Attachment 4

Discussions between the land owners, DEC and the Shire have been ongoing since 1993 with no satisfactory agreement between the parties concerned in regards to the provision of dedicated access.

In 1995 DEC (then CALM) provided written authority to continue to have conditional access using DEC tracks. DEC did not agree to ceding State Forest for the purpose of providing dedicated road access. Council supported CALM’s offer of a “right of way” access for the landowners in a letter dated 28th March 1995.

Another attempt to provide road access in April 2000 appears not to have progressed as a result of terrain difficulties with the proposed road alignment. At this point CALM advised within their letter that their offer had now lapsed.

Council resolved to dedicate a 10m wide road reserve to provide access to location 2898 at its Ordinary Meeting held on the 21st December 2006. Discussions with DEC have highlighted several issues that may have a significant impact on the level of support that Council may be able to give in support of the proposed road dedication.

These issues involve:

- i) Access from Vasse Highway where the owner has discussed with the DEC will require approval by Main Roads WA;
- ii) The point at which the proposed access abuts Vasse Highway does not meet Main Roads sightline requirements for a 110kph speed zone, and due to the current layout of the Vasse Highway (adjacent to the Cundinup Road West intersection), there is little possibility of finding a suitable location for the proposed road access to abut Vasse Highway.
- iii) Options involving land swaps to accommodate an agreement on the road access issue have not been agreed to by the landowner.
- iv) As all alternative road access options acceptable to DEC have not been supported by the owner of location 3505 & 283 DEC have now ceased all discussions with the owner as no further communications are likely to resolve the access issue.

It is recommended that Council, by Absolute Majority, rescind resolution #7606 point 5 of the Ordinary Meeting of Council dated 21st December 2006, and not take any further action on this matter.

5. Unnamed road linking Nelson Location 490 to Vasse Highway – Attachment 5

CALM originally requested that Council may support the dedication of road access to Location 490 during the review of a request by adjoining owners of locations 3505 & 283 to the south of location 490.

At the time Council supported the request on the condition that all costs were to be met by the landowner and that Council would not upgrade the track unless the full cost was met by the landowner. No action was taken over the years to finalise the dedication process due to it being included in the overall consideration of the other two property's access problems which were unresolved.

Council resolved to dedicate a 10m wide road reserve to provide access to location 490 at its Ordinary Meeting held on the 21st December 2006. This property has access via a track through DEC State Forest and only one property is serviced by the track.

DEC has indicated that they would not object to a 10m road reserve being created along the existing alignment of the track. This verbal support will need to be received in writing prior to any formal application for road dedication being made to State Land Services SW.

As access is currently being provided through DEC State Forest and no written request has been received by Council to provide dedicated road access, Council is advised not to dedicate an access road until such time as the landowner seeks such an action to be taken, and then if Council agrees to such a request it should only be on condition that the landowner meet all costs associated with the process and all costs of upgrading the road to contemporary road standards.

It is recommended that Council, by Absolute Majority, rescind resolution #7606 point 6 of the Ordinary Meeting of Council dated 21st December 2006, and not take any further action on this matter.

6. Shelley Road linking Nelson Location 3898 to Vasse Highway (Cambray Cheese) – Attachment 6

Council appears not to have received any formal request to dedicate the portion of Shelley Road between Vasse Highway and Location 3898. The first indication that dedicated road access was to be considered was when Council resolved at its May 2000 Ordinary Meeting to seek CALM's support to provide dedicated road access to location 3898.

Access to location 3898 is currently via part of Shelley Road and an un-named track between Shelley Road and location 3898 that is contained within State Forest. Council resolved to dedicate a 10m wide road reserve to provide access to location 3898 at its Ordinary Meeting held on the 21st December 2006.

Given that a commercial tourist venture (sheep cheese tourist attraction and chalet development) is situated on the property, it is considered that the provision of a 10m road reserve is insufficient for two way traffic safety and a minimum road reserve width of 20m would be the minimum requirement.

Council should also ensure that the owners of the commercial venture meet all costs of providing dedicated road access to the required standard. If the development had not occurred, there would have been no demand for improved road access and therefore Council should ensure that any future development sought for this location is conditioned to ensure dedicated road access to the standard required by Council (20m reserve, sealed pavement and drained) together with any requirements of Main Roads WA is provided.

It is therefore recommended that Council, by Absolute Majority, rescind resolution #7606 point 5 of the Ordinary Meeting of Council dated 21st December 2006, and not take any further action on this matter.

7. Crossover linking Nelson Location 6790 to Barrabup Road – Attachment 7

Council has no written request to dedicate a portion of State Forest 28 to provide a crossover to location 6790. Council resolved to dedicate road access by way of a crossover to location 6790 at its Ordinary Meeting held on the 21st December 2006.

Currently location 6790 does not have frontage to Barrabup Road however it does have frontage to an unmade road reserve approximately due south of the location of the owner's residence.

Rather than cut through State Forest 28, which DEC has indicated it would not support as it would leave a very small portion isolated from the greater portion of State Forest which would create management issues for the DEC.

The landowner should provide alternative options to resolve access to the property. Any such options should be at no cost to Council.

It is therefore recommended that Council, by Absolute Majority, rescind resolution #7606 point 8 of the Ordinary Meeting of Council dated 21st December 2006, and not take any further action on this matter.

8. Unnamed road linking Nelson Location 11174 & Lot 1 to Gold Gully Road – Attachment 8

Council has not received any written request from the landowner/s or anyone else to provide access to the above properties.

Currently location 11174 and lot 1 are isolated from any dedicated and constructed road with access only afforded by the use of an existing track through State Forest (F▲ 209/25) onto Gold Gully Road.

There is a road reserve that originates on the south eastern corner of location 11174 and the south western corner of lot 1 and extending in a north westerly path across location 11174, location 3732 and terminating on the western boundary of location 3734 at the edge of State Forest. This road reserve is unmade.

DEC have indicated that they would be unlikely to support any excision of State Forest to create a dedicated road access to these properties and that if the owner wishes to formalise access they would be advised to negotiate to

purchase a 10m portion from the landowner of Location 3734 for the purpose of providing dedicated road access and then meet all costs associated with the construction of the road to Councils requirements, along the existing road reserve that extends from the western boundary of location 3734 through to Lot 1.

As these properties can be accessed through the current owners other properties there is no reason for Council to proceed with this road dedication.

Council is recommended to rescind (by Absolute Majority) that part of the resolution #7808 passed at the 25th October 2007 Ordinary Meeting and not support this road dedication.

9. Mowen Road dedication & associated nib through Reserve 12340 for access to Nelson Location 853 – Attachment 9

At its Ordinary Meeting of Council on the 24th April 2008, Council adopted LPS No 3, Amendment No 4, Nelson Location 853 Barrabup/Mowen Road.

Within this amendment document, which proposes Special Use Zone development including chalet development, private recreation, single dwelling, home occupation, home office, caretaker's dwelling; intensive agriculture and rural pursuit activities, single main access is to be from Mowen Road.

As part of the creation of a survey strata scheme, access to Mowen Road is to be legally established and formalised to the requirements of Council and the WAPC.

Final WAPC approval was granted on the 20th January 2010 and the access via Mowen Road was detailed as follows:

"Access to all chalets and the caretaker's residence shall be via Mowen Road. An access agreement with the Department of Environment and Conservation is required if development is proposed prior to the Gazettal of Mowen Road."

Council passed a resolution at its 27th November 2008 Ordinary Meeting to support the dedication and creation of a "nib" to provide access to Location 853.

The portion of Mowen Road to be dedicated is contained with Reserve 12340 and located near Mowen Springs.

This portion of Mowen Road has now been upgraded and State Land Services has been requested to arrange for the dedication to be finalised.

Council has not made any commitment to undertake any upgrading works associated with the provision of the "nib" access and if any upgrading works are requested, all costs should be borne by the landowner/developer in light of LPS #3 Amendment #4 provisions.

Apart from obtaining updates from State Land Services on the progress of the dedication process, no further action is required.

Officer recommendation is that in general the Council should not be involved in road dedications unless there is a particular reason that Council is involved such as a "Shire's" road network issue or a specific issue such as a Council owned bridge. All other road dedications involving access to private property is viewed exactly as that. The property owners are required to initiate and undertake the required actions. Any costs and resources required to put a proposal together would be the responsibility of the landowner(s) or developer that proposes the access.

Should Council decide not to accept the recommendations, then the cost of engaging the services of a surveyor to survey all the proposed dedicated road reserves (either existing alignments or new alignments), constructions costs, scheduling in the road priority list and cost of ongoing maintenance would need to be factored into the budget.

STATUTORY ENVIRONMENT:

Land Administration Act 1997.
Land Administration Regulations 1998.
Shire of Nannup Local Planning Scheme #3.
Planning and Development Act 2005 s75.
CALM Act 1984.

POLICY IMPLICATIONS: New policy ADM 15 recommended.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

Council, if accepting the proposed dedicated roads, will be legally and financially responsible for ensuring that the roads are of a trafficable standard and that the alignment and construction standard are such as to meet Council's duty of care to all road users. Council will need to satisfy themselves that any existing DEC track is in such a condition at the time of any handover that it will not constitute a hazard and therefore a legal liability on Council.

Where Council accepts the dedication of an poorly constructed track/road, to minimise the possibility of breaching its duty of care, Council may be forced to upgrade the road standard as a matter of priority possibly to the detriment of other identified projects.

RECOMMENDATION 1:

That Council considers the funding of the Agg Road North outstanding matters as part of the 2010/11 budget including costs of undertaking the survey, title fees and payment of any negotiated compensation costs associated with the Agg Road North upgrading in addition to seeking all or part cost of these expenses from Main Roads WA as the costs have only arisen due to the decision by Main Roads WA to not fund a replacement bridge at Dudinalup.

RECOMMENDATION 2:

That Council, by Absolute Majority, rescind resolution #7606 point 2, of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a 15 metre road reserve along the road formation named Agg Road (southern portion) that links Revelly Bridge to the unmade road reserve south of lot 4"

and not take any further action on this matter.

RECOMMENDATION 3:

That Council, by Absolute Majority, rescind resolution #7606 points 3 and 4 of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a 15 metre road reserve along the road formation named Poison Swamp Road linking Brockman Highway to Nelson Location 11864 and a 10 metre road reserve linking the western portion the above mentioned road reserve to Nelson Location 2883" and "That Council closes the unnamed and un-constructed road reserve that adjoins the north eastern section of Nelson Location 2883 and terminates in state forest No 58" and not take any further action on this matter.

RECOMMENDATION 4:

That Council, by Absolute Majority, rescind resolution #7606 point 5 of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a 10 metre road reserve along the unnamed road formation linking Nelson Locations 3505 and 283 to the Vasse Highway"

and not take any further action on this matter.

RECOMMENDATION 5:

That Council, by Absolute Majority, rescind resolution #7606 point 6 of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a 10 metre road reserve along the unnamed road formation unnamed linking Nelson Location 490 to Vasse Highway" and 283 to the Vasse Highway"

and not take any further action on this matter.

RECOMMENDATION 6:

That Council, by Absolute Majority, rescind resolution #7606 point 7 of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a 10 metre wide road reserve for Shelley Road linking Nelson Location 3898 to Vasse Highway"

and not take any further action on this matter.

RECOMMENDATION 7:

That Council, by Absolute Majority, rescind resolution #7606 point 8 of the Ordinary Meeting of Council dated 21st December 2006

"That Council dedicates a section of road reserve to formalise an existing crossover linking Nelson Location 6790 to Barrabup Road as per Attachment No 7"

and not take any further action on this matter.

RECOMMENDATION 8:

That Council, by Absolute Majority, rescind resolution #7808 of the Ordinary Meeting of Council dated 25th October 2007

"That Council dedicate a 15 metre road reserve that links the western terminus of the unnamed road reserve # 8681 (that fronts Nelson Location 11174 and Lot 1) to Gold Gully Road as per the attachment"

and not take any further action on this matter.

RECOMMENDATION 9

That Council take no action in respect of Mowen Road dedication & associated nib through Reserve 12340 for access to Nelson Location 853.

RECOMMENDATION 10:

That Council adopts Policy ADM 15 Dedication of Road Access per attachment 10.

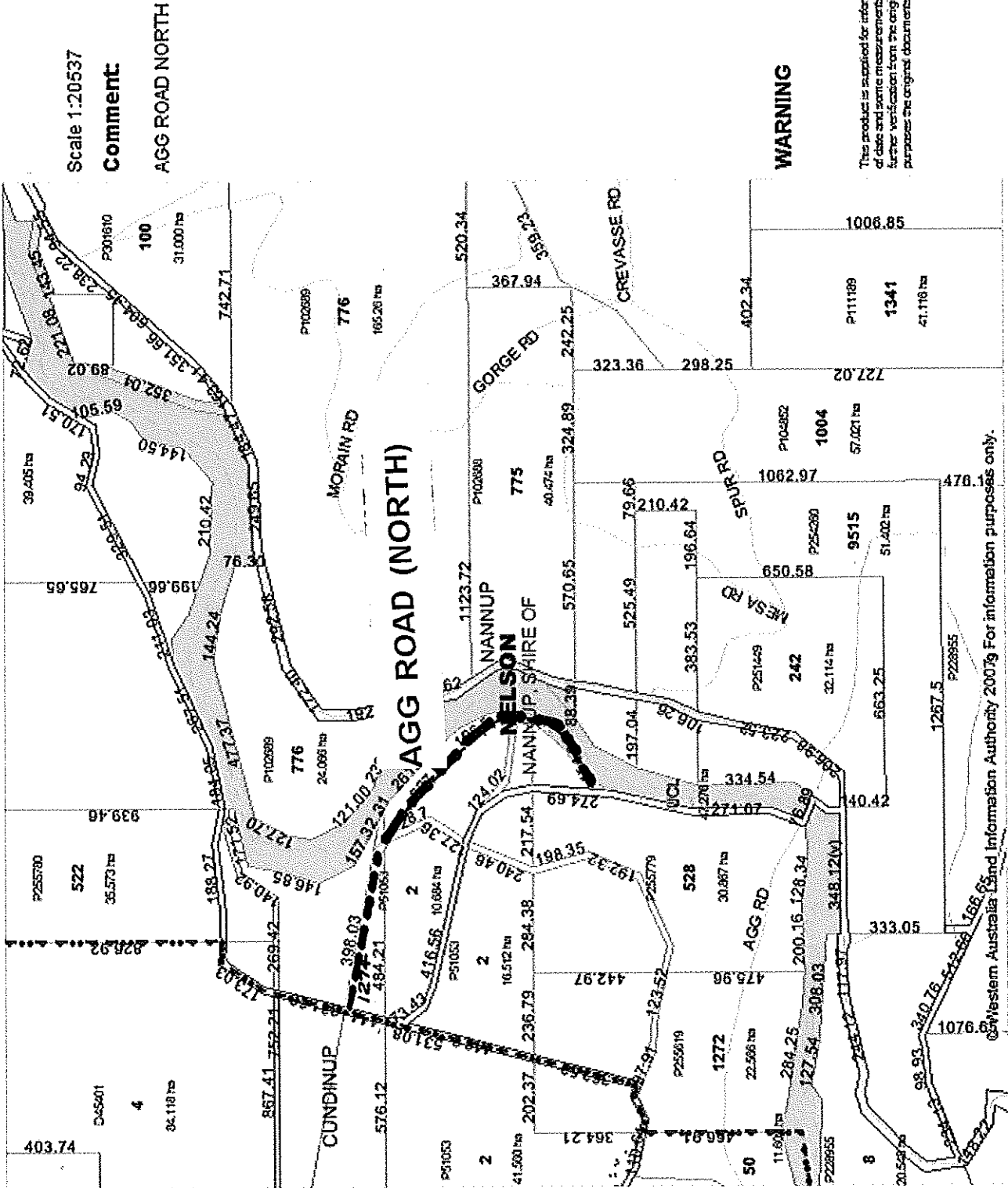
VOTING REQUIREMENTS

Simple Majority for the adoption of policy (Recommendation 10).

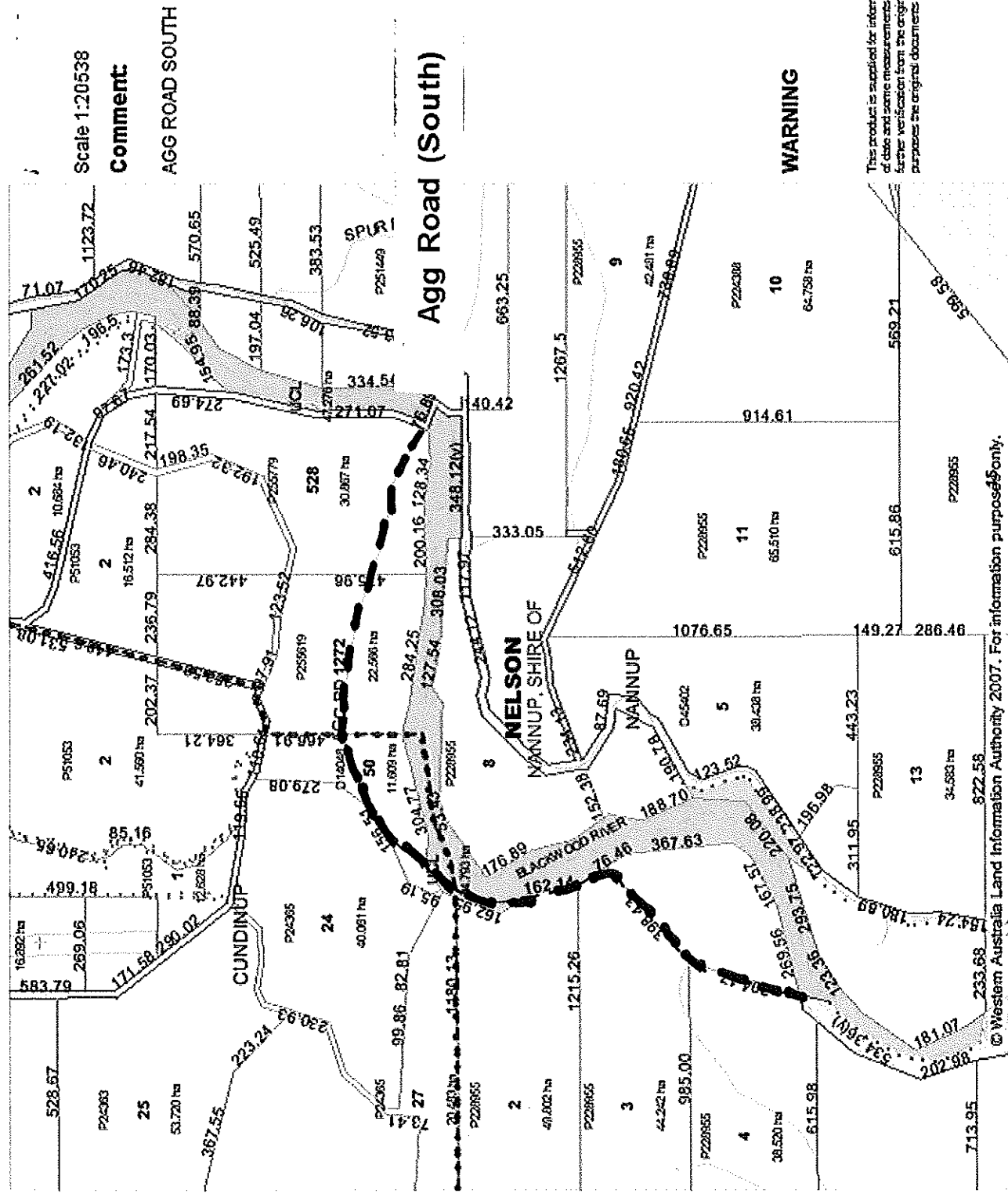
Absolute Majority for each rescission motion Recommendations 2 - 8.

A handwritten signature in black ink, appearing to read 'Ewen Ross', is positioned above the printed name.

**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**



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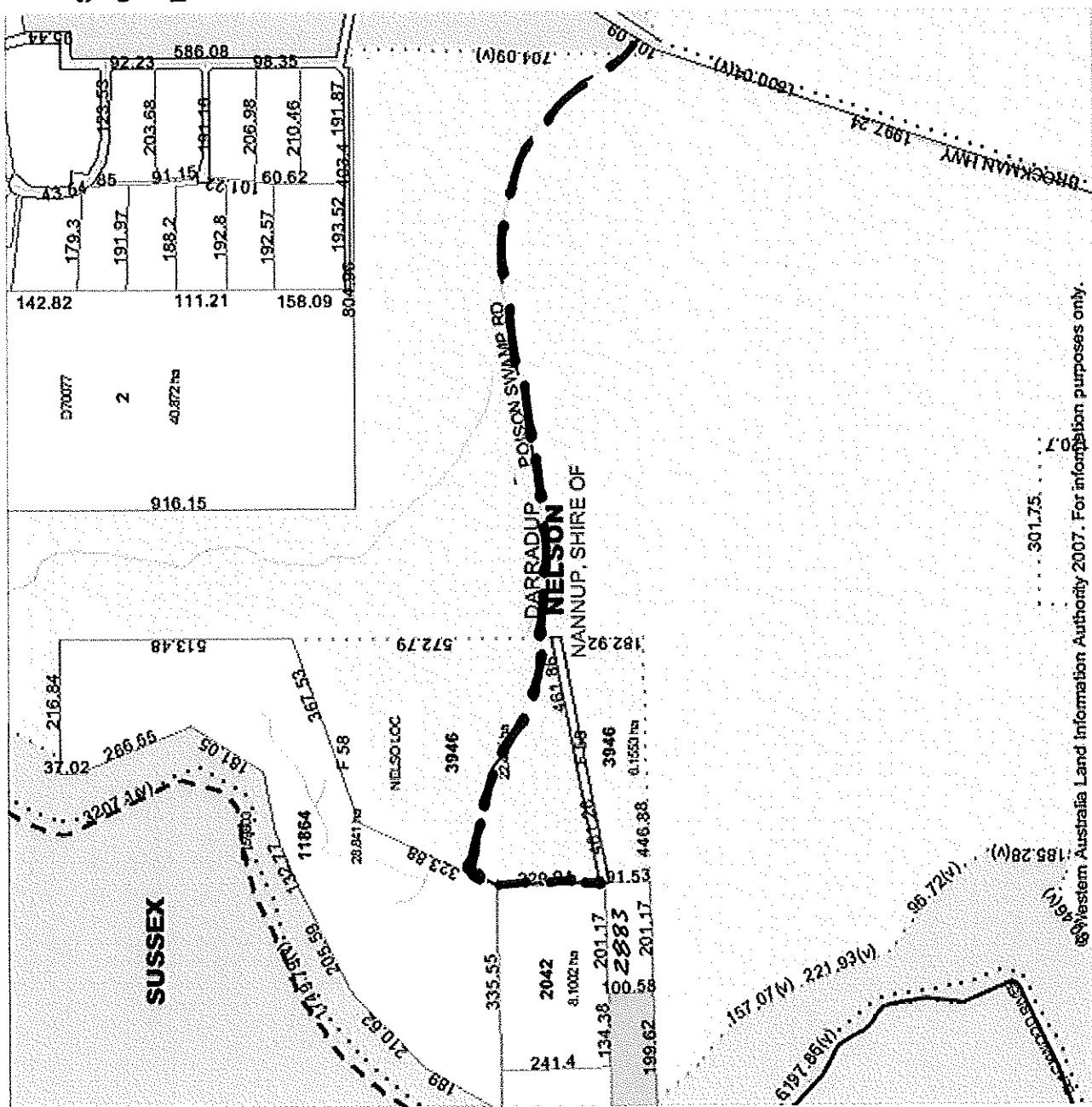
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Comment

POISON SWAMP ROAD

WARNING

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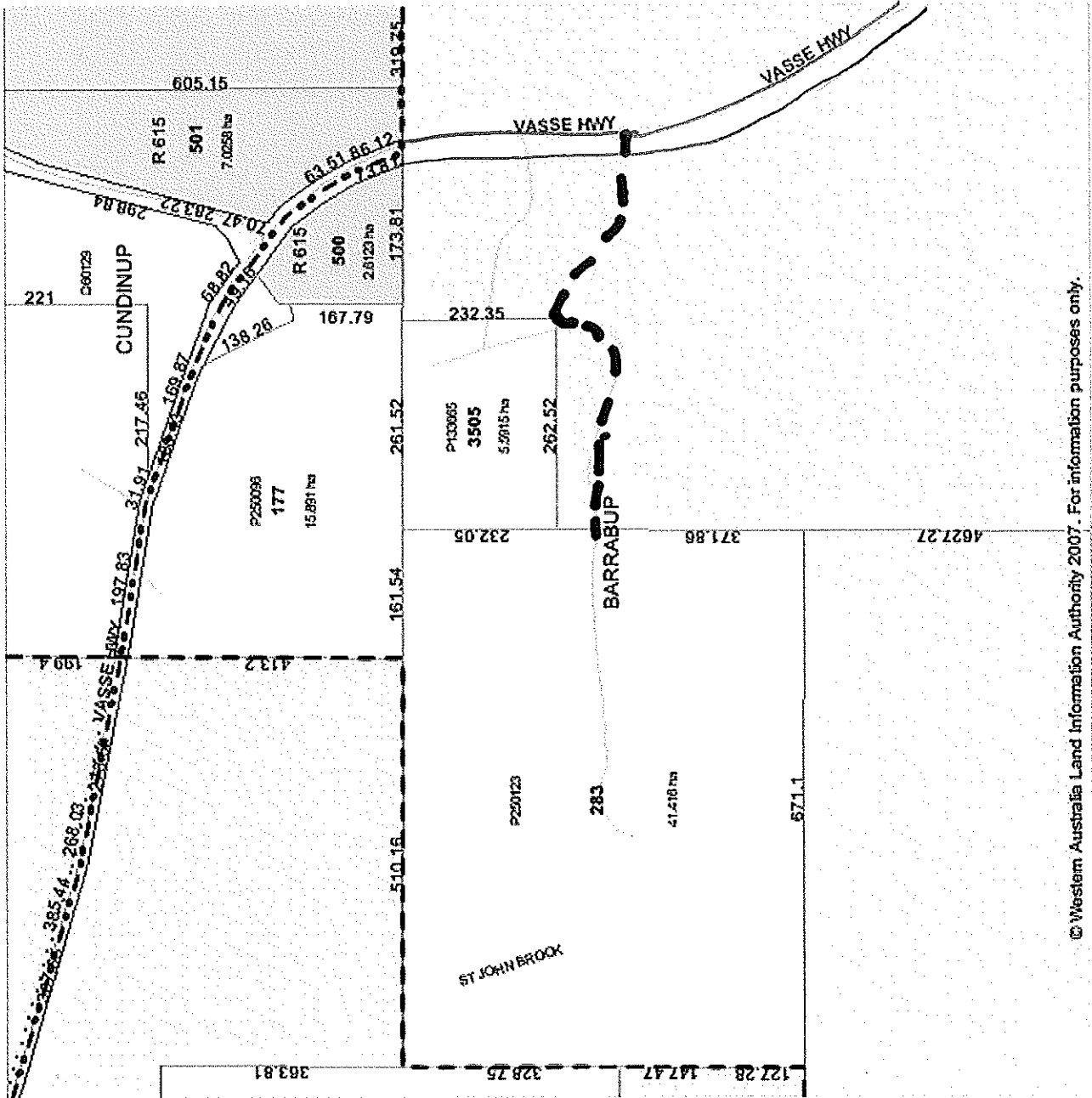


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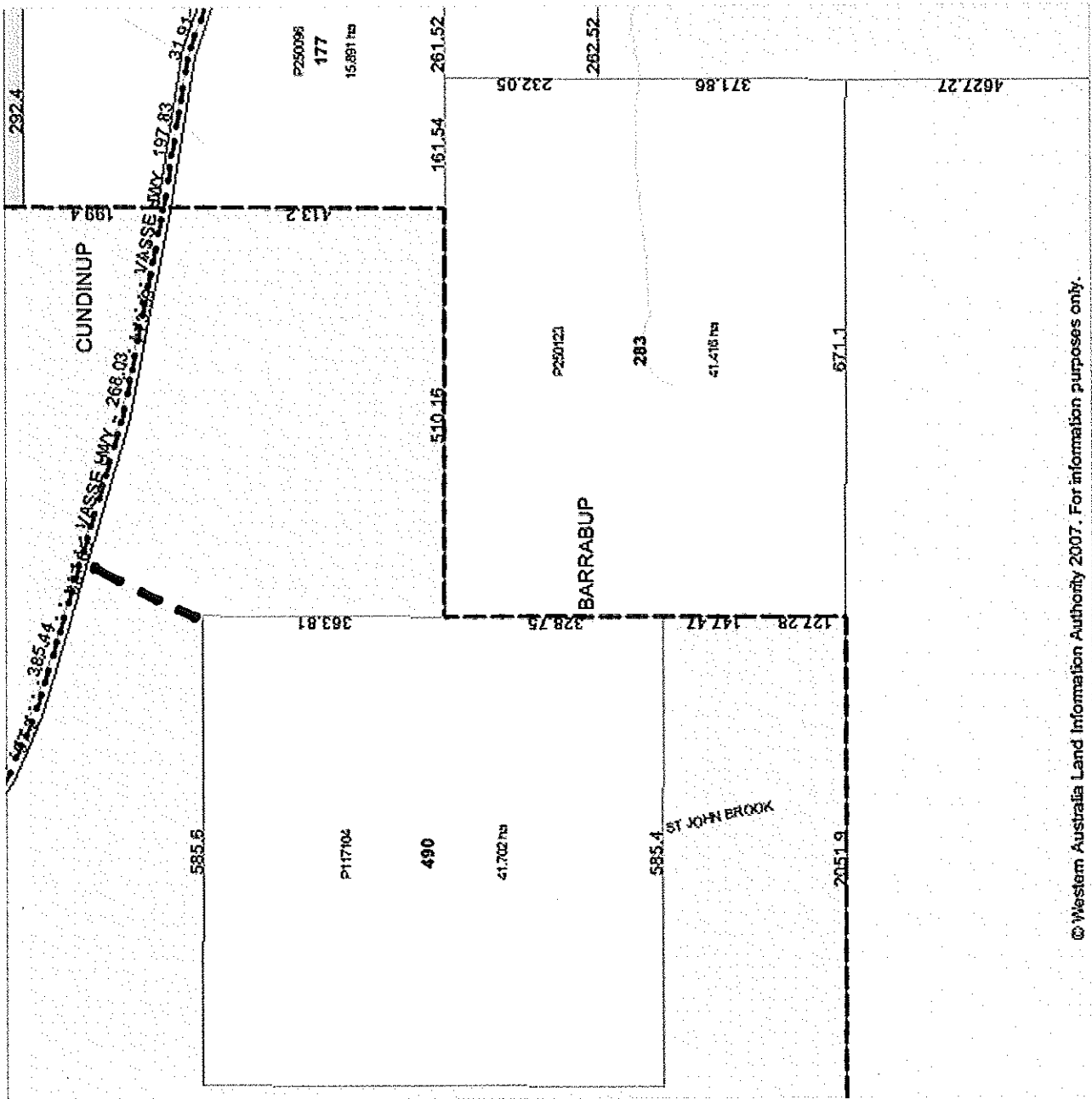
Comment

Access to lots 3505 and 283 through DEC land



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Comment:

Access to Locn 490 through DEC land

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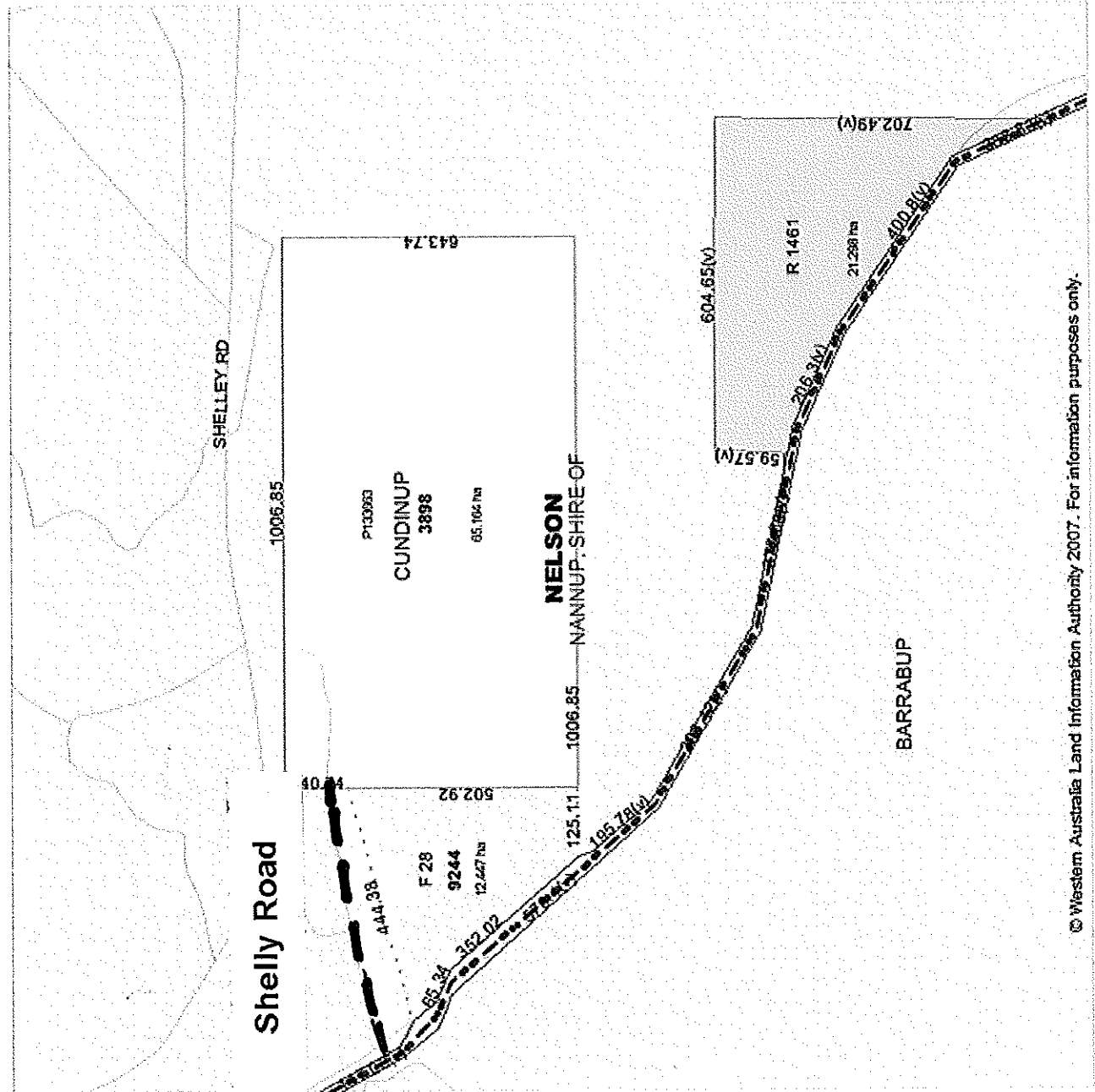
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Comment:

Access to Locn 3898 Shelly Rd



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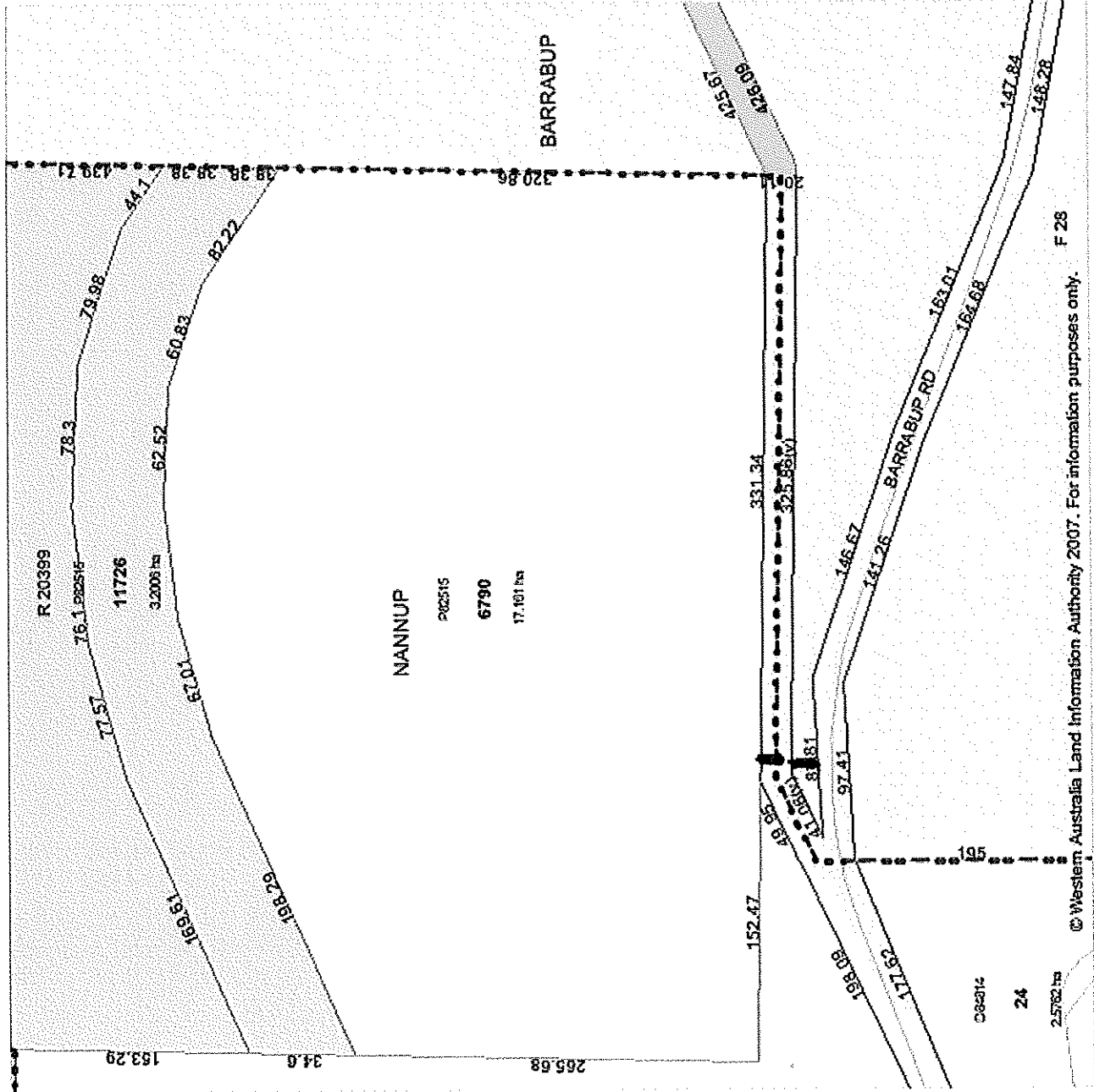
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Comment

Access to Lotn 6790 Barrabup Road



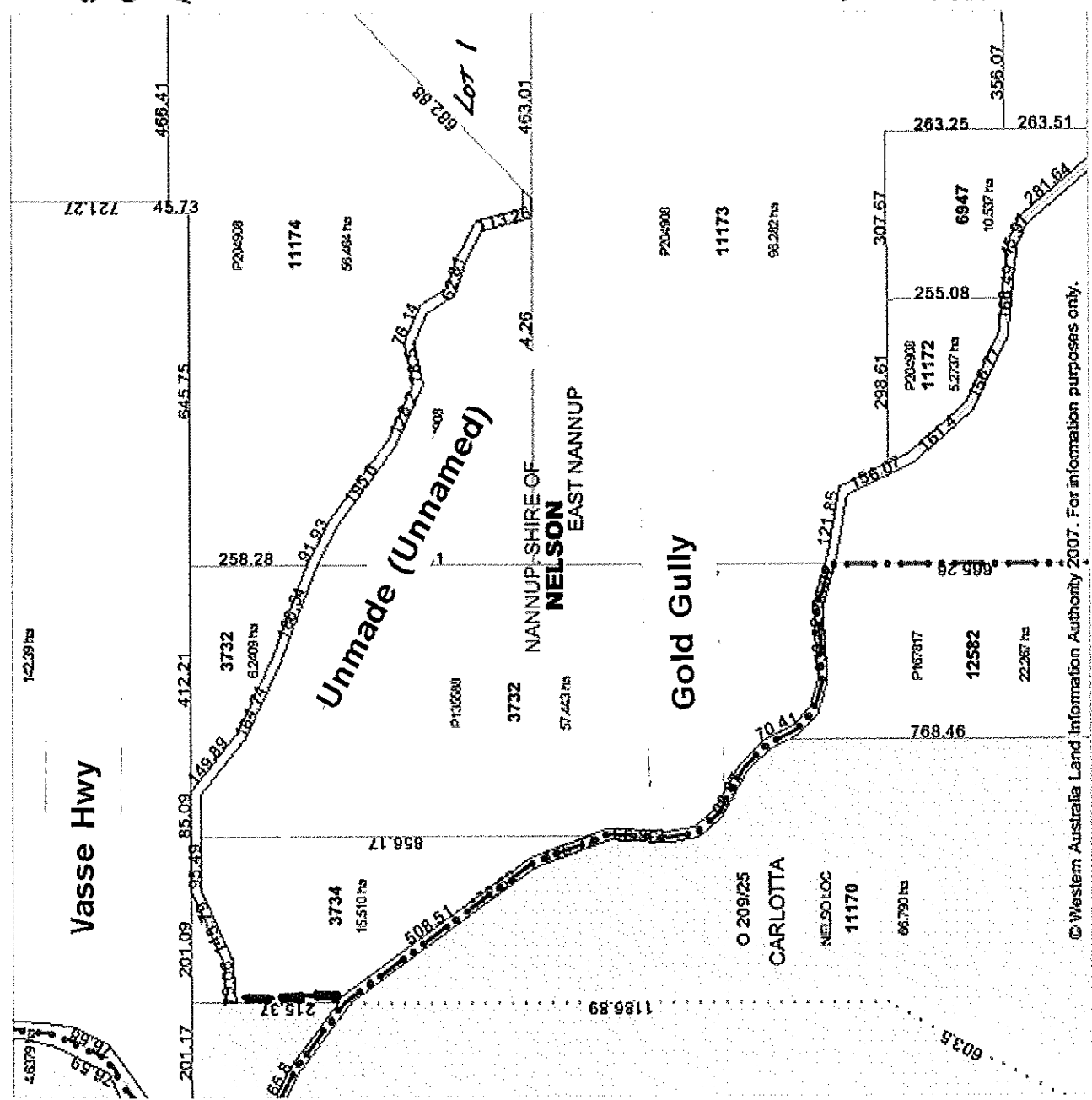
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Comment

Access to Locns 11174 and Lot 1 Gold Gully Road



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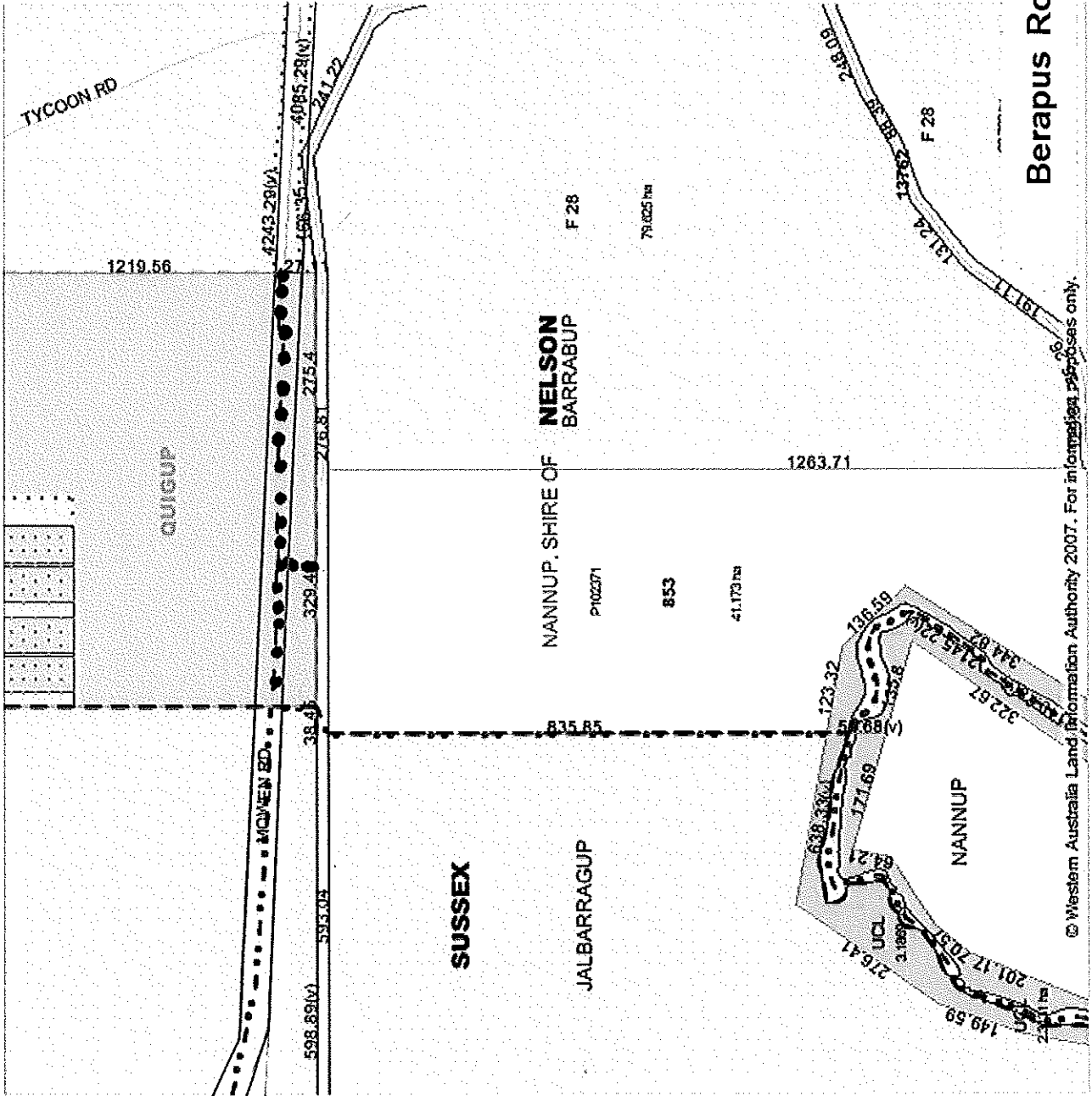
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Comment:

Access nib to Loch 853 Mowen Road



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Policy Number:	ADM.15
Policy Name:	DEDICATION OF ROAD ACCESS POLICY
Policy Owner:	Chief Executive Officer

Authority: Local Government Act 1995
Land Administration Act 1997

Objective:

1. To outline the criteria to guide Council when considering applications to dedicate road access to privately owned land.
2. To clearly define the Council's responsibility and obligations in regard to any proposed road dedication in respect to future road construction timeframes and subsequent maintenance frequency.

1.0 Background

The Shire of Nannup has numerous un-dedicated tracks that have been used to gain access to private property through areas of State Forest or other Crown reserves. These tracks are little more than narrow tracks that have not been properly designed or constructed to contemporary road construction standards and often have been used as firebreaks or fire access tracks by DEC in the past.

There are also situations within the Shire of Nannup where road access has been provided to privately owned land by way of a "right of carriageway" easement through crown land negotiated between the private landowner and (usually) the Executive Director Department of Environment and Conservation (previously the Conservator of Forests, Forests Department or the Executive Director Department of Conservation and Land Management).

These "rights of carriageway" or "private roads" entitled the landholder to access through areas of State Forest or crown land under the control of DEC. A "right of carriageway" does not always constitute a public road therefore access was technically restricted to the landowner named in the easement.

There are also instances within the Shire of Nannup where a road reserve has been created to service private land however the reserve is isolated from a dedicated and constructed road either by other private lands or by crown reserves either managed by Council or DEC.

2.0 Policy Statement

- 2.1 Council Involvement in the Dedication Process:
 - 2.1.1 Council will not become involved with any request for the dedication of an access track other than when associated with realignment, closure or extension to an existing dedicated road reserve.
 - 2.1.2 Council will only give consideration to an application for the dedication of a track/access as a "road" when the following conditions have been met:
 - i) The proponent/s provides written agreement from all affected landowners/land managers agreeing to the proposal; and



- ii) All landowners the proposed dedicated road will benefit have agreed to pay all costs incurred during the dedication process;

2.2 Landholder Responsibility:

2.2.1 Where a property is not serviced by a dedicated road access, access remains the responsibility of the respective landowner and Council will not provide any assistance for maintenance or upgrading unless the landowner engages the services of Council under a "Private Works" basis and pays the full cost of any such work in accordance with Council's Policy WRK.8 Maintenance of CALM Access Tracks.

2.3 "Public Good" Road Dedications

Council will progress an application for access to be by way of a dedicated road when Council is of the opinion that is a "public good" in the following circumstances:

- 2.3.1 When the proposal is in accordance with Council's Local Planning Scheme #3 and Local Planning Strategy;
- 2.3.2 The proposal will result in the improvement of Council's road infrastructure; and
- 2.3.3 The proposal will be of benefit to the wider community and meet community requirements under the Scheme or Strategy.

Related Policies WKS.8 Maintenance of CALM Access Tracks

Related Procedures/
Documents Recommended procedure for road dedication

DELEGATION LEVEL NIL

Adopted: Reviewed:

SHIRE OF NANNUP PROCEDURES

PROCEDURE # ADM.15.1

DEDICATION OF ROAD ACCESS

Relating to Policy # ADM.15

1. Legal mechanisms for dedication

- a. The State Land Services (SLS) and the Department of Planning and Infrastructure (DPI) recommends that the preferred legal mechanism for the dedication of roads is section 56 of the LAA.
- b. Clause 56 provides 3 circumstances in which the Council may request dedication of a road:
 - i. 56(1)(a): dedication as roads, land reserved or acquired for use as a road,
 - ii. 56(1)(b): dedication of private roads as public roads, at the request of the owner or adjacent ratepayers where the private road has been constructed and maintained to the satisfaction of the Council. And upgrading is supported by a number of adjoining landowners whose aggregate rateable land value is greater than one half of the total rateable value of property adjoining the ROW, and
 - iii. 56(1)(c): dedication of private roads that the public has used for an uninterrupted period of not less than 10 years.

With respect to b) above, there are a number of private roads that could be considered to fall within this category. And some private roads would be subject to point iii) above.

In all cases approval for dedication is at the discretion of the Minister for Lands.

2. Clause 56(1)(b) of the LAA (private road)

In the case of applications made with respect to clause 56(1)(b), the process of dedication and upgrading of a road shall be initiated by a written request lodged by an adjoining owner or other interested party (proponent).

The written request shall include the following details:

- a) a copy of the certificate of title/s of the subject land,
- b) the consent of the owner (or management agency in relation to Crown or State Lands)
- c) the reasons for seeking the dedication & upgrading/construction of the proposed road,
- d) evidence that all adjoining owners (private or State managed lands) support the initiation of dedication and possible future upgrading.

3. Clause 56 (1)(c) of the LAA (uninterrupted use by the public for a minimum of 10 years)

The process for upgrading a private ROW (road) shall be initiated via a written request lodged with the Council from an adjoining owner(s) or other party (proponent).

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The written submission shall include the following details:

- a) a copy of the certificate of title of the subject land,
- b) consent of the owner of ROW or forebear or evidence that every reasonable attempt has been made to contact same,
- c) reasons for seeking upgrade of ROW (road),
- d) evidence that a minimum of 50% of adjoining owners support the initiation of the dedication and upgrading,
- e) a statutory declaration from a minimum of two members of the public formally declaring that they have had uninterrupted access over the subject land for a minimum of ten years.

4. Initial assessment

- a. Upon receipt of a written request to upgrade or dedicate a private ROW (road), the Council shall undertake an assessment of the proposal.

The assessment shall include consideration of the following:

- i. **Land tenure:** The intent of this part of the assessment is to substantiate that the land is a bona fide ROW created pursuant to clause 167A (1) of the TLA or a private road as defined under the LAA.
 - ii. **Planning:** Primary reference will be made to the Shire of Nannup Local Planning Scheme #3. Consideration will also be given to the following issues:
 1. the potential to enhance traffic management on busy roads by providing alternative access route,
 2. more efficient and amenable forms of development in infill areas (where residential density is being increased through small-scale subdivision), by providing an alternative access option to the space-wasting "battlexe" block, and
 3. protecting streetscape in heritage areas where garages and carports might otherwise need to be constructed in front of character homes should the dedication and upgrading of the ROW not proceed.
 - iii. **Engineering:** Physical assessment of the upgrading of the ROW including some preliminary assessment of costs. The report shall detail the following:
 1. suitability of ROW for upgrading ie width, length gradient etc
 2. costs of upgrading based upon upgrading (construction materials), provision of lighting, manoeuvre space and drainage facilities.
 3. External Referral: The proposal should be referred to the following for comment: Department of Environment, FESA, State Land Services SW
- b. The assessment will be referred to the Council for consent to advertise. Council may refuse the proposal for dedication or grant consent for the proposal to be formally advertised.

5. Advertising

- a. A proposal for the dedication and upgrading of a ROW shall be formally advertised as per the advertising requirements outlined in the Shire of Nannup Local Planning Scheme No, 3 with a minimum advertising period shall be 14 days.
- b. In addition to the formal advertising procedures, a workshop may be organised and facilitated by the Council for all adjoining owners of the ROW. If held, at the workshop staff, among other things, shall have the following information available for dissemination:

SHIRE OF NANNUP PROCEDURES

- i. approximate costs of upgrading including funding options,
 - ii. explanation of the process of dedication and what it means,
 - iii. an outline of the possible development scenarios that may arise from the dedication and upgrading of the ROW,
 - iv. and time frame for undertaking the construction works.
- c. During the advertising process, the proposal shall be referred to the following external agencies for comment: Western Australian Planning Commission via the Department of Planning and Infrastructure and where applicable, servicing agencies such as, Water Corporation, Western Power, Telstra and the Fire and Rescue Service.

6. Assessment

- a. Where the requirements 4 are fulfilled, the Council shall assess the proposal for dedication and in doing so have regard to the following:
 - i. all the submissions received,
 - ii. the various technical matters outlined in (4 a iii)) and
 - iii. any other relevant matter
- b. The assessment will be referred to the Council or the relevant committee for consent to advertise. The Council may refuse or grant consent for the proposed dedication.

Explanation:

The intent of the "Assessment" section is to scope any issues that may have arisen from the advertising process. Comments from the Department of Planning and Infrastructure will be particularly important, as dedication will not proceed unless the department will consent to the creation of an under with road.

7. Submission of detailed plan of upgrading

- a. Where the Council has granted preliminary approval pursuant to clause 3.4 above, the proponent shall submit a plan of upgrading the entire ROW to the satisfaction of the Council. Essentially the Council expects that the ROW will be upgraded to the status of a under width street. The plan shall include, but is not limited to, the following detail:
 - i. design of pavement including width and thickness, paving materials and kerbing, stormwater drainage management including position and capacity of soak wells, lighting installation,
 - ii. traffic management devices where appropriate, and
 - iii. preliminary details of service location (power, water deep sewerage) and connection.
- b. Subject to suitable cost recovery arrangements, the proponent may engage the Council to undertake the preparation of the ROW upgrading plan.
- c. Irrespective of whether the ROW is constructed or dedicated in whole or part, the requirements of 3.5.1 shall apply.

8. Funding options

Special area rate

- a. Where a ROW is deemed to require upgrading, the Council may choose to apply a special area rate to all properties adjoining the ROW in order to raise sufficient monies to fund the upgrading (which may include loan repayments) of the ROW in accordance with the approved plan subject to:
 - i. a minimum of 50-75% of all adjoining land owners are in agreement to the application of the special area rate, and
 - ii. the special area rate shall not apply for a period greater than 10 years.

SHIRE OF NANNUP PROCEDURES

Developer funding option

- b. Where the requirements of 8 a. cannot be fulfilled, the Council may consent to the proponent (s) funding the entire or part upgrade of the ROW in accordance with the approved plan.

Determination of costs

- c. Costs associated with the dedication and upgrade of the ROW shall include, but are not limited to, the following:
- i. all construction costs including installation of lighting, b) all costs associated with administering loans where funding is based upon a special area rate,
 - ii. costs associated with any additional services that may be required, for example water supply sewerage, electricity and gas, and
 - iii. administration costs associated with referral to the Hon Minister for Lands.

9. Dedication as a under width public road

- a. Prior to resolving to pursue dedication the Council shall:
- i. seek a commitment from 75% of adjoining owners that they support application of a special area rate for the upgrading of the ROW (road), and
 - ii. in the case of developer funded upgrading, receipt of a bond from the proponent (s) representing the total sum of upgrading (in whole or in part) of the ROW to satisfaction of the Council.
- b. Where the requirements of 9 a. cannot be fulfilled, the Council shall withdraw all further action for the dedication of the ROW or road.

10. Referral to the Minister for Lands

- a. Where a funding commitment is received for the upgrading of the ROW or road, the Council will formally request dedication of the land as a road.
- b. In referring the request to the Minister for Lands the following information shall be provided as per Regulation 8 of the Land Administration Regulations:
- i. written confirmation that the local government has resolved to make the request, including details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require,
 - ii. if an application has been made to the local government under section 56 (1) (b) (ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application,
 - iii. if the request is made in respect of a private road referred to in section 56 (1) (c) of the Act written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years,
 - iv. a description of the section or sections of the public who have had that use and a description of how the private road is constructed,
 - v. copies of any submissions relating to the request that the local government has received, and the local government comments on those submissions,
 - vi. any other information the local government considers relevant to the Minister's consideration of the request, and
 - vii. written confirmation that the local government has complied with section 56 (2) of the Act.
- c. In the event that the Minister does not approve dedication, in the case of 9 a. ii) the bond monies shall be returned immediately to the proponent.



SHIRE OF NANNUP PROCEDURES

11. Construction

- a. As soon as practicable upon dedication of the private ROW or road and subject to the funds being obtained in accordance with part 8 a. or b, the land shall be constructed in accordance with the approved plan or within a time frame satisfactory to the Council.

Information Sheets: NIL

AGENDA NUMBER: 10.4
SUBJECT: Land Resumptions & Road Dedication Laneway between Adam & Forrest Streets
LOCATION/ADDRESS: Townsite
NAME OF APPLICANT: Shire of Nannup
FILE REFERENCE: WRK30
AUTHOR: Ewen Ross Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 4th February 2010

Attachments:

1. Map - Original proposal to widen laneway.
2. Extract from Nannup Townsite Strategy Policy Area 1.
3. Extract from Nannup Townsite Strategy Policy Area 2.
4. Map of Policy Areas associated with the Nannup Townsite Strategy.
5. Map - Proposed layout of road system of revised CBD Policy Area #2.

BACKGROUND:

In 2003 Council initiated investigations for the acquisition of an additional 7.0m of land along the length of the laneway (behind Warren Road – west) to be incorporated into the existing laneway reserve for dedication as a road under the Land Administration Act 1997. (Attachment 1).

After several letters to the owners of land adjacent to the laneway, most of the land owners supported the resumption of 3.5m from properties from each side of the existing laneway. Several landowners' support was conditional on the level of compensation to be paid for loss of their land.

In late 2005 the matter fell into abeyance as it appears that the issues surrounding payment of compensation could not be resolved sufficiently to progress the matter to completion.

COMMENT:

After carrying out a review of the status of the proposed widening of the laneway and the subsequent dedication process to follow, Council is recommended to terminate the proposed works for the following reasons:

1. Cost of compensation for landowners for land ceded to Council (whether by agreement or through compulsory acquisition) will be substantial.
2. Survey costs to resurvey each lot affected by the proposal (11 in total) and for the laneway alignment will also be considerable.

3. Costs associated with lodgement of subdivision applications for each property affected by the proposal will have to be met by Council.
4. Council should not be expending ratepayers' funds for the sole benefit of commercial businesses, instead funding should be by the "developer".
5. The proposed upgrading of the laneway is not in line with the Nannup Townsite Strategy or a priority from a planning perspective.
6. Council's Forward Plan shows that the construction of the un-made portion of Walter Street is listed therefore the original premise that the amalgamating of adjacent portions of the un-made section of Walter Street could be used to offset some of the land acquisition costs is in direct conflict with Council's adopted Forward Plan.
7. This proposal has not been submitted to Council by the landowners in question therefore no ownership exists, particularly with regards funding. The appropriate mechanism for the Council to raise this is through the Townsite Strategy review process.

As an alternative to the original proposal, Council may give consideration to amending its Nannup Townsite Strategy to reflect changes to the planned development of the town in general and the CBD in particular from that originally proposed in Policy areas 1 & 2. (Attachment 2 & 3).

Part of the Policy Area 1 between the CBD boundary on the western side and the Blackwood River could be incorporated into Policy Area 2 to reflect the opportunity to develop the Central Business District towards the west. This could accommodate changes to the existing "mixed use" and "residential" lots in this area. If Council extends the existing Foreshore Park reserve area south to Adam Street, it could provide an attractive passive recreation area to the commercial district. (Attachment 4 & 5).

As part of the CBD future development Council should give careful thought as to the layout of road infrastructure to ensure that the necessary infrastructure will be provided in a proactive, planned and systematic manner.

If Council adopts the recommendations 1 to 3, the only immediate costs would be associated with amending the Nannup Townsite Strategy and the Nannup Local Planning Scheme No3.

If Council were to defer any development of the laneway in favour of modifying the Nannup Townsite Strategy as recommended, the following matters may be given consideration:

1. Where developers request the laneway to be either widened and sealed or sealed, Council should require that any upgrading works (including ceding

of land to allow for widening) should be met by the developer/s without any cost to Council;

2. All access to lots 17-19 fronting the unmade portion of Walter Street should be formalised by the planned construction of Walter Street to provide a "ring road" for traffic movement within the CBD.
3. All commercial development within the CDB should be required to provide off-street parking on their properties at their own cost including the cost of upgrading access to the parking or pay cash-in-lieu for parking to be provided within a reasonable distance (usually within 400m) of their business.
4. Where the owners of lots 17-19 seek to undertake a commercial development on their land and request as part of the application to have primary access from the lane way, all costs to widen and/or upgrade the lane way should be at the developer's expense.
5. Extension of the Foreshore reserve through to Adam Street being serviced by the proposed upgrading of Walter Street in front of lots 17-19.

Should council wish to continue with the development of the laneway, the cost to construct, drain, kerb and seal the existing lane way together with provision of any additional service providers requirements (sewer, underground power, water, telecommunications infrastructure) to relocate existing services and any compensation for land purchased would need to be factored into the Council's budget.

A fourth recommendation is included with this item recognising that this matter has held up the desired kerbing, drainage and general "finishing off" of sections of adjoining town streets Adam, Forrest and Jephson. It is recommended that the "finishing off" of these streets be brought into Council's draft Forward Plan and ultimately budget in the coming few years.

STATUTORY ENVIRONMENT:

Land Administration Act 1997.
Land Administration Regulations 1998.
Shire of Nannup Local Planning Scheme #3.
Nannup Townsite Strategy.
Planning and Development Act 2005 s75.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

The proposed changes to the Nannup Townsite Strategy in relation to Policy Area 2 (CBD) will effectively extend the existing area for the expansion of the CBD to the west of the current Policy area.

Although some of the land contained within the area proposed for inclusion into Policy Area 2 may be subject to flooding during a 1 in 100 year flood event, Council has recently amended its LPS 3 to give some discretionary approval for development in flood prone areas.

RECOMMENDATION:

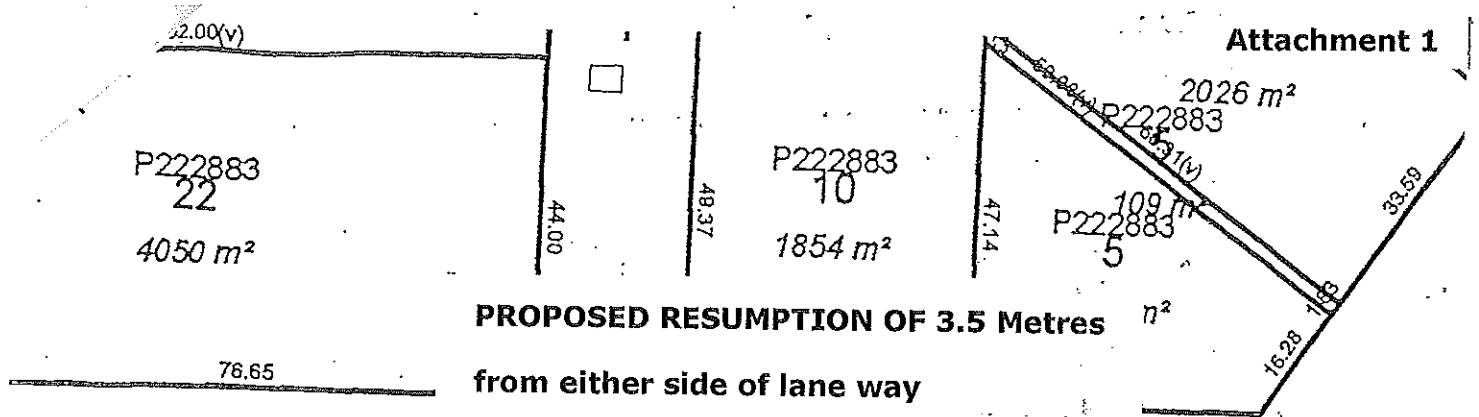
That Council:

1. In accordance with the Planning and Development Act 2005 s75 requirements, amend the Nannup Local Planning Scheme by way of amending the Nannup Townsite Strategy Policy Areas 1 and 2 to include into Policy Area #2, Lots 17-19 Walter Street Nannup for future CBD expansion.
2. Amend the Shire of Nannup Forward Plan 2010/11 to 2014/15 by Modifying Sub Program 10.2 Town Planning, Item C, "Undertake a review of the Local Planning Scheme and the Local Planning Strategy" to bring the review forward to 2011/12 in lieu of that proposed of 2012/13 due to the time it generally takes to finalise an amendment to the Local Planning Scheme.
3. Make provision in the draft 2011/12 budget to meet the estimated cost of undertaking the review of the Local Planning Scheme and Local Planning Strategy.
4. Amend the Shire of Nannup Forward Plan 2010/11 to 2014/15 by including in the Road Construction Program costs associated with "finishing off" town streets Adam, Forrest and Jephson west of Warren Road by kerbing, drainage and seal works as required.

VOTING REQUIREMENTS



EWEN ROSS
MANAGER DEVELOPMENT SERVICES

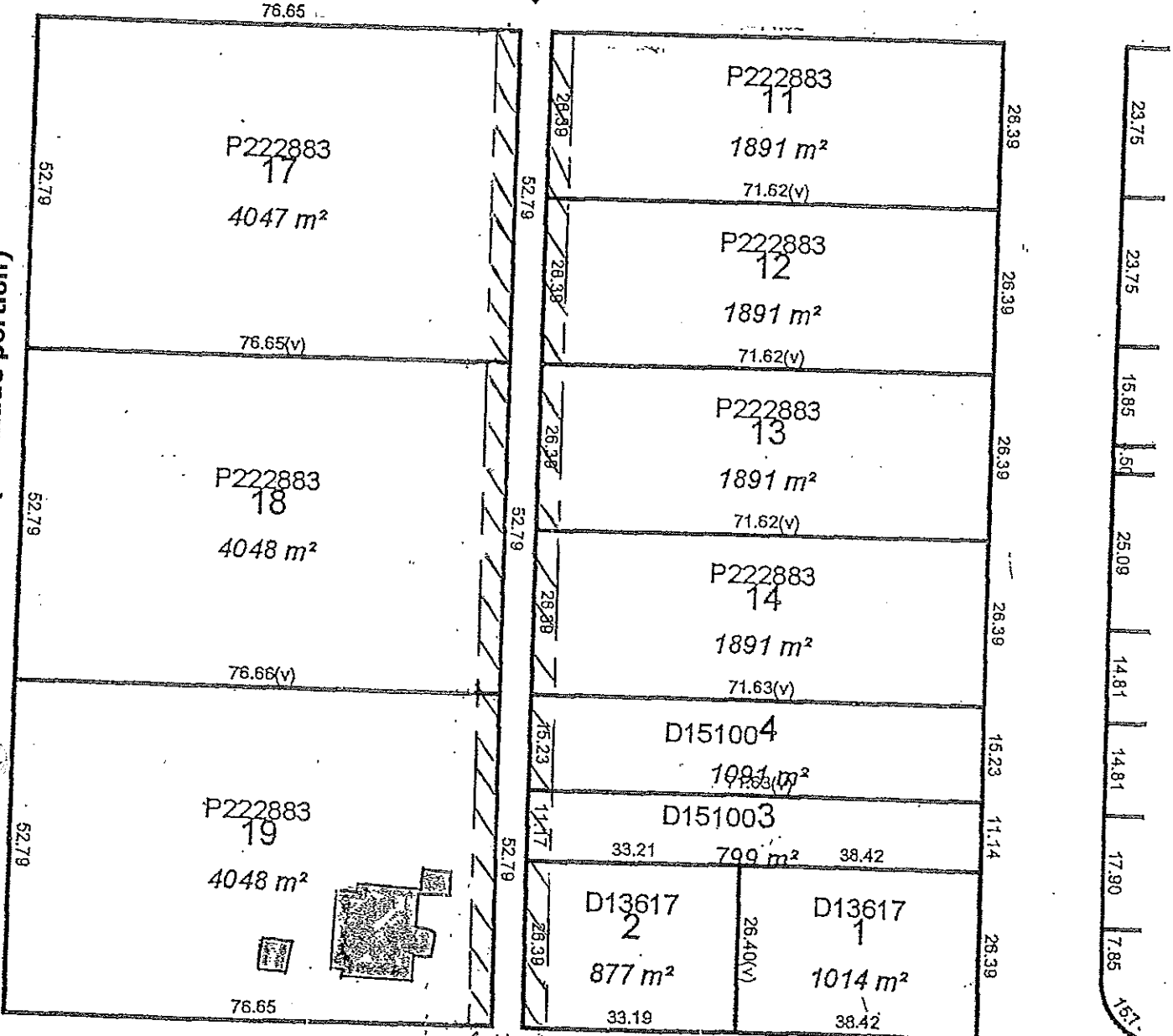


PROPOSED RESUMPTION OF 3.5 Metres
from either side of lane way



FORREST STREET

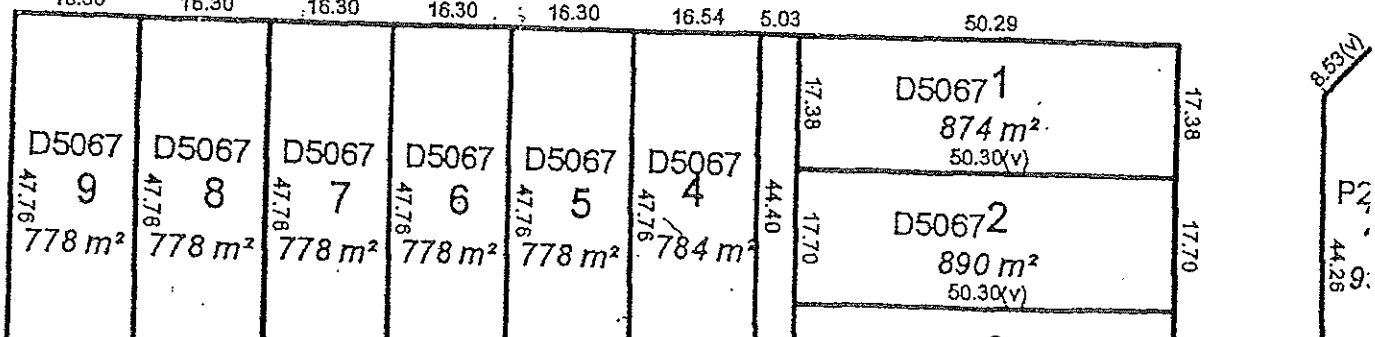
WALTER STREET (Un-made portion)



CONCEPT WIDTH OF ROAD FORMATION

NEW BOUNDARY LAND TO BE ACQUIRED

ADAM ST NANNI



Policy Area 1 - Nannup Townsite

Policy Area Description

This policy area generally includes the existing Nannup Townsite urban areas (excluding other policy areas contained therein)

Policy Statement

- Council will support urban consolidation within the townsite subject to:
 - (a) the introduction of a reticulated sewerage service or alternative means of effluent disposal to the satisfaction of the Council and the Health Department;
 - (b) the adequacy of infrastructure to support such development (eg water supply, power);
 - (c) land not being within flood prone areas (subject to assessment in accordance with Section 7.4.4 of the Townsite Strategy).
- Council shall encourage a range of housing types and lot sizes and therefore, lifestyle opportunities.

Development Issues

- Effluent Disposal
- Provision of staged reticulated sewerage for further townsite expansion
- The Blackwood River (including flooding)
- Timber Mill/Light Industrial Area and Development
- Residential Land - Sale Prices, Supply, Variety & Demand
- Power Supply
- Water Supply
- Alternative housing/development and lifestyle opportunities

Land Use

<u>Primary</u>		
• Urban and associated land uses,		

Policy Area 2 - Town Centre

Policy Area Description

This area is situated central to the Nannup townsite and is generally spread along Warren Road between the Blackwood River Bridge and the Brockman Highway.

Policy Statement

The Town Centre zone shall provide for the development or redevelopment of land within the zone for a broad range of uses which council considers are appropriate to, and ensure the primacy of, the Town Centre whilst serving the residents of, and visitors to, the Shire of Nannup.

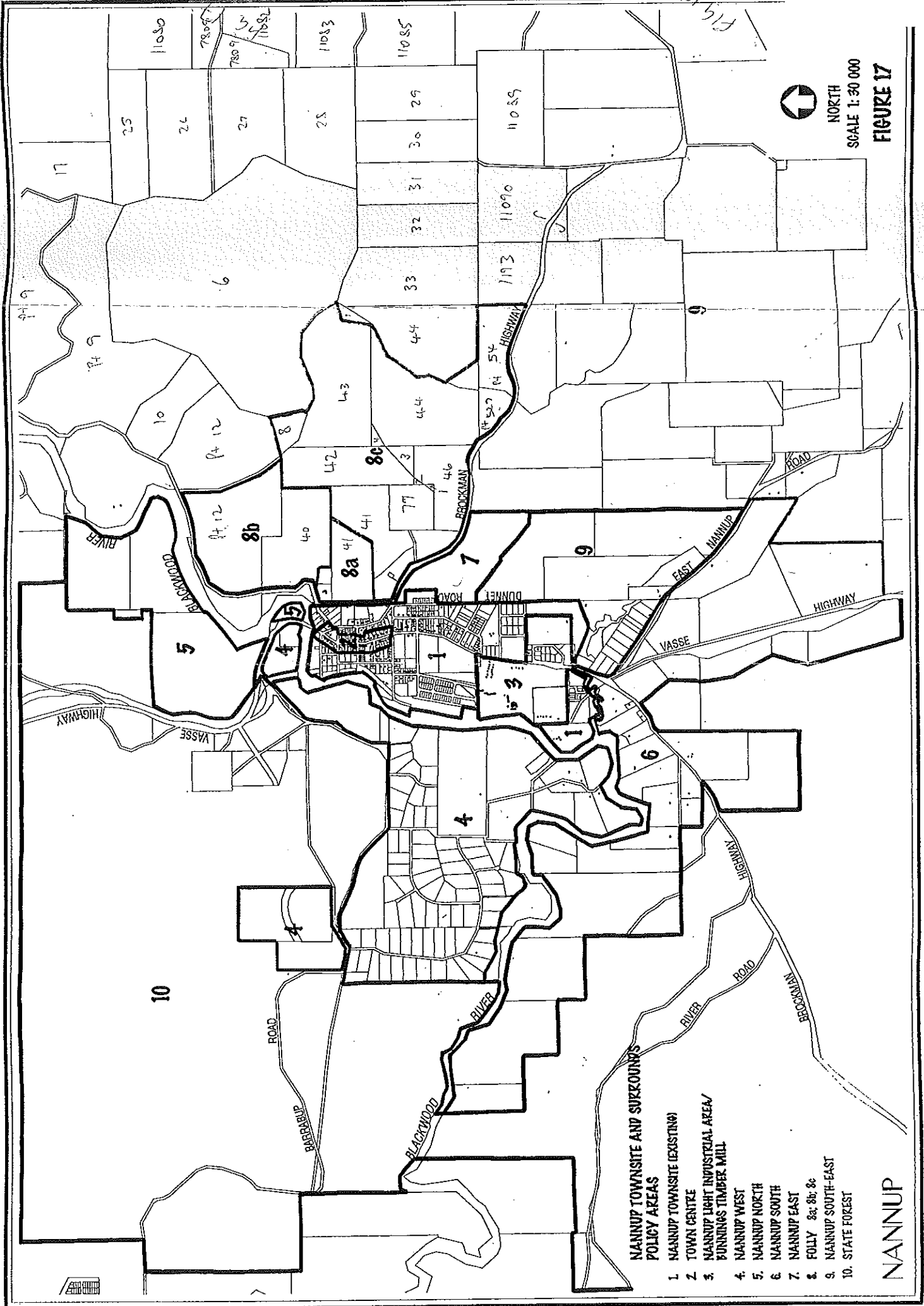
Council shall encourage new development within the zone to achieve a high standard in relation to character to assist in promoting the Town Centre in terms of its own distinctive identity and attraction, requiring townscape improvements and providing development concessions where development achieves a high standard or results in the retention or incorporation of character buildings or specific design features.

Development Issues

- Primacy of the Town Centre
- Consolidation
- Existing opportunities for development/redevelopment
- Car Parking
- Townscape
- Flood prone land
- Power Supply
- Water Supply

Land Use

<u>Primary</u>	<u>Secondary</u>	<u>Undesirable</u>
<ul style="list-style-type: none"> • Commercial • Offices 	<ul style="list-style-type: none"> • Car Parking • Child Care Centre • Civic Use • Cultural • Medium/High Density Residential • Recreation/Leisure • Single Dwelling • Tourism 	<ul style="list-style-type: none"> • Agriculture/Rural • Caravan Park • Industry (except Service industry) • Motor Vehicle Wrecking • Stock Yards • Storage Yard
<u>Ancillary</u> <ul style="list-style-type: none"> • Caretaker's Dwelling • Home Occupation 		



- NANNUP TOWNSITE AND SURROUNDINGS
POLICY AREAS**
- 1. NANNUP TOWNSITE (EXISTING)
 - 2. TOWN CENTRE
 - 3. NANNUP LIGHT INDUSTRIAL AREA/
BURNINGS TIMBER MILL
 - 4. NANNUP WEST
 - 5. NANNUP NORTH
 - 6. NANNUP SOUTH
 - 7. NANNUP EAST
 - 8. FOLLY 8a; 8b; 8c
 - 9. NANNUP SOUTH-EAST
 - 10. STATE FOREST



NORTH
SCALE 1:30 000

FIGURE 17

NANNUP

NANNUP CBD

Scale 1:4901

Comment:

Policy Areas 1 and 2

WARNING

This product is supplied for information only and is not guaranteed. The information may be out of date and some measurements are digitized. The information should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes the original documents must be searched.

