



*Shire of*  
**N A N N U P**  
*The Garden Village*

# AGENDA

Council Meeting to be held  
on Thursday 28 July 2011



# *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 28 July 2011 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 28 July 2011:

3.15 pm      Information Session  
4.15 pm      Meeting commences  
7.00 pm      Dinner



**ROBERT JENNINGS**  
**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**

Sally Hepburn:

Q3. Could Council consider placing restrictions on licensed kangaroo shooters, prohibiting them from discharging firearms within special rural subdivisions?

A3 The Shire of Nannup is not the agency that deals with the discharging of firearms.

However the shooting of Kangaroos is controlled by the Department of Environment and Conservation. The Shire of Nannup was declared an open season shire, for the purposes of shooting of Western Grey Kangaroos, in July 1988. Private property owners are permitted to shoot Western Grey Kangaroos on their own property where the kangaroos are or can be reasonably expected to, cause damage to primary production. Licenced Kangaroo Shooters can assist land owners in the control of the kangaroos. The safety of Firearms is the responsibility of the Licencing Authority.

Maggie Longmore:

Q6. Will Council seek to have a kangaroo cull undertaken in the Barrabup Road Subdivision area?

A6 The Department of Environment and Conservation (DEC) maintain the Western Grey Kangaroo Management Plan. The Western Grey Kangaroo is protected under the Wildlife Conservation Act 1950 and is a declared pest under the Agriculture and Related Resources Protection Act 1976. The Shire of Nannup has made contact with the Wildlife officers at DEC and they are coming down to inspect the Western Grey Kangaroo population in the North Nannup area.

However it is DEC who would make the final determination about culling of the kangaroo population.

## **Special Meeting July 7<sup>th</sup> 2011 Questions taken on Notice**

Bob Longmore

Q1. Are we to become Nannup Not-the-Garden Village, but just another small town in the South West?

A1. Council has not made any suggestion that Nannup's theme will not be the Garden Village. Due to budget constraints there may be alterations to the way this theme is approached in the future.

Q2. What is Council going to do about this?

A2. Council will make the appropriate changes required to try and keep up the appearance of the town site and to suit its chosen theme. The budget allocation for Parks and Gardens is reviewed annually and adjusted accordingly.

### **4. PUBLIC QUESTION TIME**

### **5. APPLICATIONS FOR LEAVE OF ABSENCE**

### **6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

A presentation will be made by Mr Trevor Hine in relation to; item 10.4 Application for Subdivision, WAPC Ref No. 144407.

### **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 23 June 2011 be confirmed as a true and correct record.

That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 7 July 2011 be confirmed as a true and correct record with the following amendment:

Resolution 8647 page 21, Change the date to 25 August and remove the words 'to phase in the adjustment to the GRV and UV categories in accordance with the WALGGC Assessed Rating Capability projection over a five (5) period.'

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

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

**10. REPORTS OF OFFICERS**

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(a) OFFICERS		
(b) ELECTED MEMBERS		
<b>12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		
<b>13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>		
Cr T Dean.		
1. What is the total current value of all the shires vehicle fleet, excluding passenger sedans?		
2. Can you list the total value of all vehicles purchased over the last 4 years? (excluding passengers vehicles) and the net total changeover price?		

3. As a proportion of workforce time what is the split between hours spent within the town limits and hours spent out of the town limits (within 5 % will be sufficient)?
4. What is the total cost of road construction over the last 4 financial years (exclude the construction value of Mowen Road)?
5. How much of the above was done in;
  - a) within town boundaries
  - b) outside town boundary

Response to be reported at the Council meeting.

**14. CLOSURE OF MEETING**

# **DEVELOPMENT**

# **SERVICES**

AGENDA NUMBER: 10.1

SUBJECT: Closure of a portion of Governor Broome Road

LOCATION/ADDRESS: Reserve 46141

NAME OF APPLICANT: Shire of Nannup

FILE REFERENCE:

AUTHOR/REPORTING OFFICER: Geoffrey Benson, Manager Development Services

DISCLOSURE OF INTEREST: Nil

DATE OF REPORT: 5 July 2011

- Attachments:
1. Certificate of Title – Reserve 46141
  2. Landgate diagram – Reserve 46141
  3. Survey Diagram – Reserve 46141

## **BACKGROUND:**

As part of the 2010/2011 FESA capital grants program, funding was provided for the construction of a single appliance bay Fire Shed and associated meeting room and amenities, to be built for the Scott River and Lake Jasper Volunteer Bush Fire Brigade.

It was determined that the new fire shed was to be built on Reserve 46141, on the corner of Governor Broome Road and Milyeannup Coast Road.

The fire shed has been completed and an application made to Western Power for power to be connected to the property. This application required a survey of the property to determine the boundary so that Western Power could situate the underground green dome in the correct location on the boundary of the property.

This survey has been conducted and during the course of the survey, the surveyor, Mr Andrew Pash advised that the new fire shed was not situated entirely on the property and was in fact partially on the road reserve of Governor Broome Road. Please see attachment 3, for survey diagram.

## **COMMENT:**

When the construction of the fire shed was granted planning approval, the diagram in attachment 1, was approved for locating the building, on Reserve 46141.

Unfortunately as can be seen from the overhead photograph there are larger than usual road reserves, in fact the Governor Broome Road Reserve is 60 metres wide. Therefore the earthworks were carried out and the shed was built without having a survey conducted to confirm the actual boundaries of the reserve, and therefore allowing an error in site location to be made which, as can be seen from the survey diagram has seen the shed intrude 6 metres on to the Governor Broome Road Reserve.

Discussions with staff at State Land Services at the Department of Regional Development and Lands, have been had and the advice from the SLS staff is that the best and easiest way to sort this problem out is for the Shire of Nannup to request the Minister of Lands to Close a 7 metre wide strip of Governor Broome Road, along the entire boundary of Reserve 46141, and incorporate this land in to Reserve 46141.

For Council to close a portion of Governor Broome Road, under section 58 of the Land Administration Act, the following steps will be required;

1. Council to resolve to publish in a newspaper circulating in the district a notice of motion that it will make a request to the Minister for the permanent closure of the road,
2. Council to consider any objections to the proposed closure made within 35 days of the publication of the notice of motion,
3. Council to then resolve to make a request to the Minister to close the road permanently,
4. Council must then, in accordance with regulation 9 of the Land Administration Regulations, prepare and deliver the request to the Minister to close the road permanently.

A review of the project management procedure has been conducted and in future a survey will be carried out to locate any new buildings prior to the commencement of works.

#### **STATUTORY ENVIRONMENT:**

Section 58 of the Land Administration Act 1997

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

Costs of Road closure to include survey costs and advertising to total approx \$2,000, to be funded from the Royalties for Regions money allocated to the Scott River Fire Shed project in the 2010/2011 budget.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

Council resolve to publish in the Nannup Telegraph a notice that it intends to apply to the Minister for Lands for the permanent closure of a 7 metre wide strip of Governor Broome Road, along the boundary of Reserve 46141, from the intersection with Milyeannup Road, West to the western boundary of Reserve 46141, under section 58 of the Land Administration Act 1997.

NOT TO BE REMOVED FROM THE DEPARTMENT OF LAND ADMINISTRATION

NO DUPLICATE ISSUED

REGISTER VOLUME

FOLIO 387



Application H641189  
Road Closure H641190  
Corr. 02401-2000-01ro



3122



CERTIFICATE  
OF  
CROWN LAND TITLE

UNDER THE "TRANSFER OF LAND ACT 1893" AS AMENDED  
AND THE "LAND ADMINISTRATION ACT 1997"

The undermentioned land is Crown land, in the name of the  
STATE of WESTERN AUSTRALIA,  
subject to the interests and status orders in the First Schedule which interests and status orders are subject to the  
interests, easements, encumbrances and notices shown in the Second Schedule hereto.

Dated 10 January 2001

*J. Hyde*



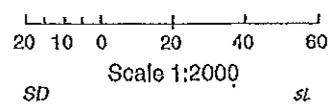
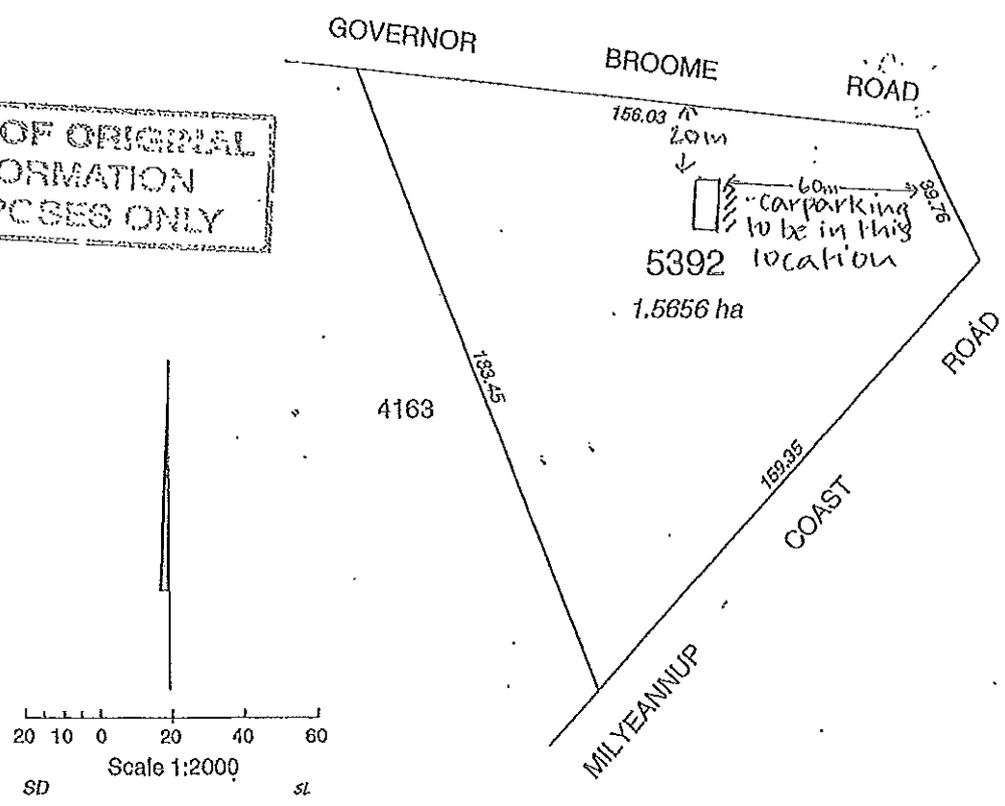
REGISTRAR OF TITLES

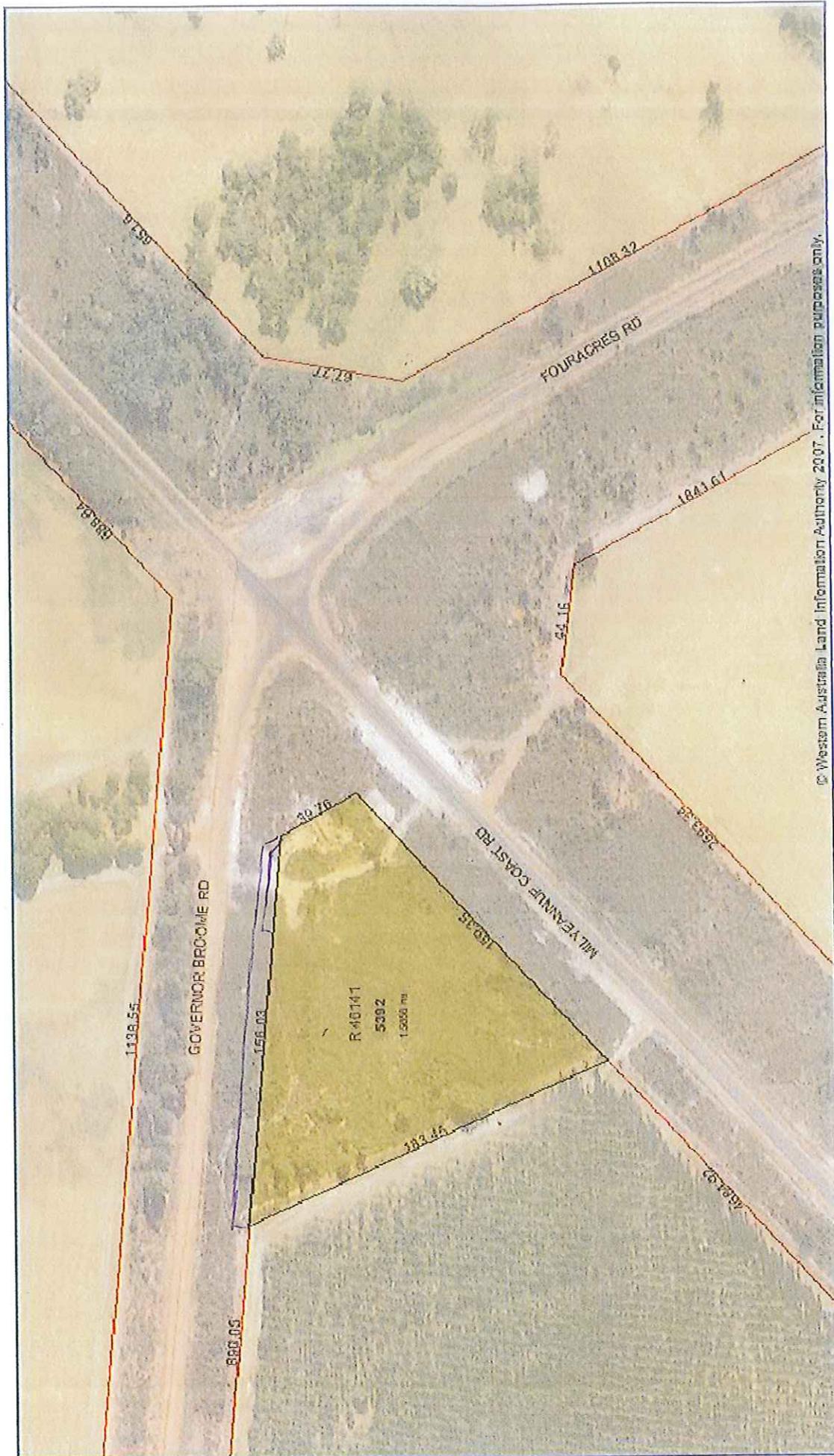
LAND REFERRED TO

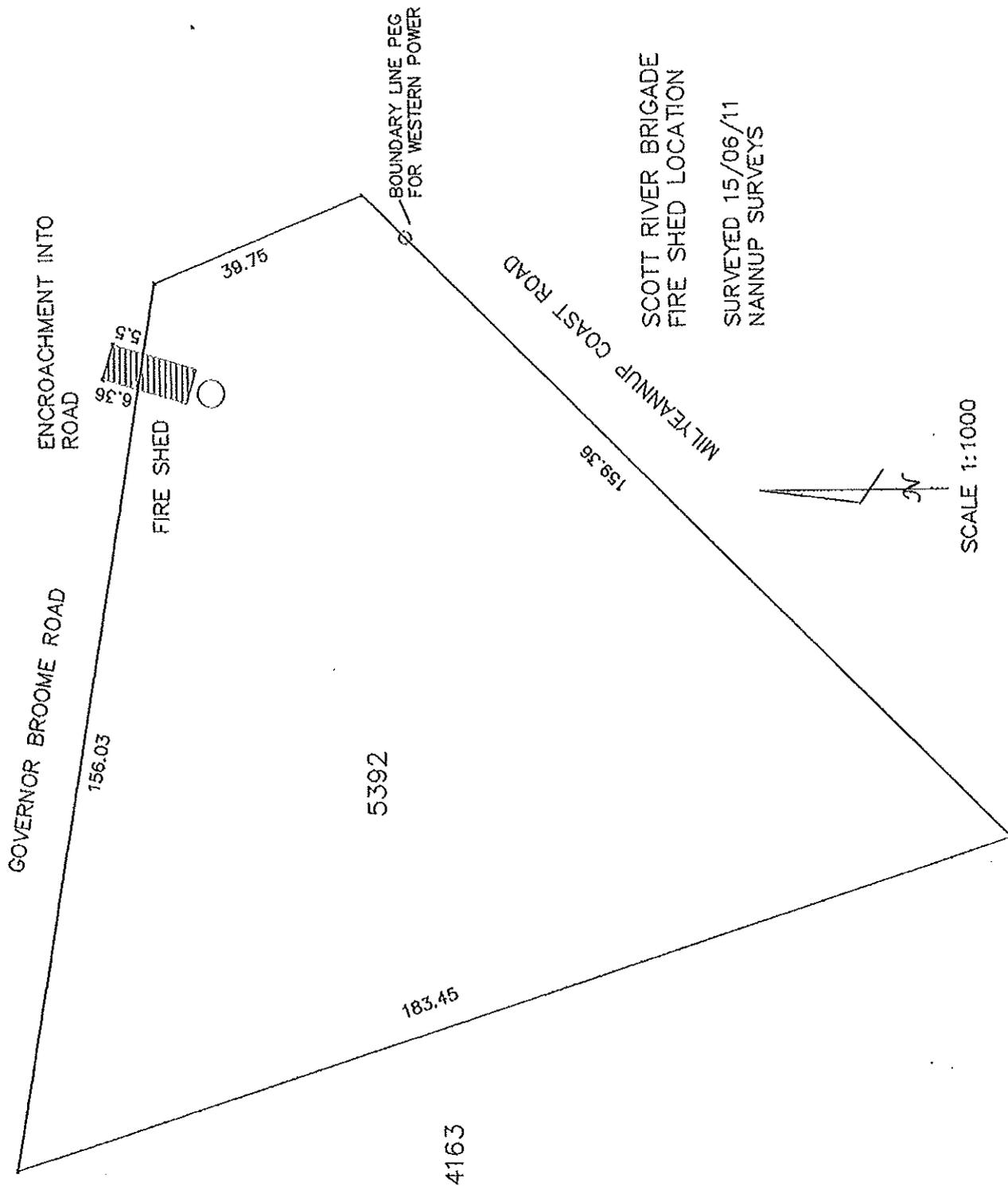
Sussex Location 5392 on Land Administration Diagram 95365 delineated on the sketch in the Third Schedule.

THIRD SCHEDULE

COPY OF ORIGINAL  
INFORMATION  
PURPOSES ONLY







AGENDA NUMBER: 10.2  
SUBJECT: Local Planning Scheme No. 3 – Amendment 11  
LOCATION/ADDRESS: Whole of the District  
NAME OF APPLICANT: Shire of Nannup  
FILE REFERENCE: TPL1  
AUTHOR/REPORTING OFFICER: Geoffrey Benson, Manager Development Services  
DISCLOSURE OF INTEREST: Nil  
DATE OF REPORT: 5 July 2011

Attachments: 1. Letter of Decision – WAPC  
2. Amendment 11 Document – Shire of Nannup

### **BACKGROUND:**

At its meeting of 26 November 2010 Council considered Amendment 11 to Local Planning Scheme No.3 and at minute 8499 made the following decision;

That Council resolve to amend Local Planning Scheme 3 by:

1. adding to Schedule 1 -Definitions the definitions of "food business" and "primary production" in Attachment 1,
2. adding to the Zoning Table in Part 4 the land uses of "food business" and "primary production" in Attachment 2,
3. adding to the Zoning Table in Part 4 the land uses of "aquaculture, industry – noxious, piggery and poultry farm" in Attachment 2, and
4. deleting from Schedule 1 – Definitions, the definitions of "cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms".

Subsequent to this meeting the amendment documents were signed and sent to the Western Australian Planning Commission (WAPC) for assessment and for the Minister for Planning to sign.

### **COMMENT:**

A reply has been received from the WAPC on 23 June 2011 and advised that the minister for Planning refused to grant final approval to part of the amendment which proposes to;

1. introduce two new use classes of "food business" and "primary production";
2. delete ten (10) Schedule 1 'land use' definitions of 'animal husbandry', 'hobby farm', 'convenience store', 'fast food outlet', 'home store', 'industry', 'lunch bar', 'milk depot', 'stall – general', 'stall – wayside'; and
3. modify the zoning table by introducing six (6) new use classes.

The above part of the amendment was not supported as it would duplicate the definitions already provided by the scheme. Also removal of specific definitions and replacement with general definitions would be detrimental to the legibility and administration of the Scheme.

The minister also indicated that he would support part of the amendment to delete three (3) Schedule 1 'land use' definitions, being those of 'cluster farming', 'market garden' and 'tearooms'

The way forward from here is to either;

1. Accept the advice from the WAPC and amend the Amendment Document to reflect the changes that the Minister for Planning has agreed to approve; or
2. Reject the advice from the WAPC and press for the original Council agreed amendment; or
3. Agree to not make the amendment at all and do nothing further on this matter.

The logical way forward would be to accept the WAPC advice and move forward with the amendment that the Minister for planning has agreed to accept and in the near future formulate a policy which outlines Council's wishes on the matter in more detail, but is still in keeping with the spirit of the amendment.

It should be noted that Cluster Farming is a zone and a use under Local Planning Scheme No. 3.

**STATUTORY ENVIRONMENT:** Planning and Development Act 2005.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:**

Council's Local Planning Scheme aims to achieve order in the distribution of land uses so that infrastructure is provided efficiently, adjoining land uses are compatible and products are made available where they are needed by the public.

**VOTING REQUIREMENTS:** Simple majority.

**RECOMMENDATION:**

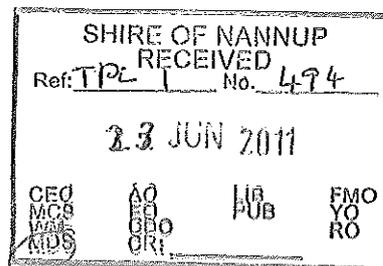
That Council agree not to progress Amendment No.11 to Local Planning Scheme No.3, any further, and advise the WAPC of such.



Our Ref: 853/6/17/3 P11 & TPS/0399  
 Your Ref: TPL1  
 Enquiries: Frank Scibilia (9791 0577)

21 June 2011

Chief Executive Officer  
 Shire of Nannup  
 P O Box 11  
 NANNUP WA 6275



Dear Sir

### LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO 11

I refer to your letter of 1 December 2011 and advise that the Minister for Planning has made the following determination on the subject Amendment:

- A. refuses to grant final approval to the part of the Amendment which proposes to:
- i) introduce two new use classes of 'food business' and 'primary food production' ;
  - ii) delete ten (10) Schedule 1 'land use' definitions of 'animal husbandry', 'hobby farm', 'convenience store', 'fast food outlet', 'home store', 'industry', 'lunch bar', 'milk depot', 'stall - general', 'stall-wayside; and
  - iii) modify the zoning table by introducing six (6) new uses classes.

This part of the Amendment is not supported as it would duplicate the definitions already provided by the Scheme. Removal of specific definitions and replacement with general definitions would be detrimental to the legibility and administration of the Scheme.

- B. supports part of the Amendment to delete three (3) Schedule 1 'land use' definitions, being those of 'cluster farming, 'market garden' and 'tearooms'.
- C. grants final approval subject to the local government modifying the Amendment documents consistent with Parts A and B of this decision.

Would you please arrange for three sets of amending documents to be prepared in accordance with the modifications required and submit them for the Minister's endorsement of final approval. Three sets of documents are returned herewith for the purpose.



In accordance with the provisions of regulations 21 (2) and 25 of the *Town Planning Regulations, 1967 (as amended)*, Council is required to return the executed modified documents to the Western Australian Planning Commission within 42 days of being notified of the Minister's decision.

Yours faithfully



FOR TONY EVANS  
SECRETARY  
WESTERN AUSTRALIAN PLANNING COMMISSION

Enc

**SHIRE OF NANNUP**

**LOCAL PLANNING SCHEME NO.3**

**AMENDMENT 11**

1 December 2010

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND  
A LOCAL PLANNING SCHEME**

**SHIRE OF NANNUP  
LOCAL PLANNING SCHEME NO.3  
AMENDMENT NO. 11**

**RESOLVED** that the Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

1. adding to Schedule 1 -Definitions the definitions of "food business" and "primary production" in Attachment 1,
2. adding to the Zoning Table in Part 4 the land uses of "food business" and "primary production" in Attachment 2,
3. adding to the Zoning Table in Part 4 the land uses of "aquaculture, industry – noxious, piggery and poultry farm" in Attachment 2, and
4. deleting from Schedule 1 – Definitions, the definitions of "cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms".

Dated 22<sup>nd</sup> day of July 2010

.....  
Chief Executive Officer

**NANNUP SHIRE COUNCIL**  
**LOCAL PLANNING SCHEME NO.3 –**  
**AMENDMENT 11**  
**PLANNING REPORT**  
**PREPARED BY SHIRE OF NANNUP**

**1 December 2010**

**NANNUP SHIRE COUNCIL  
LOCAL PLANNING SCHEME NO.3 - AMENDMENT 11**

**Background**

The Western Australian *Food Act 2008* and *Food Regulations 2009* make local government the enforcement agency for activities involving food with the responsibility to ensure the safety and suitability of food for human consumption. In the Food Act, there are two definitions of food activities, *Food Business* and *Primary Food Production*. Any person carrying out a "food business" must notify the local government and have a certificate of registration.

There are at least 34 defined land uses in the Shire's local planning scheme that are, or may be, food activities requiring planning approval through the Local Planning Scheme.

**Purpose of the amendment:**

The amendment is mainly to simplify the administration of the local planning scheme for staff and improve the understanding of the scheme by the public in regard to land uses for the production and sale of food. The intention is to take the opportunity presented by the two simple but comprehensive definitions in the Food Act to reduce the large number of definitions of activities related to food in the Local Planning Scheme No 3. The second reason for the amendment is to remove anomalies in the Local Planning Scheme where some defined land uses are not in the Zoning Table.

If an environmental issue arises with a 'food business' or 'primary food production' it will be addressed by other provisions in the Local Planning Scheme.

**Definitions:**

**"food business"** means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves —

- (a) the handling of food intended for sale; or
- (b) the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

**"primary food production"** means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes —

- a. the transportation or delivery of food on, from or between the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;
- b. the packing, treating (for example, washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;
- c. the storage of food in a silo that is not connected with a food processing operation and the transportation or delivery of food from, between or to such silos;
- d. the sale of livestock at saleyards and the transportation of livestock to and from saleyards; and

### Definitions in Schedule 1 of the Local Planning Scheme:

Thirty-four (34) defined land uses in Schedule 1 of the Local Planning Scheme can relate to a food activity that is within the meaning of Primary Food Production or Food Business in the Food Act. These land uses are listed below. The 17 uses in *italics* are in the Zoning Table. The other 17 defined uses, not in italics, are not in the Zoning Table, for reasons not known.

- *agriculture – extensive, agriculture – intensive, aquaculture, cluster farming, animal husbandry, hobby farm, piggery, poultry farm, stock and sale yard, winery* (these 10 land uses are each **Primary Food Production**),
- *abattoir, convenience store, fast food outlet, home store, industry, industry – general, industry – light, industry – noxious, industry – rural, industry – service, lunch bar, market, market garden, milk depot, plant nursery, restaurant, roadhouse, rural pursuit, shop, stall - general, stall – wayside, storage units or yard, tearooms, warehouse* (these 24 land uses are, or may be, a **Food Business**).

. A “winery” is also a Food Business when there are sales to the public.

### Conclusion:

The 17 definitions in Schedule 1 that are not in the Zoning Table are no aid for the Local Planning Scheme at present. Four could be added to the Zoning Table, to make them enforceable, and 13 deleted from Schedule 1 Definitions because they are within the meaning of either Primary Food Production or Food Business. The amendment will:

- Add the 4 land use definitions “*aquaculture, Industry – noxious, piggery and poultry farm*” to the Zoning Table as these land uses may have local environmental impacts, and
- Delete the 13 definitions of land use “*cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms*” from Schedule 1 as they are not in the Zoning Table, have not been used in the Local Planning Scheme and are within the meaning of either Primary Food Production or Food Business.

The 17 definitions in both Schedule 1 and the Zoning Table which are, or may be, within the meaning of Primary Food Production or Food Business are:

- *agriculture – extensive, agriculture – intensive, stock and sale yard, winery* (4 definitions possibly within the meaning of Primary Food Production),
- *abattoir, industry – general, industry – light, industry – rural, industry – service, market, plant nursery, restaurant, roadhouse, rural pursuit, shop, storage units or yard, warehouse* (some clearly within the meaning of Food Business).

These 17 definitions should remain in the local planning scheme because:

- they are in common usage, or
- a classification of a development as a ‘food business’ or ‘primary food production’ will depend on facts such as the purpose of the development.

**STATUTORY ENVIRONMENT:**

Planning and Development Act 2005, Local Planning Scheme No.3, Food Act 2008.

**POLICY IMPLICATIONS:**

The amendment will not affect existing permitted food activities.

**Council Meeting to proceed with Amendment 11 (reg 13(1)).**

Council considered the information above at its ordinary meeting on 22 July 2010 and, in resolution 8423, adopted the recommendation from the Town Planner:

**8423 BOULTER/PINKERTON**

That Council resolve to amend Local Planning Scheme 3 by:

adding to Schedule 1 -Definitions the definitions of "*food business*" and "*primary production*",

adding to the Zoning Table in Part 4 the land uses of "*food business*" and "*primary production*",

adding to the Zoning Table in Part 4 the land uses of "*aquaculture, industry – noxious, piggery and poultry farm*", and

deleting from Schedule 1 - Definitions the definitions of "*cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms*".

**Mistake:**

The word 'food' in 'primary food production' was missed in both the recommendation and the resolution but it was included in the amendments to Schedule 1-Definitions and the Zoning Table that were attached to the recommendation to Council. The mistake was not noticed until after the proposed amendment was adopted on 25 November 2010. Piggery and Poultry Farm should be deleted from the amendment because they are included in 'Animal Husbandry' in clause 4.3.4 of the Local Planning Scheme.

**Referrals and Advertising:**

On 29 July 2010, the proposed amendment was referred to the Environmental Protection Authority.

On 17 September 2010, the proposed amendment was referred to the Departments of Agriculture and Food, Commerce, Environment and Conservation, Fisheries, Health, Local Government, Planning, Regional Development and Lands, and Water.

The proposed amendment was advertised in the Nannup Telegraph in early October 2010 with the closing date for submissions on 19 November 2010.

**Submissions received:**

No submissions were received from the public.

Responses, with no objections or proposals, were received from the Departments of Agriculture and Food, Environment and Conservation, and Water and the Environment Protection Authority and the Western Australian Planning Commission. Their responses accompany this report and they are summarized in the Schedule of Submissions.

**Council Meeting Adopted Amendment 11 (reg 17(2)).**

At the Council meeting on 25 November 2010, the town planner advised there were no objections or submissions for the proposed amendment and no changes were contemplated. Council decided to adopt the proposed Amendment No. 11:

**8499 BOULTER / CAMARRI**

That Council resolve to amend Local Planning Scheme 3 by:

adding to Schedule 1 -Definitions the definitions of "food business" and "primary production" in Attachment 1,

adding to the Zoning Table in Part 4 the land uses of "food business" and "primary production" in Attachment 2,

adding to the Zoning Table in Part 4 the land uses of "aquaculture, industry – noxious, piggery and poultry farm" in Attachment 2, and

deleting from Schedule 1 – Definitions, the definitions of "cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms".

**CARRIED 8/0**

Again, the word 'food' in 'primary food production' was missed in both the recommendation and the resolution but it was included in the amendments to Schedule 1-Definitions and the Zoning Table that were attached to the recommendation to Council, in identical form to the amendment presented now to the Western Australian Planning Commission.

Bob O'Sullivan, town planner  
1 December 2010.

**ATTACHMENT 1: Amendment to LPS3 - Definitions in Schedule 1 of Part 12**

*“food business” means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves —*

- (a) the handling of food intended for sale; or*
- (b) the sale of food,*

*regardless of whether, subject to section 6 of the Food Act 2008, the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.*

*“primary food production” means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes —*

- a. the transportation or delivery of food on, from or between the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;*
- b. the packing, treating (for example, washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;*
- c. the storage of food in a silo that is not connected with a food processing operation and the transportation or delivery of food from, between or to such silos;*
- d. the sale of livestock at saleyards and the transportation of livestock to and from saleyards; and*
- e. any other food production activity that is regulated by or under an Act prescribed by the regulations for the purposes of this subsection.*

**ATTACHMENT 2: Amendment to LPS3 - Zoning Table in Part 4**

	<b>AGRICULTURE</b>	<b>AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN</b>	<b>AGRICULTURE</b>	<b>CLUSTER FARMING</b>	<b>COASTAL LANDSCAPE</b>	<b>INDUSTRY</b>	<b>MIXED USE</b>	<b>RESIDENTIAL</b>	<b>SPECIAL RESIDENTIAL</b>	<b>SPECIAL RURAL</b>	<b>TOWN CENTRE</b>
Aquaculture	A	A	A	A	X	X	X	X	X	X	X
Industry – Noxious,	X	X	X	X	X	A	X	X	X	X	X
Primary Food Production	P	P	P	P	P	X	X	X	X	P	X
Food Business	D	D	D	A	D	A	A	X	X	X	D
Piggery	A	A	A	X	X	X	X	X	X	X	X
Poultry Farm	A	A	A	A	X	X	X	X	X	X	X

## PLANNING AND DEVELOPMENT ACT 2005

### SHIRE OF NANNUP LOCAL PLANNING SCHEME NO.3 AMENDMENT NO. 11

The Shire of Nannup under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Local Planning Scheme by:

1. In Schedule 1 – Definitions, add two land use definitions **food business** and **primary food production** –

***food business** means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves —*

- (a) *the handling of food intended for sale; or*
- (b) *the sale of food,*

*regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.*

***primary food production** means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes —*

- 1) *the transportation or delivery of food on, from or between the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;*
- 2) *the packing, treating (for example, washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;*
- 3) *the storage of food in a silo that is not connected with a food processing operation and the transportation or delivery of food from, between or to such silos;*
- 4) *the sale of livestock at saleyards and the transportation of livestock to and from saleyards;*

2. in Schedule 1 – Definitions, delete the thirteen land use definitions : *cluster farming, animal husbandry, hobby farm, convenience store, fast food outlet, home store, industry, lunch bar, market garden, milk depot, stall - general, stall – wayside, tearooms.*

3. in the Zoning Table in Part 4,
  - 1) add to column 1 the six land uses *food business, primary food production, aquaculture, industry – noxious, piggery, poultry farm,* and
  - 2) in the columns under the Zones, add a letter P, D, A, or X as indicated next:

	AGRICULTURE	AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN	AGRICULTURE	CLUSTER FARMING	COASTAL LANDSCAPE	INDUSTRY	MIXED USE	RESIDENTIAL	SPECIAL RESIDENTIAL	SPECIAL RURAL	TOWN CENTRE
Aquaculture	A	A	A	A	X	X	X	X	X	X	X
Industry – Noxious,	X	X	X	X	X	A	X	X	X	X	X
Primary Food Production	P	P	P	P	P	X	X	X	X	P	X
Food Business	D	D	D	A	D	A	A	X	X	X	D
Piggery	A	A	A	X	X	X	X	X	X	X	X
Poultry Farm	A	A	A	A	X	X	X	X	X	X	X

**ADOPTION AND APPROVAL OF THE LOCAL PLANNING SCHEME AMENDMENT**

The following endorsements are hereunto affixed as confirmation of compliance with the requirements of the Planning and Development Act 2005 and the Town Planning Regulation 1967 (as amended).

Regulation 13(1)

The Local Planning Scheme Amendment was adopted by Resolution of the Council of the Shire of Nannup at the meeting of the Council held on the 22<sup>nd</sup> day of July 2010.

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

Regulation 17(2)

The Local Planning Scheme Amendment was adopted by Resolution of the Council of the Shire of Nannup at the meeting of the Council held on the 25<sup>th</sup> day of November 2010.

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

Regulation 22(1)

In accordance with the resolution of the Council of the Shire of Nannup at the meeting held on the 25<sup>th</sup> day of November 2010 the seal of the Council was hereunto affixed in the presence of:

.....  
PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

Regulation 22(2)

Endorsed by the Western Australian Planning Commission and submitted for final approval.

.....  
DELEGATED UNDER s.16 OF THE PLANNING AND DEVELOPMENT ACT 2005  
..... DATE

.....  
MINISTER FOR PLANNING  
..... DATE

AGENDA NUMBER: 10.3  
SUBJECT: Adoption of Local Planning Scheme No.3, Amendment No. 12 –  
Designation of Bush Fire Prone Area  
LOCATION/ADDRESS: Whole of District  
NAME OF APPLICANT: Shire of Nannup  
FILE REFERENCE: TPL1  
AUTHOR/REPORTING OFFICER: Geoffrey Benson, Manager Development Services  
DISCLOSURE OF INTEREST: Nil  
DATE OF REPORT: 11 July 2011

Attachments: 1. Draft Amendment No. 12 Documents  
2. Table of Submissions

#### **BACKGROUND:**

The Shire of Nannup Local Planning Scheme No 3 was gazetted on 14 March 2007 and has been the subject of eleven amendments.

The West Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) have developed a set of guidelines for local governments to use to assess the risk of bushfire hazard in a proposed development. The objective of these guidelines is to protect life and property from bushfires. These guidelines are the *Planning for Bush Fire Protection Guidelines, edition 2, May 2010*.

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of houses in declared bushfire prone areas. The BCA is satisfied if the house complies with Australian Standard *AS3959 Construction of Buildings in Bushfire Prone Areas*.

In the Local Planning Scheme No.3 for Nannup Shire, buildings in some Special Rural Zone areas with bushfire hazards must be constructed to AS3959. Other areas in bush fire prone areas do not carry this requirement. It is the purpose of this Amendment to apply these guidelines over the whole of the Shire of Nannup outside the Nannup Townsite.

At the Council Meeting of 24 March 2011 Council passed the following motion, at minute No 8575;

*That Council agree in pursuance of Section 75 of the Planning and Development Act 2005 to initiate an amendment to the Shire of Nannup Local Planning Scheme No. 3 by, adding provisions to designate a Bushfire Prone Area over the whole Shire outside the Nannup Townsite area.*

The proposed amendment was advertised for public comment from 27 April until 10 June 2011. A community Information Forum was held on 24 May 2011, at which over 20 people from the community attended.

There were a number of submissions received and these submissions are summarised along with responses in the attached Table of Submissions.

#### **COMMENT:**

During the Community Information session a number of questions were raised and answered by the presenters. The sessions was supposed to inform the community so that they could make a written submission during the public comment period.

During the public comment period two submissions were made by members of the public. The two submissions are in the table attached to this report along with comments and proposed responses if necessary.

The major issue to come out of both responses, was the proposed exclusion of the Nannup Townsite from the area to be designated prone to bush fires.

Staff still believe that this exclusion was the appropriate way of handling the Nannup Townsite, and this is reflected in the comments in the attached table of responses. However if Council feel strongly that the Nannup Townsite should be included in the area of the Shire being designated as Bush Fire Prone then the proposed change to the Scheme Amendment Document outlined later in this report should be supported by Council.

The proposed changes to the Scheme Amendment Document include the below underlined clause 13.2 and 13.3 and the additional map of Nannup Townsite, shown as the last page of attachment 3;

#### **PART 13 DESIGNATED BUSHFIRE PRONE AREAS**

13.1 A Designated Bushfire Prone Area is any area identified on the Bushfire Hazard Assessment Plan. Dwelling construction within Bushfire Prone Area will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia (BCA), Australian Standard 3959 and Planning for Bush Fire Protection (WAPC Dec 2001).

13.2 Where the minimum hazard separation and building protection zones outlined in the WAPC's 'Planning for Bush Fire Protection' are not within a proponent's power to achieve within their own property, sufficient for a BAL 29 or less rating, the Council may vary the requirements for developments or subdivisions in the Nannup Townsite.

13.3 Where the Council varies the minimum requirements outlined in 13.2 it will require the applicant to place a notification on the Certificate of Title advising of the variation.

13.4 The Bushfire Hazard Assessment Plan held at the local government offices (and as may be amended from time to time) form part of the Scheme for the purposes of this clause.

13.5 The Bushfire Hazard Assessment Plan may designate specific hazard levels as and when this information becomes available.

13.6 If an owner disputes the designation of his land within a Bushfire Prone Area that owner may request in writing the local government to reconsider that designation.

13.7 On receiving a request made under clause 13.6, the local government may, by notice in writing served on the person who made the request, determine that -

- a) the land is not within a Designated Bushfire Prone Area;
- b) the land is in an alternative hazard level; or
- c) the designation of the land on the Bushfire Hazard Assessment Plan is correct.

The affect of the change outlined above will be that if a property owner wishes to build on land in the Nannup townsite and the lot is within the light green area on the map, then they are within 100 metres of an area of bushland which may be a fire hazard and they may need to apply for an exemption to reduce the minimum hazard separation and building protection zones outlined in the WAPC's 'Planning for Bush Fire Protection' Guideline if they cannot achieve it while building the dwelling at the AS3959:2009 levels for a BAL 29 or lower site rating.

In all other circumstances properties within the Nannup Townsite would have to comply with the requirements of AS3959:2009, just like properties outside the townsite.

#### **STATUTORY ENVIRONMENT:**

The Planning and Development Act 2005 is the basis of the Shire's Local Planning Scheme (LPS3) and the State's Statement of Planning Policy 3.4 Natural Hazards and Disasters (SPP3.4).

#### **The Shire's Local Planning Scheme No.3**

In Clause 10.2, three of the several matters to consider when dealing with applications for Council's approval of a proposed development are:

- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4.....,
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to – bushfire or any other risk;
- (q) whether the proposed means of access to, or egress from, the site are adequate.

### **State Planning Policy 3.4 - Natural Hazards and Disasters**

Local government must have regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards (clause 2).

The Policy applies throughout Western Australia and to the preparation and assessment of matters by the WAPC (clause 3) and to local planning schemes and their amendment (clause 4). It should be used by governments to determine those areas that are most vulnerable to bushfire and where development should not be recommended (clause 5). It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals (clause 6).

The WAPC/FESA publication *Planning for Bushfire Protection Guidelines* has a method in Appendix 1 to assess the level of the hazard from a bushfire in a particular area.

It authorises local government to identify hazards:

*Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls. (page.4).*

The Act, LPS3 and SPP3.4 give Council the power to designate a bush fire prone area. Once the local government designates an area to be bush fire prone, the area will be required to comply with AS3959 and a higher standard of house construction (Class 1 buildings under the BCA).

Consistent with the Model Scheme Text, Clause 8.2 (b) of the Scheme exempts the need for planning approval for a single house except where the proposal; -

- i. requires the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Planning Codes;

- ii. is located in a Heritage Area designated under the Scheme;
- iii. requires the exercise of a discretion by the Council under the scheme to vary the setback provisions of a specific zone.

In order to ensure that the Council has the opportunity to impose planning conditions relating to bush fire management, this Amendment seeks to remove this exemption for single houses in a Designated Bushfire Prone Area.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

That Council agree to the changes to the Scheme Amendment 12 as described in Attachment 1 and raised during the public submission period, as shown in the attached table of submissions and therefore due to the substantial change to the amendment document advertise the proposed Scheme Amendment 12, to Local Planning Scheme No 3, for a further 42 day public advertising period.



*Shire of*  
**N A N N U P**  
*The Garden Village*

**TOWN PLANNING SCHEME No 3**  
**(District Scheme)**  
**AMENDMENT No 12**

Designation of Bush Fire Prone Areas

March 2011

**PLANWEST**

(WA) PTY LTD A.B.N. 77 665 477 168

**CONSULTANTS IN PLANNING,  
DESIGN AND MANAGEMENT**

**PLANNING & DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**Shire of Nannup**

**LOCAL PLANNING SCHEME No 3**

**AMENDMENT No 12**

RESOLVED that the Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

Adding provisions to designate a Bushfire Prone Area over the whole Shire outside the Nannup Townsite area.

Dated this ..... day of .....20...

.....  
Chief Executive Officer

.....  
Date

FILE NO.....

PART OF AGENDA.

**MINISTER FOR PLANNING AND INFRASTRUCTURE**

**PROPOSAL TO AMEND A SCHEME**

1. LOCAL AUTHORITY: Shire of Nannup
2. DESCRIPTION OF LOCAL PLANNING SCHEME: Local Planning Scheme No. 3
3. TYPE OF SCHEME: District Zoning Scheme
4. SERIAL NUMBER OF AMENDMENT: Amendment No. 12
5. PROPOSAL To add a new Part to designate the whole Shire of Nannup as a Bushfire Prone Area.

REPORT BY: **Shire of Nannup**

## 1 INTRODUCTION

The Shire of Nannup seeks the WA Planning Commission's support and the Hon. Minister's approval to a Scheme Amendment that seeks to add a new Part to designate the whole Shire of Nannup as a Bushfire Prone Area.

## 2 BACKGROUND

The Shire of Nannup Scheme No 3 was gazetted on 14 March 2007 and has been the subject of eleven amendments.

The West Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) have developed a set of guidelines for local governments to use to assess the risk of bushfire hazard in a proposed development. The objective of these guidelines is to protect life and property from bushfires. These guidelines are the *Planning for Bush Fire Protection Guidelines, edition 2, May 2010*.

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of houses in declared bushfire prone areas. The BCA is satisfied if the house complies with Australian Standard AS3959 *Construction of Buildings in Bushfire Prone Areas*.

In the Local Planning Scheme No.3 for Nannup Shire, buildings in some Special Rural Zone areas with bushfire hazards must be constructed to AS3959. Other areas in bush fire prone areas do not carry this requirement. It is the purpose of this Amendment to apply these guidelines over the whole of the Shire of Nannup.

The Council has prepared a draft Local Planning Policy (LPP) under the provisions of the Scheme. A copy of this LPP is included in **Attachment 1**. It is likely that this LPP will be adopted as an interim measure until this Amendment is finalised.

Whilst the LPP has been prepared and adopted under the provisions of the Scheme it is necessary that the Scheme also be amended to ensure that the provisions of the LPP are adhered to.

Other Councils have established that a LPP is not always supported by the State Administrative Tribunal (SAT) in appeal cases. The SAT has previously determined appeals against a Council that has based its decision on an adopted LPP.

### **3 STATUTORY ENVIRONMENT**

The Planning and Development Act 2005 is the basis of the Shire's Local Planning Scheme (LPS3) and the State's Statement of Planning Policy 3.4 Natural Hazards and Disasters (SPP3.4).

#### **The Shire's Local Planning Scheme No.3**

In Clause 10.2, three of the several matters to consider when dealing with applications for Council's approval of a proposed development are:

- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4....,
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to – bushfire or any other risk.
- (q) whether the proposed means of access to, or egress from, the site are adequate.

#### **State Planning Policy 3.4 - Natural Hazards and Disasters**

Local government must have regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards (clause 2).

The Policy applies throughout Western Australia and to the preparation and assessment of matters by the WAPC (clause 3) and to local planning schemes and their amendment (clause 4). It should be used by governments to determine those areas that are most vulnerable to bushfire and where development should not be recommended (clause 5). It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals (clause 6).

The WAPC/FESA publication *Planning for Bushfire Protection guidelines* has a method in Appendix 1 to assess the level of the hazard from a bushfire in a particular area. It authorises local government to identify hazards:

*Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls. (page.4).*

The Act, LPS3 and SPP3.4 give Council the power to designate a bush fire prone area. Once the local government designates an area to be bush fire prone, the area will be required to comply with AS3959 and a higher standard of house construction (Class 1 buildings under the BCA).

#### 4 LOCAL PLANNING MANUAL

The WA Planning Commission has prepared an example of a Special Control Area to deal with bush fire management provisions in its Local Planning Manual (March 2010). However it is evident that a SCA over the whole Shire is not practical and an alternative method of designating bush fire prone areas is preferred.

#### 5 EXEMPTION OF SINGLE DWELLINGS FROM PLANNING APPROVAL

Consistent with the Model Scheme Text, Clause 8.2 (b) of the Scheme exempts the need for planning approval for a single house except where the proposal; -

- (i) requires the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Planning Codes;
- (ii) is located in a Heritage Area designated under the Scheme;
- (iii) requires the exercise of a discretion by the Council under the scheme to vary the setback provisions of a specific zone.

In order to ensure that the Council has the opportunity to impose planning conditions relating to bush fire management, this Amendment seeks to remove this exemption for single houses in a Designated Bushfire Prone Area.

#### 6 FORMAT OF PROPOSED PROVISIONS

The main objective of this Amendment is to designate areas of the Shire as 'Bushfire Prone' to ensure that the Australian Standards 3959 are made obligatory.

In order to do this a new Part will be inserted in the Scheme that refers to a plan that designates the 'Bushfire Hazard Assessment Plan' of the Shire. This plan will sit outside the Scheme and may be amended from time to time.

This Plan shall be referred to as Designated Bushfire Prone Area Plan and be made available at the Shire office for inspection.

The provisions will include the following clauses;

##### **'PART 13 DESIGNATED BUSHFIRE PRONE AREAS**

13.1 A Designated Bushfire Prone Area is any area identified on the Bushfire Hazard Assessment Plan. Dwelling construction within Bushfire Prone Area will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia (BCA), Australian Standard 3959 and Planning for Bush Fire Protection (WAPC Dec 2001).

13.2 Where the minimum hazard separation and building protection zones outlined in the WAPC's '*Planning for Bush Fire Protection*' are not within a proponent's power to achieve within their own property, sufficient for a BAL 29 or less rating, the Council may vary the requirements for developments or subdivisions in the Nannup Townsite.

13.3 Where the Council varies the minimum requirements outlined in 13.2 it will require the applicant to place a notification on the Certificate of Title advising of the variation.

13.4 The Bushfire Hazard Assessment Plan held at the local government offices (and as may be amended from time to time) form part of the Scheme for the purposes of this clause.

13.5 The Bushfire Hazard Assessment Plan may designate specific hazard levels as and when this information becomes available.

13.6 If an owner disputes the designation of his land within a Bushfire Prone Area that owner may request in writing the local government to reconsider that designation.

13.7 On receiving a request made under clause 13.3, the local government may, by notice in writing served on the person who made the request, determine that -

- a) the land is not within a Designated Bushfire Prone Area;
- b) the land is in an alternative hazard level; or
- c) the designation of the land on the Bushfire Hazard Assessment Plan is correct.

## **7 CONCLUSION**

In view of the consistency of this Amendment with State policy, the Amendment will be advertised for submissions on receipt of clearance from the Environmental Protection Authority.

# PLANNING AND DEVELOPMENT ACT 2005

## Shire of Nannup

### LOCAL PLANNING SCHEME No. 3

### AMENDMENT No 12

The Nannup Shire Council under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

- 1 Inserting a new Part in the Scheme as follows;

#### **'PART 13 - DESIGNATED BUSHFIRE PRONE AREAS**

13.1 A Designated Bushfire Prone Area is any area identified on the Bushfire Hazard Assessment Plan. Dwelling construction within Bushfire Prone Area will be subject to the relevant bushfire prone requirements pursuant to the Building Code of Australia (BCA), Australian Standard 3959 and Planning for Bush Fire Protection (WAPC Dec 2001).

13.2 Where the minimum hazard separation and building protection zones outlined in the WAPC's '*Planning for Bush Fire Protection*' are not within a proponent's power to achieve within their own property, sufficient for a BAL 29 or less rating, the Council may vary the requirements for developments or subdivisions in the Nannup Townsite.

13.3 Where the Council varies the minimum requirements outlined in 13.2 it will require the applicant to place a notification on the Certificate of Title advising of the variation.

13.4 The Bushfire Hazard Assessment Plan held at the local government offices (and as may be amended from time to time) form part of the Scheme for the purposes of this clause.

13.5 The Bushfire Hazard Assessment Plan may designate specific hazard levels as and when this information becomes available.

13.6 If an owner disputes the designation of his land within a Bushfire Prone Area that owner may request in writing the local government to reconsider that designation.

13.7 On receiving a request made under clause 13.3, the local government may, by notice in writing served on the person who made the request, determine that -

- a) the land is not within a Designated Bushfire Prone Area;
- b) the land is in an alternative hazard level; or
- c) the designation of the land on the Bushfire Hazard Assessment Plan is correct.'

- 2 Delete the full stop at the end of sub-clause 8.2 (b) (iii) and replace it with a semi-colon.

- 3 Inserting a new sub-clause as follows;  
'8.2 (b) (iv) is included in a Designated Bushfire Prone Area as identified on the Bushfire Hazard Assessment Plan referred to in Part 13.'

PLANNING & DEVELOPMENT ACT 2005

Shire of Nannup

LOCAL PLANNING SCHEME No. 3

AMENDMENT No. 12

ADOPTION

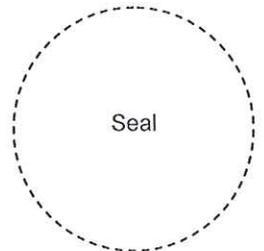
Adopted by resolution of the Council of the Shire of Nannup at the meeting of the Council held on the ..... day of .....20.....

..... SHIRE PRESIDENT ..... Date

..... CHIEF EXECUTIVE OFFICER ..... Date

FINAL APPROVAL

Adopted for final approval of the Shire of Nannup at the meeting of Council held on the ..... day of ..... 20..... and the Common Seal of the Shire of Nannup was hereunto affixed by the authority of a resolution of the Council in the presence of:



..... SHIRE PRESIDENT ..... Date

..... CHIEF EXECUTIVE OFFICER ..... Date

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

..... Delegated under S. 16 of PD Act 2005 ..... Date

FINAL APPROVAL GRANTED

..... MINISTER FOR PLANNING ..... Date

## LPP 019 Designation of Bush Fire Prone Area

### BACKGROUND

For the protection of life and property from bushfires the West Australian Planning Commission (WAPC) and the Fire and Emergency Services Authority (FESA) developed a set of guidelines for local governments to use to assess the risk of bushfire hazard in a proposed development. These guidelines are the Planning for Bush Fire Protection guidelines, edition 2, May 2010.

The Building Code of Australia (BCA), Parts P2.3.4 and 3.7.4, controls the building of houses in declared bushfire prone areas. The BCA is satisfied if the house complies with Australian Standard AS3959 Construction of Buildings in Bushfire Prone Areas.

In the Local Planning Scheme No.3 for Nannup Shire, buildings in some Special Rural Zone areas with bushfire hazards must be constructed to AS3959. Other areas with bush fire hazards do not carry this requirement. Consequently, this policy is meant to apply to the whole of the Shire of Nannup.

### STATUTORY ENVIRONMENT

The Planning and Development Act 2005 is the basis of the Shire's Local Planning Scheme (LPS3) and the State's Statement of Planning Policy 3.4 Natural Hazards and Disasters (SPP3.4).

**The Shire's Local Planning Scheme No.3.** In Clause 10.2, two matters to consider when dealing with applications for Council's approval of a proposed development are:  
(n) whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be subject to – bushfire or any other risk.  
(q) whether the proposed means of access to, or egress from, the site are adequate.

### Statement of Planning Policy 3.4 Natural Hazards and Disasters.

Local government must have regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards (clause 2). The Policy applies throughout Western Australia and to the preparation and assessment of matters by the WAPC (clause 3) and to planning schemes and their amendment (clause 4). It should be used by governments to determine those areas that are most vulnerable to bushfire and where development should not be recommended (clause 5). It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals (clause 6).

The WAPC/FESA publication Planning for Bushfire Protection guidelines has a method in Appendix 1 to assess the level of the hazard from a bushfire in a particular area.

It authorises local government to identify hazards:

*Bush fire prone areas may be designated by the local government. In designated bush fire prone areas, all new habitable buildings must comply with AS3959. For the purposes of the guidelines, all areas with a moderate or extreme bush fire hazard level are considered to be bush fire prone areas for planning new subdivisions and developments and for building controls. (p.4).*

The Act, LPS3 and SPP3.4 give Council the power to designate a bush fire prone area.

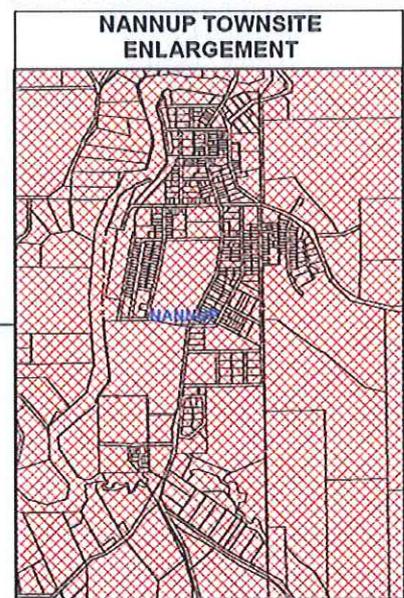
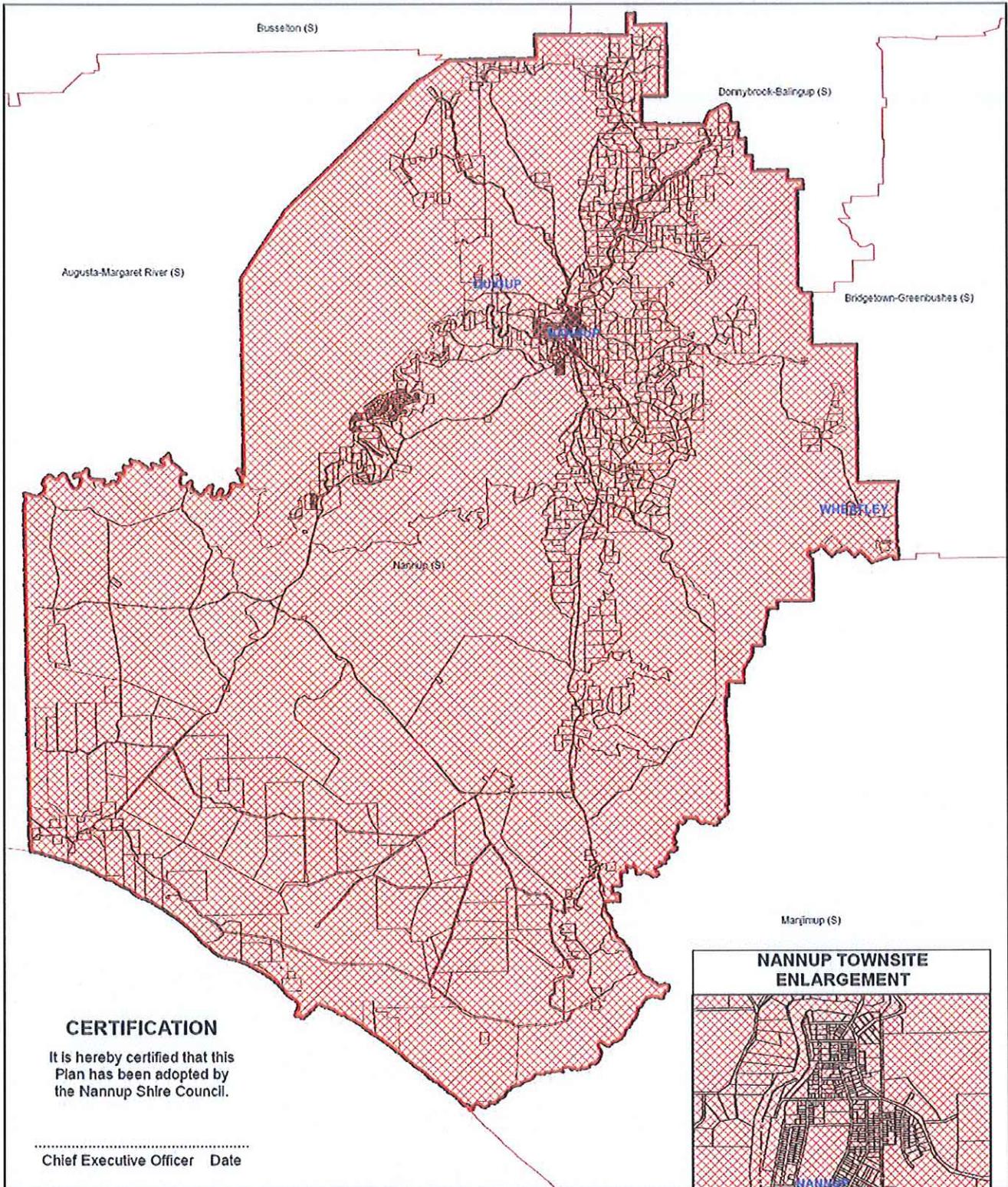
**Policy Implications:** The declaration of a bush fire prone area will implement AS3959 and a higher standard of house construction in areas that may be affected by a bushfire.

#### **POLICY**

Council shall designate land in the Shire to be a bush fire prone area in circumstances where:

1. a residential building is proposed to be constructed on land that contains or adjoins an area of forest of 1 hectare or more,
2. the proposed residential building is within 100 metres of a forest, and
3. the forest is of the vegetation type described as forest in Table 1 and Figure 1 of Appendix 1 in the WAPC/FESA publication *Planning for Bush Fire Protection guidelines , edition 2, May 2010.*

S. Collie  
Chief Executive Officer.



## BUSHFIRE HAZARD ASSESSMENT PLAN

### Legend

-  Designated Bushfire Prone Area
-  Shire of Nannup Boundary



SCALE 1:250,000  
(at A3)

PLANWEST (WA) Pty Ltd

July 2011



NANNUP

## Schedule of Submissions – Amendment No.12 to LPS No.3

No.	Name & Address of Submitter	Summary of Submissions	Comments	WAPC Recommendation
	Kevin Bird Balingup Road NANNUP WA 6275	<p>A) <i>"I am disappointed in the officer's presentation on the proposal to implement Nannup Shire as a Bushfire Prone Area, by not admitting that all rural houses would be subject to a maximum extension size of 25% of floor area. If a larger extension is planned a BAL assessment will have to be done and the whole house upgraded to meet AS3959. Had not a question been raised from the floor concerning this matter it seems the officers would have glossed over this important issue. This issue alone should result in postponement of any decision being made until all homeowners are notified of the impact of this new policy."</i></p> <p>B) <i>"To discriminate between rural and town housing is wrong. The officers claimed that houses within the town boundary are safe because there is a fire fighting appliance in town. May I remind those officers of the recent fires in Roleystone where numerous appliances were present where backup from rotary and fixed wing water bombers could not stop over 70 homes from being destroyed and many more damaged. That fire did not come from a rural area but started within urban development, a similar set of circumstances could occur in Nannup and to claim that one appliance could safeguard the town is unrealistic."</i></p> <p>C) <i>"To place the onus on the builder to ensure that the site assessment and</i></p>	<p>A) Noted            the position is 50 sq. metres or 25% of the floor area whichever is the smaller, the additions only need to be constructed to the new standard and the rest of the dwelling can remain as is.</p> <p>B) Noted            The reason is not to do with town or rural it is to do with the lot size there is not sufficient room to comply on urban zoned lots, the rural lots are larger and therefore have room to comply. Where council considers there is a threat in the town site this can be addressed by other means. Also existing lots can be built on, this thus removes any likely liability on the council form claim by existing lot owners</p> <p>C)Noted            The builder is only responsible for</p>	

*upgrade to comply with AS3959 with no follow up after key hand over is foolish. The BAL is only as strong as the weakest link. The builder has no control over garden structures, location and type of garden furniture, plastic shade sales etc. And indeed the use of woodchip mulch, the later being direct cause of the fires in Canberra 2000."*

*D) "Possibly the greatest threat to a house under ember attack is the vehicle parked in the carport under the main roof. When that petrol tank explodes, that house will be destroyed irrespective of its construction material or compliance. The majority of houses lost at the Lake Clifton and Roleystone fires were double brick."*

*E) "The current strategy of forced evacuations means that with no-one to put out spot fires the house is doomed and to think that AS3959 is going to make it fire proof is wrong. If this is implemented the perception from the public will be that it is, promoting a false sense of security."*

compliance up to handover the owner is then the responsible party and they have to comply from then on. None of the houses in lake Clifton where built to AS3959 and like everything it is an attempt to improve the likely hood of survival not a guarantee.

D)Noted  
Most of the houses are actually burnt as a result of ember attack (small burning particles) being blown into or onto flammable material, the fuel tank of the car is not practically vulnerable in ember attack. Things like the evaporative air conditioner (which are treated under 3959) caused a number also embers going into gardens against wall and untreated grass and bush too close to the house etc.

E)Noted  
Life is and always will be the first responsibility of the Fire fighters and is not a reason not to implement this code which is designed to make the house a safer place to take refuge or to be more likely to survive should the occupants decide to evacuate.  
The cost will only be borne by future owners you can design the house to have no extra cost if you have sufficient land surrounding the proposed house 100 metres, many of the rural holding can comply with this requirement. This is an Australian standard and for a shire with a large interface with forest I believe it is justified

		<p>F) <i>"This proposal will have major consequences for the community of Nannup and should be subject to a referendum to be held with the Local Government elections in October. This is an academic response to a bureaucratic problem where the cost is borne by the homeowner for no practical outcome. I urge the Councillors to delay any decision until the outcome of a referendum is known."</i></p>	<p>F) Noted</p>	
<p>Cheryle Brown Address withheld</p>	<p>A) Does not believe that the wider impact of designating the whole of the Shire of Nannup as a Bushfire Prone Area has been fully considered.</p> <p>B) <i>"What may be good for our neighbouring Shires is not necessarily the best option for the Nannup Shire, and causes concern when this reasoning is used to support an initiative."</i></p> <p>C) <i>"With Council struggling to balance its 2011-2012 budget and ratepayers facing a major increase in rates to finance the budget shortfall, it would be prudent for Council to look at opportunities to INCREASE its rates base, rather than instigating initiatives that will dramatically reduce or hinder property developments and the subsequent rates base increase."</i></p> <p>D) <i>"The increased cost of building new residences to Bushfire Prone Area standards will result in a 20%-40% increase in the cost of building in Nannup compared to other nearby (non-BFPA) communities. This will price</i></p>	<p>A) Noted</p> <p>B) The reasoning is based on the amount of interface with forest and other bushland where houses are built, Council by adopting this are accepting an Australian standard as a means to providing the safest possible environment for the residents</p> <p>C) while there can be a cost increase if the land owner does not have the required land this is modest for most common sites BAL 12.5 and 19. The cost is not significant against the combined cost of house and land and will help ensure new residents are not scared away for m areas like Nannup due to the fear of Bushfire</p> <p>D) the cost of a BAL 19 house is in the order of 6% more than a standard home the neighbors Busseilton Augusta Margaret river and Bridgetown Greenbushes are all compliant</p>		

	<p><i>purchasing a property for a residential building in Nannup out of reach of the potential buyer market. Why would a potential resident choose to buy and build in Nannup at higher building costs over other nearby regional Shires which do not currently have the "Fire Prone Area" standards in place. This will hinder the Nannup Shire's ability to expand its rates base and the local economy's ability to grow and prosper."</i></p> <p>E) <i>"It was stated that the Scheme is only applicable to new building development applications, however the question raised at the meeting of the impact on extensions to existing properties was addressed. The comment was made that extensions 'could possibly' come under the same guidelines as extensions to buildings in the Flood Prone area – being that an extension of more than 25% of the existing building would automatically come under the new policy. However there appeared to be little knowledge by the officer or the information as to how this would work. The cost &amp; conditions of building and extension up to the BFPA Standards would be increased in comparison to a standard extension with no beneficial to reducing fire prone status of the property as the existing structure would not need to comply? Shouldn't the wider Nannup community be made aware that future extensions to their properties could become dramatically more expensive once these Standards are implemented?"</i></p> <p>F) <i>"The amendment provides a false sense of security to property owners who would consider a home built to Bushfire Prone Area standards will withstand any</i></p>	<p>or in the processes of doing so</p> <p>E) the position is 50 sq. metres or 25% of the floor area whichever is the smaller, the additions only need to be constructed to the new standard and the rest of the dwelling can remain as is</p> <p>F) the current practice of allowing the construction of homes from Cedar and upwards is a greater risk to the shire than imposing</p>
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		<i>fire attack.</i>	this and the onus is on the owner to ensure that they comply in future	
Shire of Bridgetown – Greenbushes PO Box 271 BRIDGETOWN WA 6255	<p>A) <i>“As you are aware, the Shire of Bridgetown-Greenbushes and the Shire of Nannup are jointly finalising the Consultant’s Brief for a Bushfire Protection Strategy for both local authorities, with the finding to guide future bushfire management measures.”</i></p> <p>B) <i>“Please be advised that the Shire of Bridgetown-Greenbushes supports Amendment No.12 as a pro-active and practical response to managing bushfire threats.”</i></p>	A) Noted  B) Noted		
Western Australian Planning Commission 6 <sup>th</sup> Floor Bunbury Tower 61 Victoria Street BUNBURY WA 6230	A) Noted Council’s intent to advertise the Amendment	A) Yes, advertising period was from 27 April – 10 June 2011		
Fire & Emergency Services Authority PO Box 1288 BUNBURY WA 6231	<p>A) Assessed against WAPC SPP.34 Natural hazards and disasters.</p> <p>B) No objections to the Amendment.</p>	A) Noted and no further comment		

	<p>Department of Environment and Conservation          PO Box 1693          BUNBURY WA 6231</p>	<p>A) "It is the expectation of DEC that the planning system will appropriately address any environmentally planning issues associated with this proposal."          B) No objections to the Amendment.</p>	<p>A) Noted.          B) Noted</p>	
	<p>Department of Local Government          GPO Box R1250          PERTH WA 6844</p>	<p>A) "Given that the Department does not have jurisdiction in matter relating to planning it is not appropriate for this Department to comment."</p>	<p>A) Noted and no further comment.</p>	
	<p>Main Roads          PO Box 5010          BUNBURY WA 6231</p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	
	<p>Water Corporation  <a href="mailto:Kevin.Powell@watercorporation.com.au">Kevin.Powell@watercorporation.com.au</a></p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	
	<p>Department of Water  <a href="mailto:Carol.ANDERSON@water.wa.gov.au">Carol.ANDERSON@water.wa.gov.au</a></p>	<p>A) No objections to the Amendment</p>	<p>A) Noted and no further comment</p>	

AGENDA NUMBER: 10.4  
SUBJECT: Application for Subdivision, WAPC Ref No. 144407  
LOCATION/ADDRESS: Lot 9001 Diggers Green, Nannup  
NAME OF APPLICANT: Peter D. Webb and Associates  
LAND OWNER: Askino Pty Ltd  
FILE REFERENCE: A1651  
AUTHOR/REPORTING OFFICER: Geoffrey Benson, Manager Development Services  
DISCLOSURE OF INTEREST: Nil  
DATE OF REPORT: 13 July 2011

Attachments: 1. WAPC Referral #144407  
2. Letter of Application – Peter D. Webb and Associates  
3. Plan of Subdivision – Peter D. Webb and Associates  
4. Subdivision Guide Plan  
5. Submission Documents – (Separate Cover)

#### **BACKGROUND:**

An application has been submitted to the Western Australian Planning Commission (WAPC) for the Subdivision of Lots 9001, 233 and 234 Diggers Green, Nannup. (See attachment 2), by Peter D. Webb & Associates, on behalf of Askino Pty. Ltd., the land owner.

The WAPC has referred the application for subdivision to the Shire of Nannup for Comment. (See Attachment 1). The application includes part of stage 2 and stage 3 of the original subdivision guide plan.

The application which has been referred to the Shire by WAPC, on this occasion is a re-lodgement of a previously approved subdivision, that being WAPC reference #133180. The purpose of the re-lodgement is that the approval given on the 29 May 2007 has expired after the 4 year time-frame, and the applicant wishes to finish the work commenced under the previous approval.

Peter D Webb & Associates has 2 roles. The firm was the consultant for the developer Askino Pty Ltd and the applicant asking the Western Australian Planning Commission to approve the subdivision of Lots 9001, 233 and 234 Diggers Green.

#### Stage 1 (WAPC130010):

Council cleared the conditions on Stage 1 of the subdivision which allowed the registration of survey plan DP55489 to create Lots 100-111, 113-125, 8001, roads and Lot 9000 (balance). In 2008 Lot 8001 came under the management of Council as a Public Recreation Reserve.

### Stage 2 (WAPC 133180):

Council approved, on 16/7/2008, the draft plan of subdivision DP60712 of Lot 23 which created Lots 126, 233-245, 8004, 9001 (balance) and road (Diggers Green). Lot 8004 is a Reserve for Recreation and adjoins Lot 8001 above.

### Stage 3:

In a letter dated 1/5/2008, Council approved, without conditions, 4 plans for earthworks in Stage 3 of the subdivision. No record was found on file A475 of an approval being required, sought or given to commence the earthworks.

The earth works remain uncompleted and the approval for this subdivision has expired, as of 29 May 2011.

Council at its October 2006 meeting resolved to adopt for final approval amendment No 34 to Council's Town Planning Scheme No 1 and the associated Subdivision Guide Plan (see attachment No 4) for the purposes of rezoning the land to the urban zone to accommodate the development subject of this subdivision referral.

### **COMMENT:**

For clarification, the difference between the Subdivision Guide Plan and the Plan of Subdivision is explained below.

#### Subdivision Guide Plan

The Subdivision Guide Plan is produced as part of the Town Planning Scheme Amendment process which rezoned the subject land from rural to its present zonings. It is a precursor for subdivision design for when application is made to subdivide the land. The applicant must have regard for the Subdivision Guide Plan when formally submitting a subdivision proposal.

#### Plan of Subdivision

The Plan of Subdivision is lodged with the application to subdivide to the Western Australian Planning Commission (WAPC). The Plan of Subdivision should be generally consistent with the Subdivision Guide Plan. The Plan of Subdivision forms the basis from which the surveyor will produce diagrams to facilitate titles for the new lots within the subdivision.

The proposal will create lots that are in accordance with the Subdivision Guide Plan (associated with amendment No 34) that comply with the minimum density requirements of Council's Town Planning Scheme # 3 which refers to an R10/R15

density "R10" requires an average lot size of 1000m<sup>2</sup> and an "R15" density requires an average lot size of 666m<sup>2</sup> in accordance with the Residential Design Codes.

Clause 5.2.4 of Town Planning Scheme No. 3 states that in an area with a split density code, for example R10/15, the R10 development standards shall apply except where the subject land is connected to a reticulated sewerage system, in which case the R15 density code is to prevail.

As it is intended that sewer will be connected to the lots subject of this application, a reticulated sewerage system will be available and the density bonus can be granted.

As the application is consistent with the Subdivision Guide Plan associated with amendment No 34, Council is advised to support the application with several conditions for residential development as discussed below.

It should be noted that as this application is a re-lodgement, of a previously approved application, it is to be treated as if it were a new application, and all appropriate conditions for previously unconsidered applications should be entertained.

#### Roads

The new roads will be required to be constructed by the developer and comply with Council Policy "LPP 017 – Subdivisional Development Guidelines". The standard required for residential development is as follows:

*Council requires that the provision of engineering works associated with the subdivision and development of land within the Shire of Nannup are undertaken in accordance with the adopted Shire of Nannup Subdivisional Development Guidelines.*

The related procedure/document for LPP 017 is "Local Government Guidelines for Subdivisional Development Version 2, 2009".

The developer should be required to upgrade the southern portion of Dunnet Road, to meet the Shire of Nannup's requirements.

#### Cul-de-sacs

The proposed cul-de-sacs need to be of sufficient width to accommodate Rubbish Trucks to navigate around its circumference to effectively collect wheelie bins.

The design guidelines referred to above call for a 9 metre diameter cul-de-sac, however from experience and from seeking advice from neighbouring shires, the

minimum diameter of the cul-de-sac should be 20 metres to perform the above objective.

Council is advised to recommend to the WAPC to impose a condition that cul-de-sac be constructed with a 20 metre diameter turning circle, to the satisfaction of Council's Works Manager.

#### Footpaths

Council is advised to impose a condition to request the developer to construct footpaths within the road reserves and in accordance with the requirements of the "Local Government Guidelines for Subdivisional Development Version 2, 2009". Footpaths are required on subdivisional roads as well as along Dunnet Road to connect the Subdivisional footpaths up to the existing footpaths.

#### Landscaping

A Visual Impact Assessment and Management Plan has been prepared to address the visual impact of future development of the site as part of previous amendments to Council's Town Planning Scheme # 1 for Lot 23 Brockman Highway Nannup.

The Plan of Subdivision incorporates the recommendations from the Visual Impact Assessment and Management Plan for stage three where a three metre vegetation buffer will be implemented on lots fronting Brockman Highway. In addition street trees are proposed along the main connecting road (running north-south) connecting Brockman Highway.

To ensure that the developer continues to implement the recommendations of the Visual Impact Assessment and Management Plan, Council is advised to recommend to the WAPC to impose a condition that the developer is to implement the recommendations of the Landscape Management Plan.

#### Public Open Space

This subdivision referral includes Public Open Space (POS) in three (3) parcels of land. (see attachment 3). The two small parcels of land on the corners of Dunnet Road and the Subdivisional Road total 2271 m<sup>2</sup>. These two areas of POS will provide an entrance statement to the subdivision from Dunnet Road, and provide residents in the proposed subdivision and in Dunnet Road suitable parks for their use. Council is advised to accept these two parcels of POS.

The 3<sup>rd</sup> parcel of POS is however a different issue. The parcel of land is 8415m<sup>2</sup>, and adjoins the existing POS in Hitchcock Drive, making a total POS in Hitchcock Drive of 1.82ha. The WAPC POS policy is that the developer provides land for the POS, or a lesser amount of land and cash in-lieu of land, cash equivalent. The amount of POS was assessed as part of the Stage 1 approval and a portion of

land, that being Lot 8000 and 8004, totalling 8529m<sup>2</sup>, was vested in Council as a reserve for park and recreation. The balance of POS was due as Cash in-Lieu, land equivalent, but has not been paid at this stage. This cash in lieu is to be used either developing the POS in the associated subdivision or if approved by WAPC on other parks for public use.

In view of Council's 2011/2012 Budget, it would not be prudent to accept additional land as POS at this stage, with the resultant development of that land being an expense for Council to meet in the future. Council should insist that there is sufficient POS and that the required Cash in-Lieu, land equivalent, of POS should be paid as previously required.

#### Access from Lot 1 Dunnet Road to Public Open Space

It is important that future residents within Lot 1 Dunnet Road (adjoining Lot 9001 Diggers Green owned by Blue Thunder Pty Ltd) are provided with easy access to the POS within Lot 9001. It is proposed that this area can be linked via a Pedestrian Access Way (PAW) through stage three to the POS. Further modification of the Plan of Subdivision will be required to effect this requirement.

Council is advised to recommend to the WAPC to impose this condition as reflected in the recommendation.

#### Battleaxe to Proposed Lot 139

It is planned that the battleaxe to proposed Lot 139 (north west area of stage three) will become a road reserve for future amalgamation into the proposed connecting road reserve (linking Lot 1 to Dunnet Road) on the southern end of Lot 1.

This will occur once Lot 1 is developed for residential purposes in the future.

There is an annotation on the Subdivision Guide Plan (see attachment No 4) that referring to the battleaxe on proposed Lot 139 that states the following:

*"Battleaxe leg to remain until such time as Lot 1 is subdivided and the road reserve is created"*

To ensure that the proposed battleaxe becomes a road reserve through the subdivision process, Council is advised to request that the WAPC impose a condition that the battleaxe become an under width road reserve until such time it is amalgamated into the proposed connecting road reserve to Dunnet Road on the south side of Lot 1 when Lot 1 Dunnet Road is developed.

### Storm Water Management

The developer will be required to submit plans and a Storm Water Management Plan for the greater Subdivision area, certified by an engineer detailing how storm water will be managed within the subdivision area, and the whole site (including stage 1 and 2) for approval by Council's Works Manager.

Storm Water Management Plan to include Storm Water Connections for each lot being created, in accordance with Council's policy, LPP 012 – Private Stormwater Drainage Connections to Council's Stormwater Drains.

The Storm Water Management Plan is to include a hydrological study as to how the existing storm water infrastructure along Dunnet Road and Hitchcock Drive will be affected by this subdivision and what works will be required by the applicant to Council's existing infrastructure in Dunnet Road and Hitchcock Drive so that the new subdivision can be connected to said infrastructure.

### Battleaxe Access to Lot 128, 129, 130 and 131

Council is advised to recommend to the WAPC to impose a condition that the battleaxe accesses to proposed lots 128, 129, 130 and 131, be constructed to a minimum of a three metre wide sealed and drained standard in accordance with the requirements of the Residential Design Codes.

### Services

Scheme water, electricity, telephone, and sewerage will be required to be provided to all the lots and the servicing requirements will be assessed by other government agencies during the referral process. All service trenches crossing subdivisional roads to be back filled with compacted stabilised sand to the satisfaction of the Shire of Nannup.

### Dust Control

Council is advised to recommend to the WAPC to impose a condition that the applicant is to provide a dust suppression plan for approval by Council prior to undertaking any earthworks that are likely to emit dust.

### Site Fencing

Council is advised to recommend to the WAPC to impose a condition that the applicant provide suitable fencing to the earthworks "construction site" while works are being carried out, to prevent unauthorised people entering the site.

### Dam on Lot 233

Council is advised to recommend to the WAPC to impose a condition that the applicant provide an engineer's assessment of the condition of the dam on lot 233 and a design for the upgrade of the dam and for the proposed drainage under/across the Brockman Highway, for approval by Council.

### Retaining Walls

All proposed retaining walls to be designed by a qualified engineer and have a building licence issued by the Shire of Nannup prior to construction. All retaining walls to be designed in accordance with Council Local Planning Policy LPP 001 – Cut & Fill and Retaining Wall.

### **STATUTORY ENVIRONMENT:**

Planning and Development Act 2005.  
Shire of Nannup, Local Planning Scheme # 3.

### **POLICY IMPLICATIONS:**

LPP 001 – Cut & Fill and Retaining Wall  
LPP 012 – Private Stormwater Drainage Connections to Council's Stormwater Drains  
LPP 017 – Subdivisional Development Guidelines

**FINANCIAL IMPLICATIONS:** Nil.

### **STRATEGIC IMPLICATIONS:**

Lot 9001 Diggers Green, Nannup is located within policy area 7 of the Nannup Townsite Strategy. The policy statement reads in part as follows:

“To provide for the progressive development of the land for residential and other uses (which Council considers could reasonably be expected in association with residential development).

To encourage a range of housing types and lot sizes and therefore, lifestyle opportunities.”

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

That Council support Subdivision/Amalgamation referral WAPC 144407 for the subdivision of stage three of Lots 9001, 233 and 234 Diggers Green, Nannup subject to:

1. The subdivision being carried out in accordance with the plan dated, 20 June 2011, including any amendments placed thereon by the Shire of Nannup (in red) and except as may be modified by the following conditions:
  - a) Construction shall not commence until the Shire of Nannup has approved detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, dust management and/or stabilisation, landscaping/rehabilitation measures.
  - b) Approved plans are those that have been considered by the Shire of Nannup, duly amended to meet its requirements and approval, and endorsed as approved.
2. "As Constructed Drawings", detailing the variations and amendments from approved drawings, shall be provided on transparencies, prior to clearance of the Diagram of Survey. Information provided in "As Constructed" form will include drainage construction details, earthworks levels and road levels and alignments.
3. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road, connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specifications approved by, and to the satisfaction of, the Shire of Nannup.
4. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
5. Satisfactory arrangements being made with the Shire of Nannup for the upgrading of Dunnet Road(s) prior to the issue of clearance(s).
6. The cul-de-sac head(s) being designed to the satisfaction and specifications of the Shire of Nannup. Please liaise with the Shire of Nannup prior to submitting engineering drawings.
7. The land being filled and/or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Nannup, and any easements and/or reserves necessary for the implementation thereof, being provided free-of-cost to the Shire of Nannup and in accordance with their requirements. Details to be submitted with engineering drawings and approved by the Shire of Nannup prior to commencement of any works.

8. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
9. The land being connected to the comprehensive district drainage system at the subdivider's cost to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup prior to commencement of any works.
10. Such padmount sites as may be required by Western Power being transferred free-of-cost to it, with the locations of the sites being to the satisfaction of the Shire of Nannup.
11. The subdivision being serviced with an underground electricity supply to the satisfaction of Western Power/Utilities and the Shire of Nannup. Details of supply to be submitted with engineering design and approved by the Shire of Nannup prior to commencement of works.
12. The design and provision of street lighting in accordance with the Australian Standard AS 1158.1-1986, Table 1.1, to the specifications of Western Power/Utilities and to the satisfaction of the Shire of Nannup.  
  
Details of street lighting to be submitted with engineering design and approved by the Shire of Nannup prior to commencement of works.
13. Arrangements to be made to the satisfaction of the Shire of Nannup prior to issue of clearance(s) for tree planting and maintenance to be undertaken in the area indicated in the approved Subdivision Guide Plan as a planting strip.  
  
Details to be submitted with engineering drawings for approval by the Shire of Nannup.
14. The developer provide a pedestrian access way to link Lot 1 Dunnet Road (adjoining Lot 9001 Diggers Green) to the POS within Lot 9001. It is proposed that this area can be linked via a Pedestrian Access Way (PAW) through stage three to the POS. Further modification of the Plan of Subdivision will be required to effect this requirement.
15. The dual use / pedestrian pathway system being provided in a location satisfactory to the Shire of Nannup which will assist in linking the site with community facilities. Please liaise with the Shire of Nannup in this regard prior to submitting engineering drawings.
16. The dual use / pedestrian pathway system being constructed at the subdivider's cost to the satisfaction of, and specifications of, the Shire of Nannup. Details to be submitted with engineering drawings for approval prior to commencement of any works.

17. Battleaxe access legs being constructed and drained to the specifications and satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings for approval prior to commencement of any works.
18. The applicant entering into an agreement with the Shire of Nannup to ensure reciprocal rights of access over adjoining battleaxe access legs prior to issue of clearance(s).
19. Battleaxe access legs having a minimum width of 4 metres (Residential).
20. The subdivider making arrangements satisfactory to the Shire of Nannup prior to the issue of clearance(s) to ensure that prospective purchasers of the lots created will be advised of those provisions contained in the Shire's Planning Scheme which relate to the use and management of the land.
21. Soil and Water Management Plans are to be submitted and approved by the Shire of Nannup prior to commencement of construction. Such plans shall outline the treatment of soil, with respect to stability and regeneration of vegetation for the entire subdivision and stormwater run-off areas. The plans are to outline measures to be implemented prior to carrying out any bulk earthworks as well as those of drainage, nutrient stripping, retention and soil stabilising measures to be completed as part of the actual construction program.
22. The subdivider is to design and construct the subdivision, taking into consideration the standards adopted by servicing authorities to guide the provision of services in common / shared trenches to the satisfaction of the Shire of Nannup.
23. All lots created under the subdivision shall be classified in accordance with provisions of Australian Standard 2870.1-1996 "Residential Slabs and Footings".
24. This classification shall be provided by a practising Civil, Structural or Geotechnical Engineer, prior to clearance of the Diagram of Survey and the classification shall include existing soils and earthworks carried out as part of the subdivision.
25. Footpaths being constructed within all pedestrian access ways at the expense of the developer to the satisfaction of the Shire of Nannup.
26. The proposed battleaxe for Lot 139 becoming an under width road reserve (for future amalgamation into the proposed connecting road exiting on Dunnet road) on the southern portion of Lot 1 Dunnet Road.
27. The under width road reserve linking Lot 139 to Dunnet Road to be constructed at the cost of the developer to the satisfaction of Shire of Nannup.

28. The developer submitting plans certified by an engineer demonstrating satisfactory storm water management for stage one to the satisfaction of the Shire of Nannup.
29. The battleaxe access to proposed Lots 128, 129, 130 and 131 being constructed at the cost of the developer to a three metre sealed and drained standard to the satisfaction of the Shire of Nannup.
30. All proposed retaining walls to be designed by a qualified engineer and have a building licence issued by the Shire of Nannup prior to construction. All retaining walls to be designed in accordance with Council Local Planning Policy LPP 001 – Cut & Fill and Retaining Wall.
31. The developer is to provide an engineer's assessment of the condition of the dam on Lot 233 and a design for the upgrade of the dam and for the proposed drainage under/across the Brockman Highway, for approval by Council.
32. The developer is to provide suitable fencing to the earthworks "construction site" while works are being carried out, to prevent unauthorised people entering the site.
33. The developer is to provide a dust suppression plan for approval by Council prior to undertaking any earthworks that are likely to emit dust.

All service trenches crossing subdivisional roads to be back filled with compacted stabilised sand to the satisfaction of the Shire of Nannup.
34. The developer will be required to submit plans and a Storm Water Management Plan for the greater Subdivision area, certified by an engineer detailing how storm water will be managed within the subdivision area, and the whole site (including stage 1 and 2) for approval by the Shire of Nannup.

The Storm Water Management Plan to include Storm Water Connections for each lot being created, in accordance with Council's policy, LPP 012 – Private Stormwater Drainage Connections to Council's Stormwater Drains.

The Storm Water Management Plan is to include a hydrological study as to how the existing storm water infrastructure along Dunnet Road and Hitchcock Drive will be affected by this subdivision and what works will be required by the applicant to Council's existing infrastructure in Dunnet Road and Hitchcock Drive so that the new subdivision can be connected to said infrastructure.
35. The developer is to implement the recommendations of the previously prepared Landscape Management Plan.
36. The Developer providing the proposed POS as shown on the Plan of Subdivision, on the two corners of the Subdivisional Road and Dunnet Drive,

but not the 8415m<sup>2</sup> portion on Hitchcock Drive. The balance of the POS to be cash-in-lieu of Public Open Space as, previously approved in WAPC subdivision approval #133180. The Shire of Nannup is not prepared to accept the land on Hitchcock Drive as POS, therefore in accordance with Section 153 of the Planning and Development Act, requests Cash in-lieu.

**Advice Note:**

With respect to Condition "11" above, the Ministry for Planning is to be requested to nominate Council as a joint clearing authority with Western Power.



Our Ref : 144407  
 Previous Ref : 96036, 130010, 133180  
 Your Ref :  
 Enquiries : Matthew Cuthbert (9791 0577)

22 June 2011

Chief Executive Officer  
 Shire Of Nannup  
 P O Box 11  
 NANNUP WA 6275

**Application No : 144407 - Lot 9001 Diggers Green, Nannup**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 3rd August 2011 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made.

Send responses either to the address below or alternatively via email to [referrals@planning.wa.gov.au](mailto:referrals@planning.wa.gov.au). Always quote reference number "144407" when responding.

No response to this request may be taken as an indication that there is no comment to offer.

This proposal has also been referred to the following organisations for their comments: *Western Power, Fire & Emergency Services Authority, Water Corporation, Department Of Mines And Petroleum, Dept Of Environment & Conservation, Wa Gas Networks, Ministry Of Education, Health Dept Of W A, Main Roads W A, Department Of Indigenous Affairs, Water Corporation and LG As Above.*

Yours faithfully

Tony Evans  
 Secretary  
 Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	144407
<b>Applicant(s)</b>	Peter D Webb And Associates		
<b>Owner(s)</b>	Askino Pty Ltd		
<b>Locality</b>	Lot 9001 Diggers Green, Nannup		
<b>Lot No(s)</b>	233,234,9001	<b>Purpose</b>	Residential

South West Office, Sixth Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia 6230  
 Tel: (08) 9791 0577; Fax: (08) 9791 0576; TTY: (08) 9264 7535; Infoline: 1800 626 477  
 e-mail: [corporate@wapc.wa.gov.au](mailto:corporate@wapc.wa.gov.au); web address: <http://www.planning.wa.gov.au>  
 ABN 35 482 341 493



<b>Location</b>		<b>Local Gov. Zoning</b>	Residential, Special Residential
<b>Volume/Folio No.</b>	2708/232, 2708/219, 2708/220	<b>Local Government</b>	As Above
<b>Plan/Diagram No.</b>	P060712/233, P060712/2 34, P060712/9001	<b>Tax Sheet</b>	Glenoran 10.39
<b>Centroid Coordinates</b>	386633mE 6238358mN		
<b>Other Factors</b>	REMNANT VEGETATION (NLWA), THREATENED FAUNA BUFFER		



# Form 1A

## Application for Approval of Freehold or Survey Strata Subdivision



### Notice to applicants - Consent to the disclosure of information App ID: 239959

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the PlanningWA Website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

### Important information for applicants

- 1 Please read all of this form carefully and consult the application guide and schedule of fees for further information. The application may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.
- 2 The WAPC is responsible for determining applications for freehold and survey strata subdivision under the Planning and Development Act 2005 and Strata Titles Act 1985. The information required for an application is authorised by regulation 4 of the Planning and Development Regulations 2009. There are penalties for providing false information.
- 3 Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee and multiple copies of a subdivision plan and any supporting documentation (see part 7 of form 1A).
- 4 Subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as required by part 7). The additional information requirements, under part 7 item 17, are not required for amalgamation approval.
- 5 The applicant must sign part 1. All landowners or an agent with written authority must sign part 3. Agents must provide written authority from the landowner.
- 6 The application fee must accord with the current schedule of fees.
- 7 Applicants must check that there are no restrictive covenants applying to the land or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- 8 Applicants must state the application type, freehold or survey strata subdivision, on part 6 of form 1A. A separate application is required for each application type, freehold or survey strata subdivision. Application fees for cancelled applications will not be refunded if the application has been referred to external agencies.

### 1 Applicant

The applicant is the person with whom the WAPC will correspond and, if the application is approved, the person to whom the approval will be sent.

Name / company	PETER D WEBB AND ASSOCIATES		
Contact person	MS CLARE MCLEAN		
Postal address	PO BOX 920		
Town / suburb	SUBIACO	Phone number/s	9388 7111
Postcode	6904	Fax	9388 7240
		Email	clare@webbplan.com.au

Current email address required for communicating decisions or other relevant matters

The form 1A has been completed in full and all relevant information is attached

Applicant signature

Print name and position: MS CLARE MCLEAN - TOWN PLANNER  
(if signing on behalf of a company or agency)

Date: 3/6/2011

### 2 Landowners

All the registered proprietors (landowners) as shown on the certificate/s of title for the subject lot/s must be provided. A change of name must be supported by relevant documentation such as a transfer of land document that incorporates a lodgement receipt; a company search from the Australian Securities and Investment Commission, a marriage certificate or a change of name certificate. If there are more than two landowners please provide the additional information on a separate page.

Full name	MR TREVOR HINE	BUNBURY OFFICE  20 JUN 2011  FILE 144407	
Company / agency (if applicable)	ASKINO PTY LTD		
ACN/ABN (if applicable)	ACN 008 822 866/ABN 6210 246 7614		
Postal address	25 CARRINGTON STREET		
Town / suburb	NEDLANDS	Postcode	6009

Full name			
Company / agency (if applicable)			
ACN/ABN (if applicable)			
Postal address			
Town / suburb		Postcode	

### 3 Consent to apply

Registered proprietor/s (landowner/s) or the authorised agent's details must be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name **MR TREVOR HINE**

Company / agency (if applicable) **ASKINO PTY LTD**

ACN/ABN (if applicable) **ACN 008 822 866/ABN 6210 246 7614**

Postal address **25 CARRINGTON STREET**

Town / suburb **NEDLANDS** Postcode **6009**

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  Date **2/6/11**

Print name and position (if signing on behalf of a company or agency) **MR TREVOR HINE - DIRECTOR**

DEPARTMENT OF PLANNING  
BUNBURY OFFICE

2-0 JUN 2011

FILE 1144-07

Full name **MS PAMELA HINE**

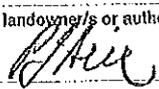
Company / agency (if applicable) **ASKINO PTY LTD**

ACN/ABN (if applicable) **ACN 008 822 866/ABN 6210 246 7614**

Postal address **25 CARRINGTON STREET**

Town / suburb **NEDLANDS** Postcode **6009**

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  Date **2/06/11**

Print name and position (if signing on behalf of a company or agency) **MRS PAMELA HINE - COMPANY SECRETARY**

Please tick 'yes' or 'no' for each statement.

- 1 All registered proprietors (landowners) listed on the certificate/s of title have signed the application or an attached letter of consent. ✓ yes no
- 2 Consent to apply is given on behalf of landowners. yes ✓ no  
 If you indicate 'yes', a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.  
 If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the form 1A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.  
 If the subject land is owned by a strata company, part 3 or a letter of consent can be signed by the company secretary or by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
- 3 The application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance. yes ✓ no  
 If you indicate 'yes', evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt. Lodgement does not guarantee registration of the document and prospective purchaser/s must notify the WAPC in writing if the document is withdrawn or rejected from registration.
- 4 Consent to apply is given by or on behalf of joint tenant survivors. yes ✓ no  
 If you indicate 'yes', a copy of the death certificate of the deceased landowner must be provided.
- 5 Consent to apply is given by or on behalf of an executor of a deceased estate. yes ✓ no  
 If you indicate 'yes', a copy of the grant of probate or endorsed power of attorney must be provided.
- 6 This application includes land that is owned by or vested in, or held by management order by a government agency or local government. yes ✓ no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
- 7 This application includes Crown land. yes ✓ no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer, State Land Services, Department of Regional Development and Lands, stating the name and position of the signatory/ies.

**4 Certificate/s of title**

Current copies of a record of certificate/s of title for all subject lot/s must be attached to the form. If there are more than two certificates of title please provide the additional information on a separate page. Duplicate certificate/s of title can not be accepted.

Certificate of title Volume 2708 Folio 232 Diagram/plan/deposit plan no 60712

Lot number and location of subject lot Lot no (whole/part) 9001 Location -

Reserve no (if applicable) N.A.

Street number and name LOT 9001 DIGGERS GREEN

Town / suburb NANNUP Postcode 6275

Nearest road intersection HITCHCOCK DRIVE

Certificate of title Volume 2708 Folio 219 Diagram/plan/deposit plan no 60712

Lot number and location of subject lot Lot no (whole/part) 233 Location -

Reserve no (if applicable) -

Street number and name 31 DIGGERS GREEN

Town / suburb NANNUP Postcode 6275

Nearest road intersection HITCHCOCK DRIVE

Current copies of all certificates of title are attached.  yes

Total number of current lot/s subject of this application 3

**5 Summary of the proposal**

Please print clearly and tick the appropriate boxes.

- 1 Application type  subdivision or amalgamation
- 2 Tenure of proposed lot/s  freehold (go to 4) or survey strata (go to 3)
- 3 Is common property proposed?  yes  no
- 4 Does the subject lot/s contain existing dwellings (ie buildings for residential purposes), outbuildings and/or structures?  yes (go to 5)  no (go to 6)
- 5 Please provide details of dwellings, outbuildings and/or structures
  - dwellings number of dwellings .....
  - all to be retained all to be removed partially retained/removed (please specify) ..
  - and/or outbuilding/s and/or structures number of outbuildings and/or structures .....
  - all to be retained all to be removed partially retained/removed (please specify) ...
  - and/or others (please specify) .....

DEPARTMENT OF PLANNING  
BUNBURY OFFICE

20 JUN 2011

FILE 144407

- 6 Number of proposed lot/s 56
- 7 Current land use VACANT
- 8 Proposed land use / development RESIDENTIAL  
(please state the purpose of the subdivision and specify the proposed use of each of the proposed lots)
- 9 Local government where the subject land is located City/Town/Shire of NANNUP

**6 Application fee**

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached.  yes \$ 3493

**4 Certificate/s of title**

Current copies of a record of certificate/s of title for all subject lot/s must be attached to the form. If there are more than two certificates of title please provide the additional information on a separate page. Duplicate certificate/s of title can not be accepted.

Certificate of title Volume  Folio  Diagram/plan/deposit plan no

Lot number and location of subject lot Lot no (whole/part)  Location

Reserve no (if applicable)

Street number and name

Town / suburb  Postcode

Nearest road intersection

Certificate of title Volume  Folio  Diagram/plan/deposit plan no

Lot number and location of subject lot Lot no (whole/part)  Location

Reserve no (if applicable)

Street number and name

Town / suburb  Postcode

Nearest road intersection

Current copies of all certificates of title are attached.  yes

Total number of current lot/s subject of this application

**5 Summary of the proposal**

Please print clearly and tick the appropriate boxes.

1 Application type	subdivision	or	amalgamation
2 Tenure of proposed lot/s	freehold (go to 4)	or	survey strata (go to 3)
3 Is common property proposed?	yes		no
4 Does the subject lot/s contain existing dwellings (to buildings for residential purposes), outbuildings and/or structures?	yes (go to 5)		no (go to 6)
5 Please provide details of dwellings, outbuildings and/or structures	dwellings	number of dwellings .....	
	all to be retained	all to be removed	partially retained/removed (please specify) ..
	and/or outbuildings and/or structures	number of outbuildings and/or structures .....	
	all to be retained	all to be removed	partially retained/removed (please specify) ...
	and/or others (please specify) .....	.....	
6 Number of proposed lot/s	.....		
7 Current land use	.....		
8 Proposed land use / development	.....		
	<small>(please state the purpose of the subdivision and specify the proposed use of each of the proposed lots)</small> .....		
9 Local government where the subject land is located City/Town/Shire of	.....		

DEPARTMENT OF PLANNING  
BUNBURY OFFICE

20 JUN 2011

FILE

**6 Application fee**

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached.  yes \$ .....

## 7 Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

### General information required for all applications

- 1 Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval.  yes
- 2 Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached as indicated on the following table:  yes
 

Final no of lots proposed	Copies of subdivision plan and supporting documentation or accompanying information
40 or less	8 copies
More than 40	12 copies
- 3 At least four copies of the subdivision plan are A3 or smaller.  yes
- 4 All subdivision plans are capable of being reproduced in black and white format.  yes
- 5 The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000).  yes
- 6 All dimensions on the subdivision plan are in metric standard.  yes
- 7 The north point is shown clearly on the subdivision plan.  yes
- 8 The subdivision plan shows all lots or the whole strata plan (whichever is applicable).  yes
- 9 The subdivision plan shows all existing and proposed lot boundaries.  yes
- 10 The subdivision plan shows all existing and proposed lot dimensions (including lot areas).  yes
- 11 The subdivision plan shows the lot numbers and boundaries of all adjoining lots.  yes
- 12 For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot.  yes  
n/a (battleaxe lot is not proposed)
- 13 The subdivision plan shows the name/s of existing road/s.  yes
- 14 The subdivision plan shows the width of proposed road/s.  yes  
n/a (no road proposed)
- 15 The subdivision plan shows all buildings and/or improvements which are to be retained (including setbacks) or removed.  yes  
n/a (the land is vacant)
- 16 The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams.  yes  
n/a (the land does not contain such features)
- 17 Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to Item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land including:

- driveways
- kerb lines
- manholes
- bus stops
- gully pits
- boundary setbacks for dwelling/s to be retained
- fencing
- street trees
- water supply
- swimming pools
- pedestrian paths
- retaining walls
- telecommunication pillars
- electricity transmission lines and poles
- sewer, water and electricity connections

### Access to / from right-of-way or private road

Access is to be provided from an existing right of way or private road.  yes  no

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

### Contaminated sites

The Department of Environment and Conservation (DEC) contaminated sites register records information on contaminated sites within WA and is available at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites). You must undertake a search of the register to determine the contaminated status of the land within the application area.

- 1 Is there an existing site classification in the DEC contaminated sites register for any site or sites within the application area?  yes  no
- 2 Does the application area contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*?  yes  no

If you indicated 'yes' to either of the questions you must provide a copy of a basic summary of records (BSR) for each contaminated site unless the classification of the site is 'not contaminated' or 'decontaminated'. If no BSR is available, a copy of a letter from DEC notifying the applicant that the site or sites are under assessment must be provided.

### Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

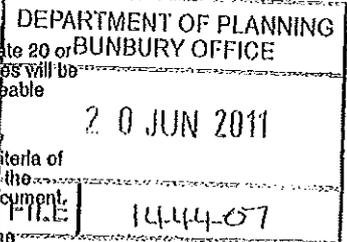
Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?  yes  no

### Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location?  yes  no

\* More information is available from the Planning WA website at <http://www.planning.wa.gov.au/Plans+and+publications/Planning+bulletins/default.aspx>

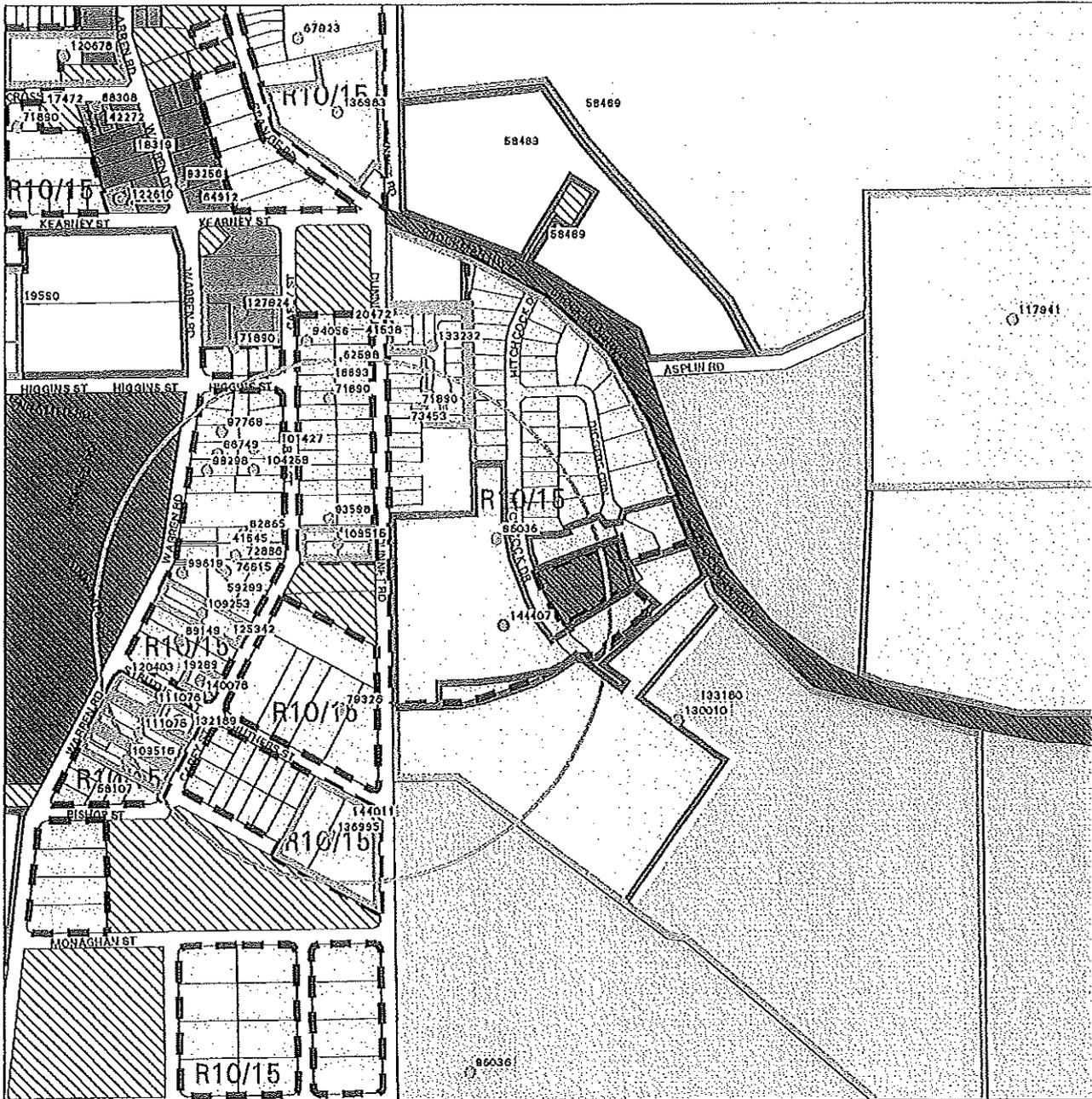


The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available from the Planning WA website.

[www.planning.wa.gov.au](http://www.planning.wa.gov.au)

### Submission of application to WAPC through Department of Planning offices

Perth (All posted applications):	Perth (Lodgements in person):	Albany	Mandurah	Bunbury	Geraldton
PO Box J747 Perth WA 6001	469 Wellington Street Perth WA 6000 telephone: 9264 7777 facsimile: 9264 7566 TTY: 9204 7635	178 Stirling Terrace PO Box 1106 Albany WA 6332 telephone: 9892 7333 facsimile: 9841 8304	Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9588 4680 facsimile: 9581 5491	6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576	65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9958 0122 facsimile: 9956 0132

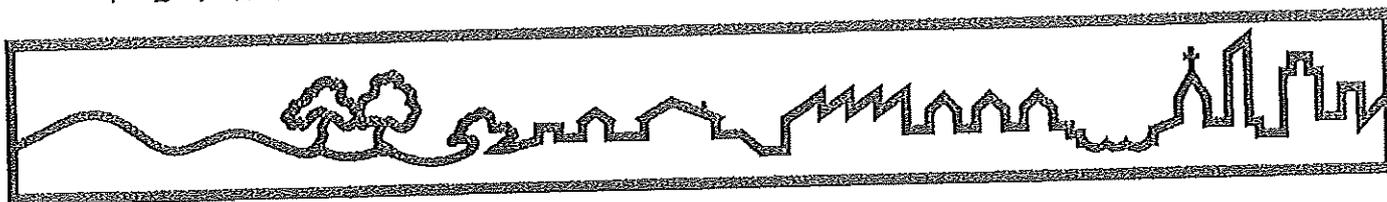


**Subdivision Application 144407 (MGA ref 386444mE 6238644mN Zone 50)**

This data is to be used for the processing of subdivision applications only.

CADASTRIAL BOUNDARY	R CODE BOUNDARY	SPECIAL USE	SPECIAL RESIDENTIAL
WESTNET ENERGY GAS PIPELINE	PUBLIC PURPOSES MUNICIPAL	PUBLIC PURPOSES DRAINAGE	PUBLIC PURPOSES WATER SUPPLY
WATER TREATMENT PLANT BUFFER	TOWN CENTRE	PUBLIC PURPOSES HOSPITAL	SPECIAL RURAL
OUTSTANDING	RESIDENTIAL	INDUSTRY	PUBLIC PURPOSES SCHOOL
APPROVED	PUBLIC PURPOSES GOVERNMENT	FUTURE DEVELOPMENT	PUBLIC PURPOSES CEMETERY
REFUSED	PUBLIC PURPOSES RELIGIOUS	MAJOR ROAD	
OUTSTANDING	MIXED USE	AGRICULTURE	
APPROVED	PUBLIC PURPOSES COMMUNITY	PARKS AND RECREATION	

## PETER D WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

10 June 2011

Our Ref: C486-71.docx

Chief Executive Officer  
City of Bunbury  
PO Box 21  
BUNBURY WA 6231

DEPARTMENT OF PLANNING BUNBURY OFFICE	
20 JUN 2011	
FILE	144407

Attention: Mr M Cuthbert - Manager, Planning

Dear Sir

**Re: Re-Lodgement of Subdivision Application (WAPC Appln No. 133180)  
Prtn of Stage 2 and Stage 3 - Lots 9001, 233 and 234 Diggers Green,  
Nannup**

This is to advise that we continue to act for Askino Pty Ltd and Mr Trevor Hine, the owners of Lots 9001, 233 and 234 Diggers Green, Nannup. (Refer to Annexure 1: Certificates of Title.)

The subject lots form part of the WAPC conditional Subdivision Approval (WAPC Application No. 133180) for (then) Lot 23 Brockman Highway, Nannup (Stages 2 and 3), which involved the conditional approval of a total of 68 Residential, Special Residential and Special Rural zoned lots. A copy of the WAPC Subdivision Approval dated 29 May 2007 and the subsequent WAPC Approval (Request for Reconsideration) dated 31 October 2007 are attached for staff's reference. (Refer to Annexure 2: WAPC Subdivision Approval and Plan of Subdivision.)

The four year time period within which the conditions of this WAPC Subdivision Approval were required to be fulfilled and the Deposited Plan lodged with the WAPC for endorsement ended on 29 May 2011. A total of 14 lots (comprising part of Stage 2) together with the associated road network required to service these lots had been created in accordance with this Approval, prior to 29 May 2011. The remaining land is contained on the balance of the Title (Lot 9001).

As the allocated time period for this conditional Subdivision Approval has lapsed, we now formally re-lodge the Subdivision Application with the Commission for the re-issue of the conditional Subdivision Approval for the remaining lots which comprise Stage 2 and all of the lots which comprise Stage 3. The proposed subdivision also includes some minor boundary adjustments to Lots 233 and 234, which two lots have already been created on independent Certificates of Title.

The proposed subdivision is illustrated on the attached Plan of Subdivision and comprises a total of 56 residential lots. The subdivision reflects the design and layout of the previously approved Plan of Subdivision and accords with the overall land use and road network shown on the endorsed Subdivision Guide Plan. (Refer to Annexure 3: Subdivision Guide Plan.)

As part of the re-lodgement of this Subdivision Application, we are also seeking the approval of the Commission for the total amount of public open space (POS) to be provided in land area, rather than as a cash-in-lieu contribution. The recently lapsed Subdivision Approval included Condition No. 21 which referred to the requirement for a cash-in-lieu contribution for the portion of POS not provided. Askino now seeks the approval of the WAPC for the total 10% area of POS to now be set aside and vested with the Crown.

The majority of the total area of POS is proposed to be provided as southern and minor eastern extensions to the existing area of POS. In addition, two small local parks are proposed to be provided on either side of the road reservation which intersects with Dunnet Road. These two smaller parks are proposed to retain the existing substantial trees on the land and will provide small intimate recreational spaces for residents and an attractive entry statement to the area when entering from Dunnet Road, in accordance with R14 of Liveable Neighbourhoods.

It is understood that the proposed additional areas of POS will require a minor amendment to the Shire of Nannup Town Planning Scheme No. 3, as the extension of the POS and the additional two smaller parks are proposed over parts of the land which is currently zoned 'Special Rural 10 (SR1)' and 'Special Residential 1 (SR1)'. The need to amend the Scheme to reflect these minor modifications to the rezoning of the land is not considered a matter that will hinder the ability for the WAPC to re-issue the conditional approval for the subdivision of this land, which subdivision is the identical in design to that which has already been conditionally approved by the WAPC.

Accordingly, please find attached the Plan of Subdivision, together with the completed WAPC Form 1A, which has been signed by Mr Trevor Hine (Director of Askino) and the prescribed Application fee of \$3,493.00.

Should staff have any queries or require additional supportive information in relation to this Subdivision Application, the writer is available, at their convenience.

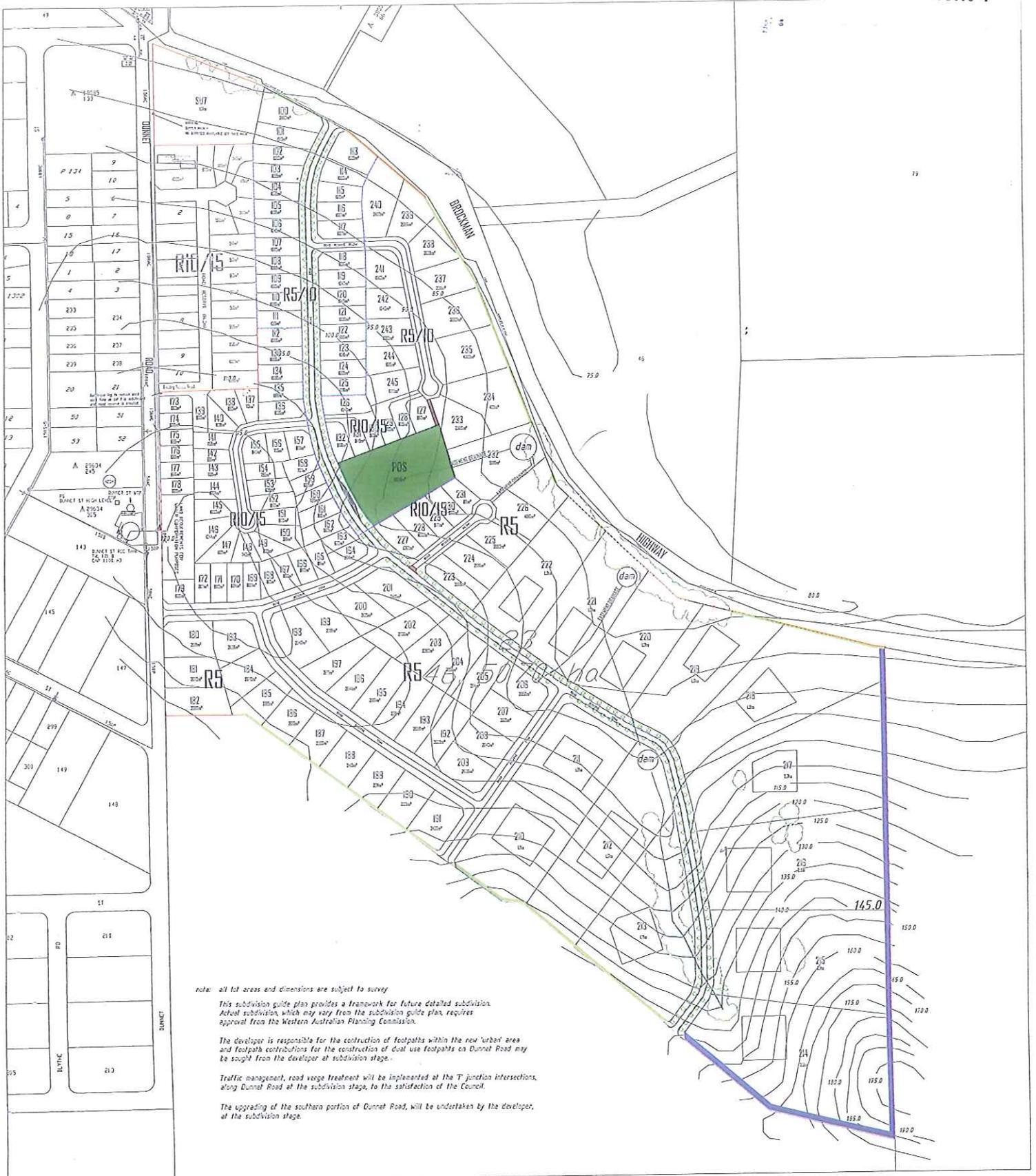
Yours faithfully



**CLARE MCLEAN**  
Town Planner

cc: Mr Trevor Hine (Director, Askino Pty Ltd)





**LEGEND**

-  subject property
-  vegetation buffer 3m (consisting of shrubs and trees)
-  remnant vegetation
-  revegetation - avenue of trees

-  strategic fire break [6m wide]
-  residential density code
-  building envelope
-  footpath
-  Stage 1 - WAPC Approval (May 01, 2006)

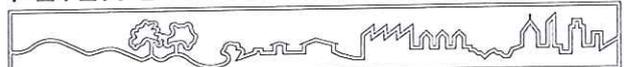
Source: cadastral information plotted from Water Corporation data, contour information plotted from Landgate data.

**SUBDIVISION GUIDE PLAN  
LOT 23 BROCKMAN HIGHWAY  
NANNUP**

SCALE: 1: 2000  
DATE: July 2006  
PLAN NO: P0486-01 [SGP]  
Rev5



**PETER D WEBB AND ASSOCIATES**



CONSULTANTS IN TOWN PLANNING & URBAN DESIGN  
PO BOX 920 SUBIACO WA 6904 TEL: 9388 7111  
UNIT 2/19 YORK STREET SUBIACO FAX: 9388 7240

AGENDA NUMBER: 10.5  
SUBJECT: Water Playground  
LOCATION/ADDRESS: Recreation Precinct, Warren Road, Nannup  
NAME OF APPLICANT: Mr Brian Puckey  
FILE REFERENCE: REC 2A  
AUTHOR/REPORTING OFFICER: Geoffrey Benson, Manager Development Services  
DISCLOSURE OF INTEREST: Nil  
DATE OF REPORT: 15 July 2011

Attachment: Photographs – Water Features by Design

#### **BACKGROUND:**

A Petition was presented to the Council at the 23 June 2011 Ordinary Council Meeting. The petition requested the Shire of Nannup in the proposed upgrade to the Recreation Precinct give priority to the installation of a children's water playground.

The petition consisted of 28 Sheets with 401 signatures, 366 of which were of local residents and 35 of which were non locals. There were also 17 letters of support from local businesses and other community organisations. The petition and letters of support are available for Councillors to view at the Council meeting.

#### **COMMENT:**

Currently these Water Parks are not covered by the Aquatic Facilities Guidelines, produces and enforced by the Department of health (DoH). However they will be in the near future as the DoH is in the process of reviewing the Guidelines with a view to the inclusion of these sort of facilities.

In the future a Water Park will be a Class Four (4) Aquatic Facility and will be required to operate in accordance with the Aquatic Facility Guidelines.

The Water Park is a zero depth water body, constructed as a flat slab of concrete graded and drained to a number of water collection points. The water is recycled by gravity feed back to an underground tank where the water is stored until it is pumped to a second tank and treated by chlorination, prior to being pumped out to the water features and used again.

The plans for the construction of the water park must be approved by the DoH prior to construction. The facility must be fenced to keep animals out. Lighting would be required for use of the facility at night. A bypass system would be required so that contaminated or excess water can be dumped to waste. Some training in the running of the equipment and water testing would be required for some staff so that they can check the operations of the water park a couple of times a day.

Due to the Public Petition regarding the inclusion of a Water Park in the recreation precinct, it is proposed that Council agree to a water park being included in the review of the recreation precinct, when this is carried out, during the 2011/2012 financial year.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:**

A Water Park of approximately 12 metres by 12 metres with various pieces of equipment as shown in the attached pictures would cost in the order of \$450,000 to \$550,000.

**STRATEGIC IMPLICATIONS:**

The inclusion of a water park in the recreation precinct is not in Council's Forward Plan, therefore when the Forward Plan is reviewed consideration of the Recreation Centre Precinct Review should be taken in to account.

**VOTING REQUIREMENTS:** Simple Majority.

**RECOMMENDATION:**

That Council accept the public petition and agree to include the installation of a children's water park as a part of the review of the Nannup Recreation Precinct.





