Shire of
NANNUP
The Garden Village

MINUTES

PUBLIC COPY

Council Meeting to be held
on Thursday 24 September 2009

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Signed: Dated 22 October 2009

MINUTES

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.15pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Bird, Boulter, Camarri, Dean, Lorkiewicz, Pinkerton.

Shane Collie - Chief Executive Officer
Ewen Ross - Manager Development Services
Craige Waddell - Manager Corporate Services

VISITORS

6

APOLOGIES

NIL

LEAVE OF ABSENCE (previously approved)

NIL

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

Mr M Loveland tables a letter to Council.

5. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Dunnet left the meeting at 4.17pm.

Cr Bird assumed a chair.

Mr N Schubert and Mr Glede made a presentation to Council concerning agenda item 10.3.

Cr Dunnet returned to the meeting at 5.05 pm and resumed the chair.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8254 BOULTER/BIRD

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 August 2009 be confirmed as a true and correct record.

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

NIL

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Nannup Sport and Recreation Association
Danjangerup cottages AGM
Community garden opening (School)

AGENDA NUMBER: 10.1
SUBJECT: Application for Subdivision referral No. WAPC 923-09
LOCATION/ADDRESS: Lot 241 Adam Street
NAME OF APPLICANT: Harley Survey Group
FILE REFERENCE: A266
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 September, 2009

Attachments:
1. Location/Zoning Plan.
2. Plan of Subdivision.

BACKGROUND:

Lot 241 (#11) Adam Street is on the Corner of Warren Road and Adam Street, Nannup. It has an area of 994m2 and is occupied by a dwelling and associated outbuildings (carport and garage) with access off both streets. The site has no relief and is at approximately 71.5 AHD.

COMMENT:

The subdivision seeks to create two (2) lots of 500m2 (Lot A) and 494 (Lot B). The land is zoned Town Centre and Residential R20/30 under the Scheme where Clause 5.2.3 applies:

> *5.2.3 Where a split density coding is indicated for a particular area shown on the Scheme Map, development for residential use shall conform to the lower density code, except where the subject land is connected to a reticulated sewerage system, in which case the higher density code is to prevail.*

Under the Residential Planning Codes ('R Codes') the minimum lot area for is 440m2 with average of 500m2 (R20) or 270m2 with average of 300m2 (R30). As Clause 5.2.3 of the Scheme provides, the difference in the minimum lot are under the Scheme relates to the provision of sewer. In this regard, the land has Water Corporation sewer in the street and the proposed lot sizes exceed the minimum requirements. Having regards to the contour of the land, the positioning of the existing development/infrastructure and the vegetation, the proposed lot sizes are appropriate.

As there is sewer available in Adam Street, connection is required for both lots. The requisite easements over Lot A will be required for Lot B sewage connection as shown on the subdivision plan. Stormwater runoff will need to be contained on site and/or discharged to an approved outlet.

Access to Lot A is being retained from Adam Street, with the two car parks also being retained. Lot B, on Warren Road has an existing garage but no approved cross over. A crossover and access off Warren Road will be required which is constructed consistent with the existing footpath of paving stones. This cross over and any parking requirements for Lot B can be established at the development stage subject to use.

It should be noted that that this access to Warren Road will result in the loss of one street car park and give rise to a potential traffic hazard exiting onto Warren Road. The WAPC has referred the application to the Main Roads Board for comment. Council may consider that access for proposed Lot B, should be from Adam Street. Should this be the case then an alternative recommendation would need to be provided, "that the subdivision guide plan is not accepted and that access to proposed Lot B be provided from Adam Street." (And delete recommendation 6)

The application indicates that the garage on Lot B is to be demolished. A demolition permit should be attained to ensure any materials that may prove harmful are disposed of in the correct manner.

The Subdivision is in accordance with the Residential Planning Codes and Local Planning Scheme No3.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advises the WAPC as follows:

That Council has no objection to Subdivision referral No. WAPC 923-09, Lot 241Adam Street, subject to the following conditions:

1. (W1) Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision.

2. (W2) Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision.

3. (W3) The provision of easements for future sewerage connection as may be required by the Water Corporation being granted free of cost to that body.

4. (D14) Storm water being contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.

5. (B12) The proposed lot fronting Warren Street and development thereon is to comply with the requirements of the Residential Design Codes pertaining to setbacks, open space and minimum outdoor living space.

6. Arrangements being made with the local government for the upgrading and construction of a crossover to the same standard of the existing footpath at the owners/developers cost for Lot B. This approval should not be construed as an approval to construct vehicular crossovers. Prior to commencement of construction of vehicular crossovers all necessary approvals should be attained from local government.

7. The Commission's approval to the subdivision should not be construed as an approval to development on any of the proposed lots.

8255 BOULTER/PINKERTON

That Council advises the WAPC as follows:

That Council has no objection to Subdivision referral No. WAPC 923-09, Lot 241Adam Street, subject to the following conditions:

1. (W1) Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision.

2. (W2) Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision.

3. (W3) The provision of easements for future sewerage connection as may be required by the Water Corporation being granted free of cost to that body.

4. (D14) Storm water being contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.

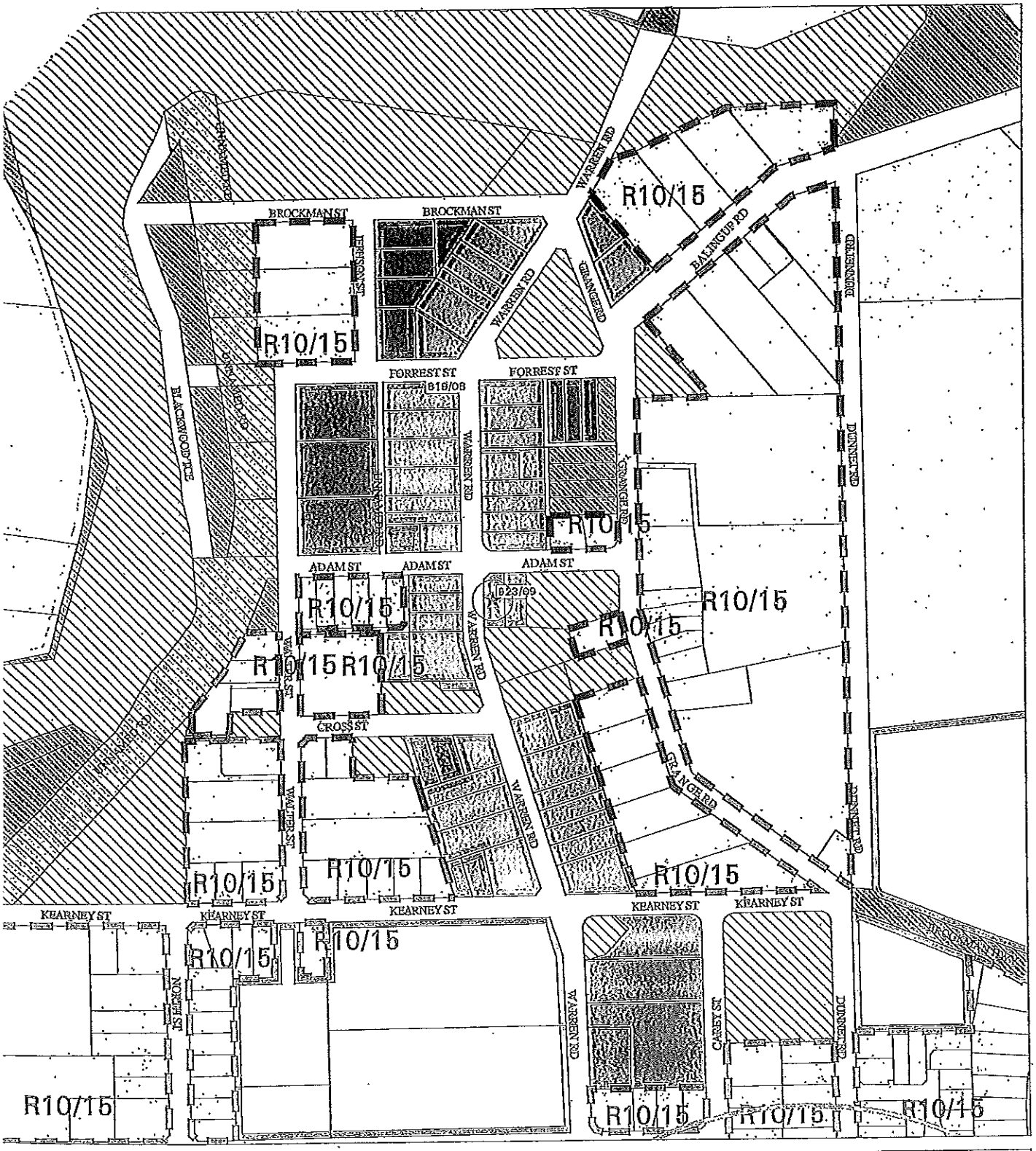
5. (B12) The proposed lot fronting Warren Street and development thereon is to comply with the requirements of the Residential Design Codes pertaining to setbacks, open space and minimum outdoor living space.

6. Arrangements being made with the local government for the upgrading and construction of a crossover to the same standard of the existing footpath at the owners/developers cost for Lot B. This approval should not be construed as an approval to construct vehicular crossovers. Prior to commencement of construction of vehicular crossovers all necessary approvals should be attained from local government.

7. The Commission's approval to the subdivision should not be construed as an approval to development on any of the proposed lots.

CARRIED 5/2

Councillors voting for the motion: Dunnet, Bird, Boulter, Dean and Pinkerton.
Councillors voting against: Lorkiewicz and Camarri.

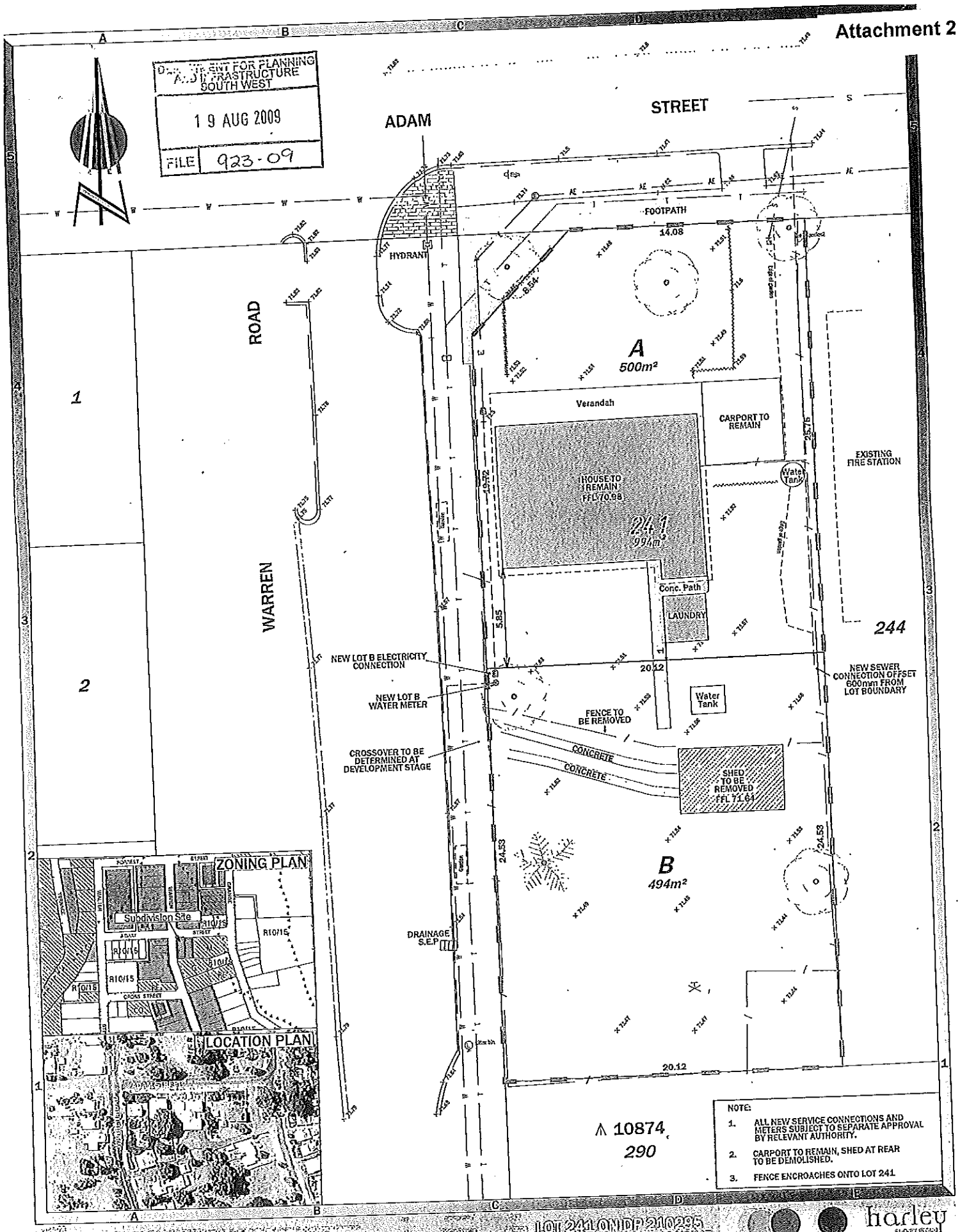


ta Application 923/09 (MGA ref 385888mE 6239417mN Zone 50)
data is to be used for the processing of subdivision applications only.

CADASTRAL BOUNDARY	TOWN CENTRE	SPECIAL RURAL
WATER TREATMENT PLANT BUFFER	PUBLIC PURPOSES RECREATION	RAILWAY
STRATA APPLICATION	PUBLIC PURPOSES DRAINAGE	PUBLIC PURPOSES RELIGIOUS
R CODE BOUNDARY	MIXED USE	PUBLIC PURPOSES COMMUNITY
WATER COURSE	PUBLIC PURPOSES MUNICIPAL	PUBLIC PURPOSES HOSPITAL
PARKS AND RECREATION	PUBLIC PURPOSES GOVERNMENT	INDUSTRY
SPECIAL USE	MAJOR ROAD	
RESIDENTIAL	AGRICULTURE	

125776A.eps

Attachment 2



AGENDA NUMBER: 10.2
SUBJECT: WAPC 140331 – Subdivision Application
LOCATION/ADDRESS: LOT 11090 Brockman Highway
NAME OF APPLICANT: Mr Scott Hedley
FILE REFERENCE: A1496
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 14 September 2009

Attachments: 1. Location Map.
2. Subdivision Plan.

BACKGROUND:

At the February 2009 meeting Council resolved (8102) to advise Mr Hedley that:

1. *"Should he lodge an Application for subdivision to the Western Australian Planning Commission (WAPC) whereby the 'severed' 3.708 portion south of Brockman Highway is sought to be created as a separate lot, Council would be obliged to advise the WAPC of the provisions of the Shire of Nannup Town Planning Scheme No. 3 in relation to the 'Agriculture' zone.*

2. *Council would be prepared to advise the WAPC that it would not oppose the creation of a separate lot as outlined in Mr Hedley's correspondence on the basis that the impact of Brockman Highway on the operation and use of the 'severed' portion is considered significant with respect to the WAPC's Development Control Policy '3.4 Rural Subdivision' – Clause 4.3 Significant physical division'.*

3. *He may wish to address the issues raised by the WAPC in its decision of 9 October 2006 (in detail) and seek the guidance of DPI before he pursues a new subdivision application.*

4. *Council would be prepared to accept (at no cost), a portion of the land as referred to in his correspondence for 'rest area'."*

The applicant has now applied to subdivide to create three lots, Lo1 48.54 ha, Lot 2 3.371 ha and a reserve Lot of 1894m2 as Public Open Space. Previously, the Western Australian Planning Commission (WAPC) Subdivision Application (131825) for a similar subdivision (excluding the 'rest area') was considered by both Council and the WAPC in 2006. Council on 24 August 2006 resolved:

"That Council not support Subdivision Amalgamation Proposal WAPC 131825 as the application does not address the objectives of the Warren Blackwood Rural Strategy for rural subdivision".

The change in Council's position reflected consideration that the use of the whole of Lot 11090 is significantly impaired by the existence and traffic operations of Brockman

Highway. A count of vehicles using Brockman Highway was undertaken by the Shire on 15 February 2007 (opposite the Hines Subdivision) where 292 vehicles per day were recorded over a 24 hour period. Of interest, 10% of vehicles recorded were 'heavy vehicles'. Ordinarily, 292 vehicles is not necessarily a significant number, however Brockman Highway heading east is extremely steep and it is desirable that heavy, slow moving vehicles (including cars towing caravans) not be stopped in this section of road.

The issue of Brockman Highway does not appear to have been given significant weight under the assessment of WAPC Subdivision Application 131825 by Council. It is reasonable to consider that any attempt to halt heavily laden vehicles climbing the Brockman Highway hill opposite Lot 11090 (due to using the 3.708 ha portion of the land for agricultural or other agricultural related purposes) could cause significant disruption and danger to traffic flow.

COMMENT:

The subject land is zoned 'Agriculture under the Shire of Nannup Local Planning Scheme No. 3 (LPS 3). Section 4.13.1 of the Local Planning Scheme controls subdivision in the 'Agriculture' zone and states:

"4.13.1.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be:

- *Where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40 hectares, including a minimum area of high capability (class 1 or 2) land of 30 hectares, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agricultural productivity on those properties;*

- *Where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80 hectares;*

- *Where an agricultural trade lot is proposed a minimum lot size of 40 hectares is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme."*

Based on the above criteria, the application does not address the above criteria of LPS 3 and would not normally be supported by Council. However, based on the added emphasis given to the impact of Brockman Highway, the merit of providing a "rest area" and that under the *"Development Control Policy '3.4 Rural Subdivision'* of the WAPC which acknowledges the ability of the WAPC to consider subdivision where land is impaired by 'significant features', then this application is supported. Note *"4.3 Significant physical division -*

The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes".

Sewerage

The lot sizes are of adequate size to accommodate onsite waste and stormwater disposal.

Fire Management

The proposed lots are shown as covered in predominantly native forest and plantation timbers which has mostly been cleared recently. The close proximity to plantations together with the relief of the property would pose a potential fire hazard for any residential development, particularly proposed lot 2, given its size. The applicant would need to provide a Fire Management Plan (FMP) to address any fire hazard. Additionally, for proposed lot 2 a building envelope which takes into account 100 metre set back from plantations together with the 50 metre setback from Brockman Highway and 20 metres from other boundaries.

Public Open Space

The proposed "Road Widening for Rest Area (POS)" will need to be formalized as a "Reserve" and ceded to the Crown and vested in the Council for management. This should be ceded free of charge including the relevant administrative costs involved. The POS should also be developed at the applicants cost and as a minimum include provision of crossovers, boundary with proposed lot 2 fenced and the land leveled.

It is noted previous correspondence referred to *"The proposed rest area/truck bay is situated on top of the hill and has an uninterrupted panoramic view of Nannup town site and surrounding areas for some distance."* and *"Availability for taking photos with uninterrupted view."* Given the location of the "reserve" to the rear of proposed lot 2, this *"uninterrupted panoramic view"* would be impinged on with the development of proposed lot 2 and growth of vegetation.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS:

The proposal sought by Mr Hedley is not in keeping with the Shire's Local Planning Strategy (LPS) nor the Warren Blackwood Rural Strategy as it seeks to retain the land for agricultural purposes. However, as noted in this Report, the 'severance' of Brockman Highway is regarded as a significant impediment to using the whole of the

land for agricultural purposes. In this instance, a variance of the LPS and the Warren Blackwood Rural Strategy is considered reasonable.

FINANCIAL IMPLICATIONS

Should the WAPC approve the subdivision and Council becomes the custodian of the POS it may incurred development and maintenance costs associated with the land.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advises the WAPC that they have no objection to subdivision referral 140331 subject to the inclusion of the following conditions:

1. (W5) The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal systems(s).

2. (D14) Stormwater being contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.

3. (R25) Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) and POS shown on the approved plan of subdivision.

4. (B1) All buildings having the necessary clearance from the new boundaries as required by the relevant Local Planning Scheme.

5. (Ba2) With regard to Condition 4, the applicant/owner is advised that the detailed plan is to be to scale and must include the location and extent of the building envelope on the lot, including appropriate setbacks for buildings of 100 metres from forest/plantation boundaries.

6. (B3) Uniform fencing along the boundaries of the proposed lot 2 abutting POS are to be constructed.

7. (F2) A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.

8. (RS3) The proposed reserve shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.

8256 BOULTER/BIRD

That Council advises the WAPC that they have no objection to subdivision referral 140331 subject to the inclusion of the following conditions:

1. (W5) The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal systems(s).

2. (D14) Stormwater being contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.

3. (R25) Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) and POS shown on the approved plan of subdivision.

4. (B1) All buildings having the necessary clearance from the new boundaries as required by the relevant Local Planning Scheme.

5. (Ba2) With regard to Condition 4, the applicant/owner is advised that the detailed plan is to be to scale and must include the location and extent of the building envelope on the lot, including appropriate setbacks for buildings of 100 metres from forest/plantation boundaries.

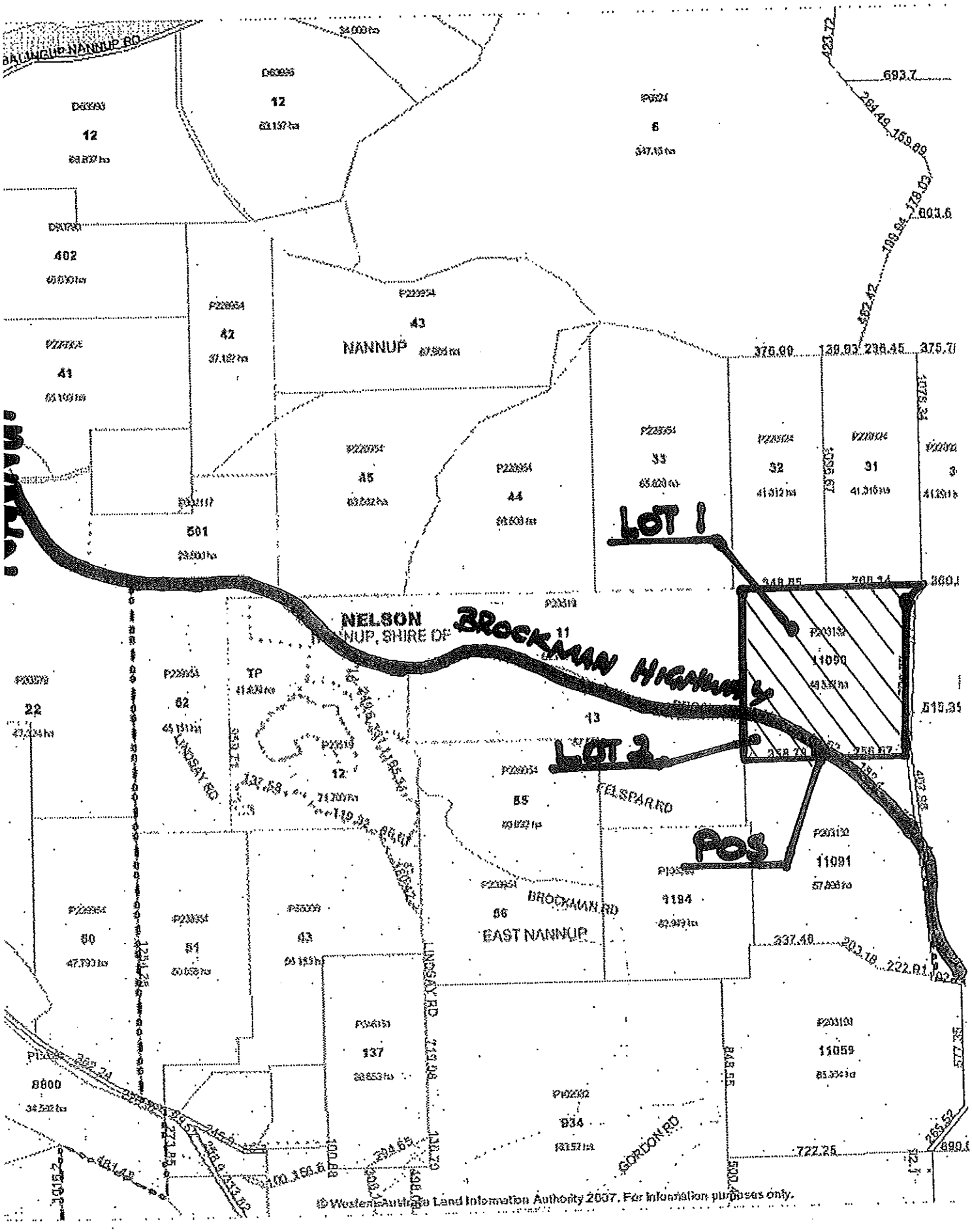
6. (B3) Uniform fencing along the boundaries of the proposed lot 2 abutting POS are to be constructed.

7. (F2) A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.

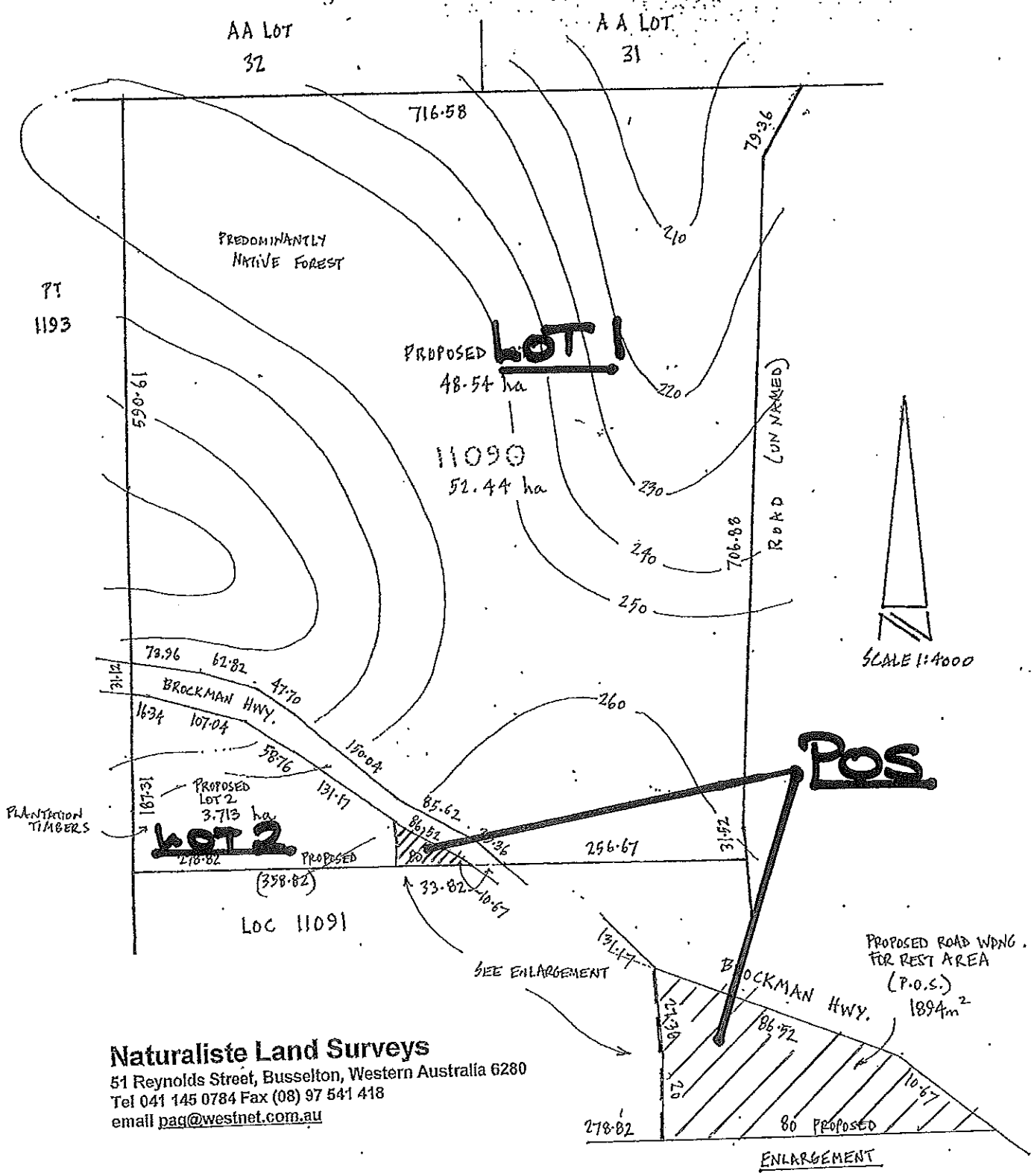
8. (RS3) The proposed reserve shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.

CARRIED 7/0

ATTACHMENT 1



ATTACHMENT 2



Naturaliste Land Surveys
51 Reynolds Street, Busselton, Western Australia 6280
Tel 041 145 0784 Fax (08) 97 541 418
email pag@westnet.com.au

PROPOSED SUBDIVISION OF LOT 11090 ON DP 203132 – BROCKMAN HIGHWAY, NANNUP

CLIENT: SCOTT McKENZIE JOB NO. 1121
SHIRE OF NANNUP INV. 1531
CERTIFICATE OF TITLE VOL 2138 FOL 305
AREAS AND DIMENSIONS SUBJECT TO CADASTRAL SURVEY.
CONTOURS DERIVED FROM CALM INFORMATION.
CONTOUR INTERVAL: 10m SCALE 1:4000

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE SOUTH WEST
22 JUL 2009
FILE 140331

Cr Dunnet declared a financial interest in the following item and left the meeting at 5.27pm.

Cr Bird assumed the chair.

AGENDA NUMBER: 10.3 SUBJECT: Application for Planning Consent - Use Not Listed- Wind Farm LOCATION/ADDRESS: Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road NAME OF APPLICANT: Verve Energy FILE REFERENCE: TPL7A AUTHOR: Rob Paull - Planning Consultant DISCLOSURE OF INTEREST: DATE OF REPORT: 14 September 2009

Attachments:
1. Location Plan.
2. Map of Noise Contours.
3. Verve Response – Visual Management and Fire Management.
4. Mr. James's Visual Management Review Response.

PROPOSAL

As Council is aware, the Shire is in receipt of an Application for Planning Consent for a 'Use Not Listed' - Wind Farm on land located to the south of Milyeannup Coast Road and Woodarburrup Road comprising the following lots and areas ('subject land'):

1. Lot 2 - 19 Ha
2. Lot 3 - 101 Ha
3. Lot 14- 64 Ha
4. Lot 4 - 499 Ha
5. Lot 704 -500 Ha
6. Lot 921- 202 Ha

Total area of 1,290 Ha.

The development would consist of 30 wind turbines in various locations across the subject land where all electricity produced would be fed into the local electricity grid by connecting to an existing 132KV overhead transmission line. A location plan is found in Attachment 1.

BACKGROUND

Council at its meeting of 27 August 2009 resolved as follows:

That Council, in relation to the Application for Planning Approval on Lots 2,3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm:

1. *Determine that the proposed use is a "Use Not Listed" as referenced in the Western Australian Planning Commission's Planning Bulletin Number 67 - Guidelines for Wind Farm Development.*

2. *In accordance with the provisions in Local Planning Scheme No.3 give Public Notice of the proposal the form of an advertisement in the following newspapers for 14 days:*

- *The Augusta-Margaret River Mail*

- *The Dunsborough - Busselton Times*

- *The Manjimup - Bridgetown Times.*

3. *Resolve that with respect to the Application for Planning Approval on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm that Council not require the 'Nodal Concept - Milyeannup Node' access, car park and development as defined in the Nannup Coastal Management Plan and Augusta-Walpole Coastal strategy on the basis that the proposed Wind Farm does not establish a clear 'nexus' and a planning purpose between the development and the need for the access. In this regard, the proposal is not considered to 'trigger' the need for such access and infrastructure as the need is generated when subdivision and relevant tourist developments result in addition population pressures on the coast.*

4. *Advise the Applicant of 3, above and that prior to determining the Application the Applicant will need to provide the following:*

    - *Noise - the Applicant is to commit to finalising lease agreements (or similar) with those landowners not forming part of the Application but who are affected by the 35 dB(A) noise contour, as a condition of Development Approval, prior to the Shire of Nannup issuing a building licence for the Wind Farm. In this regard, the landowners would indicate their acceptance of the impacts of the Wind Farm on their land and the potential impacts on future residences.*

    - *Visual management - the Applicant is to provide formal comment on the opinions of William James and the Department of Planning, for Council consideration when the Application is scheduled again for determination.*

    - *Fire Management - the Applicant is to submit a Fife Management Strategy for Shire and Council consideration on the basis that submission of a full Fire Management Plan will be a condition of Development Approval. The Fire Management Strategy and Plan are to address the impacts of the Wind Farm through the construction phase to operation.*

    - *Dieback Control Management Plan, Acid Sulphate Management Plan and Traffic Management Plan - the Applicant is to commit to preparing these*

plans to the satisfaction of the Shire, Council and relevant approval authorities prior to construction of the Wind Farm commencing, as a condition of Development Approval.

5. *Advise the applicant that the Shire of Nannup will be developing a model of differential rating for the proposed development.*

It should be noted that there was an inherent conflict with the resolution of Council where in part 4, the requirements on providing the information referred was to be undertaken *prior to determining the Application.* The wording of the 'dot points' appear to indicate that approval had been issued. Council had no power under LPS No. 3 to issue any Approval until it resolved the issue of 'use not listed' and had advertised pursuant to LPS No.3.

PLANNING FRAMEWORK

The following planning documents and instruments establish the 'planning framework' for any development (and subdivision) on the subject land.

State Strategies and Policies

The following strategies and polices were extensively covered in the 27 August 2009 Report to Council:

- State Sustainability Strategy
- Statement of Planning Policy – SPP 2.6 State Coastal Planning Strategy
- Visual Landscape Planning in Western Australia – A Manual for Evaluation, Assessment, Siting and Design
- Planning Bulletin 67 – Guidelines for Wind farm Development

The matters raised are relevant to determining the Application.

Regional Strategies and Polices

Warren Blackwood Regional Planning Strategy

The Warren Blackwood Regional Planning Strategy was the first regional strategy prepared for the region and sought to guide future development within the region over the next 25 years.

Warren Blackwood Rural Strategy

The Warren Blackwood Rural Strategy builds and expands on the content of the Warren Blackwood Regional Planning Strategy with a specific focus on issues with respect to agricultural land use and management. The subject land is identified as forming part of the Rural Landscape Protection Conceptual zone within the BR1 Scott Planning Unit. In recognition of the natural beauty of the area combined with the physical and environmental limitations for agricultural within the area, the primary

objective of the zone was determined as a need to 'enhance the intrinsic landscape, environmental and cultural values of the area.'

Augusta-Walpole Coastal Strategy

The Wind Farm site is located within land areas zoned as 'Rural Conservation Zone Area A' and 'Rural Conservation Zone Area B'.

Zone A: encompassing four (4) lots within the wind farm area, is restricted to a minimum lot size of 40 Ha, providing the average lot size of 80 Ha is maintained over the parent lot. The larger average lots size is designed to maintain existing landscape and environmental values of the area.

Zone B: encompassing two (2) lots, has been identified within the Strategy as having potential to provide possible future public coastal access to the beach. As an incentive to facilitate, through subdivision, the possible creation of these access nodes, subdivision of land within this zone may be supported to a minimum lot size of 40 Ha.

The Augusta-Walpole Coastal Strategy notes:

"The Augusta-Walpole coastline has the attributes required for successful use of wind energy and it is therefore important in the State's response to climate change. Locally, wind farming can provide significant sustainable employment with very little environmental impact. Although a wind farm typically has a 28-year lifetime and its building requires some land disturbance, such disturbance is small and the facility can be removed without significant legacy environmental damage. Proposals to develop alternative energy generation would be subject to the usual assessment and approval processes.

There has been one large scale proposal for a wind farm on the Scott coastal plain. This site, although not ideal in terms of wind generation, had the benefit of being close to the Beenup transformer site which would have allowed a quality link to the south-west grid. With the greater emphasis on sustainability and the need to mitigate against the impacts of climate change, further proposals can be expected for wind power generation around the Western Australian coast" (page 106).

The *Augusta-Walpole Coastal Strategy* also notes the Milyeannup land area as follows:

"This area, shown in detail in figure 19b, is near the junction of Milyeannup Coast Road and Woodarburrup Road. The locality of Milyeannup has been identified as a potential coastal access node as it is roughly in the centre of precinct 1,and because of the existing and potential surrounding land uses and its potential for low key accommodation.

Further assessment through a coastal management plan will determine whether Milyeannup can support some low-key tourism facilities or is better suited to day use

only. No subdivision of the coastal access location at Milyeannup will be supported until the exact location of the coastal access road, associated infrastructure, cost and land contributions are resolved, because a number of privately owned lots have been identified as having potential for a coastal access road.

Recommendation 5.7.2: Should lots 1, 2 or 704 (Milyeannup) be the subject of an application to develop or subdivide, ensure that the provision of public access is considered during the assessment process".

A potential access node, referred to as the Milyeannup Node is proposed along the western-most boundary of the proposed Wind Farm site. However, Council resolved not to pursue this access node for this Application.

Shire of Nannup – Policies and Planning Scheme

Shire of Nannup Local Planning Strategy

The principle 'strategic' document in support of the proposed rezoning of the subject land is the Local Planning Strategy. The Local Planning Strategy seeks to:

become a central feature of the Scheme [The Shire of Nannup Local Planning Scheme No. 3], *setting out the Council's general aims and intentions for future long term growth and change...*

The Local Planning Strategy will become a central part of the Scheme, being a consideration the Council will have regard to in making planning decisions, and will carry significant weight in planning appeals...

The Local Planning Strategy provides an opportunity for an integrated approach to planning across all areas of the district, including consideration of social, environmental and economic aspects. Once adopted, the LPS is translated into an action plan through the adoption and implementation of Town Planning Scheme No. 3."

The LPS identifies the most significant planning issue for the South Coast region as *determining an appropriate level of development, access and usage of the coast that is compatible with the retention of the area's wild and natural values'.*

The objective for the South Coast region is '*to ensure that development, access and usage of the South Coast is compatible with the retention of the area's environmental, visual landscape, heritage and recreation values.'*

Council's Policy - *Shire of Nannup Coastal Management Plan*

The purpose of the study, therefore, is to identify and evaluate the coastal access, low key development and management options compatible with the protection of those values. This is in accordance with the recommendations of the *Augusta-Walpole Coastal Strategy.*

Local Planning Scheme No. 3

The subject land is zoned "Coastal Landscape" under Local Planning Scheme No. 3 (LPS No.3), the objective of which is to "…. *protect significant landscapes and environmental features and provide for development which is compatible with and which will enhance the landscape and environmental qualities of the area".*

Clause 4.13.5.1 defines the Specific Objectives of the Zone as follows:

(a) To protect the significant landscapes and environmental features of the locality; and
(b) To provide for development which is compatible with and will preserve and enhance the landscape and environmental qualities of the locality".

Council resolved on 27 August 2009 that it would not seek to impose a requirement for a foreshore reserve to be provided as part of this Application.

The zoning table defines uses that can be considered ('D' or 'A') and those that are prohibited ('X') there are however uses that cannot clearly be defined in the Scheme. In this instance, 'Wind Farm' is not defined in LPS No. 3 and therefore is considered to be a 'Use not Listed'and in this regard was advertised in accordance with LPS No.3 and Council resolution.

Initial Stakeholder Circulation/Consultation

Advertising pursuant to the Council resolution of 27 August 2009 was carried out and no additional submissions were received.

Council will recall that prior to referring the Application to Council for consideration of a "Use Not Listed" in accordance with the LPS No.3, the Application was 'informally advertised' for a period of 21 days. Referrals were made to nearby landowners; advertisements were placed in 4 newspapers and the referred to following agencies:

- Environmental Protection Authority 'Not Assessed'
- Western Power - No objection
- Department of Environment and Conservation Manjimup office and Bunbury office - No response
- Civil Aviation Authority - No objection
- Shire of Augusta-Margaret River - No objection
- Shire of Manjimup - No objection
- Department of Indigenous Affairs - No objection
- Department of Planning and Infrastructure - No objection (made comment on the visual management assessment)

The Applicant also conducted external consultation including conducting several information seminars at both Nannup and Augusta for interested stakeholders. Five

public submissions were received which outlined the following planning comments/concerns pertaining to the proposal including:

- General support for wind farms and sources of alternative energy (4 submissions).
- Noise impacts on an adjoining lot (one submission – owner of Lot 1 – west of the subject land)).

The support for the wind farm is noted. The issue raised with respect to noise impacts is conserved to be reasonable as a submission due to the submitters land being very close to the 35dB (A) contour. The issue of noise has also been addressed by the Environmental Protection Authority – although their concerns do not relate specifically to the submitters land.

It is necessary for the Applicant to ensure that no off site impacts occur unless it is with the agreement of the land owner. The Applicant has advised that ongoing discussions with adjoining landowners in order to ultimately achieving a lease agreement (or similar) with these owners affected by the minimum 35dB (A) noise contour.

Clause 4.13.5.6

Clause 4.13.5.6 of LPS No. 3 *"Development of Land Abutting Coast"* defines the assessment necessary to determine an Application in the "Coastal Landscape" zone.

"For any development other than a single residential dwelling and uses associated with an established or proposed agricultural use on land abutting the coastline or vacant crown land that itself abuts the coast, a site specific coastal management plan is to be prepared to the satisfaction of the local government, addressing (but not limited to) the following issues:

- *Setbacks for development;*
- *Dune and vegetation protection measures;*
- *Beach access points;*
- *Vehicle movement control;*
- *Fencing;*
- *Fire management;*
- *Vesting of any adjacent unallocated crown land (if applicable); and*
- *Visual amenity".*

The Application is discussed in relation to the above issues identified on Clause 4.13.5.6.

Setbacks for development

LPS No.3 defines a minimum set back of 20m for all development to any boundary. The setbacks to the respective lot boundaries and roads of the Application are as follows:

- Northern Boundary (to Woodarburrup Rd) ~ 850m
- Eastern Boundary (to Woodarburrup Rd) ~ 295m
- Southern Boundary (to Unallocated Crown Land triangle) ~ 90m
- Western Boundary (to Lot 367) ~1170m

The setbacks appear reasonable for the proposed Wind Farm, however one impact of the turbines is that they will produce noise in excess of 35dB(A) at times **(Note Attachment No. 2)**. Some of this impact is outside the subject land and would impact upon the sitting of any future dwellings on these 'external' lots.

The Application notes:

a range of noise sensitive buildings have been identified outside and in close proximity to the project area. To address potential wind farm noise emission impacts on these surrounding buildings, noise emission boundaries have been developed. The noise emission boundaries are based on backgrounding noise monitoring and modelling worst case wind farm noise emissions for a range of wind turbine development scenarios". (page 15)

This issue has been acknowledged by the EPA in relation to Lot 1. Accordingly it is reasonable for Council to seek to have Verve Energy enter into a to lease agreement (or similar) with those land owners not forming part of the Application but who are affected by the 35dB (A)/40dB (A) noise contour. In this regard, they would indicate their acceptance of the impacts of the Wind Farm on their land and the potential impacts on future residences.

Dune and vegetation protection measures

The proposal is set back approximately 500m to the high water mark. However, should a Planning Approval issue, it is reasonable to have a condition that requires the sitting of the turbines assessed in light of the WAPC's *Statement of Planning Policy No. 2.6 State Coastal Planning Policy.*

Beach access points/Vehicle movement control

Council has resolved the issue of additional public access for the proposed Wind Farm.

Fencing

Although no fencing details have been provided, any subsequent Approval could be conditioned that fencing be 'open rural' fencing in accordance with existing standards.

Fire management

The Applicant has provided a 'strategic' Fire Management Plan that essentially resolves that fire management is acceptable and the development not in itself, a fire

risk. It is recommended that Council reiterate the Shire requirement for a FMP prior to the issue of any Planning Approval.

Visual amenity

Mr William James Landscape Architect has reviewed the landscape and visual assessment of the Wind Farm undertaken by the Applicant. A complete copy of Mr. James's assessment is included as **Attachment 4.**

In his review, Mr. James concludes as follows:

"Verve's response to my Review does not change my position. In my professional opinion the Verve Assessment is an inadequate document for a number of reasons that I have addressed in my Review and expressed in this letter. All these reasons stem from the fact that alternative sitting for the wind farm has never been a question that the Assessment could, or would, address.

The wind farm will be visible from several highly sensitive sites. It is sited on the coast in a pristine natural landscape with high wilderness quality. The fact that the wind farm will be visible will change this landscape from a wilderness landscape to a natural landscape altered by development. The pros and cons of the wind farm are not relevant to the Assessment. What is relevant is its impact on the landscape. Clearly there is an unacceptable impact. Council should recognise this when making their decision"

PHYSICAL ASSESSMENT

Based on the review by the EPA, it is considered that the subject land is suitable and capable of being used for the purpose of Wind Farm.

Environmental Impact

The Government's State Sustainability Strategy reflects on the imperative of ensuring land use and development are consistent with the efficient use of energy and minimisation of greenhouse gas emissions. Wind energy is a renewable energy which fits closely with the ideals of the Strategy.

Wind Farms affect the visual amenity of Coastal Landscape zone landscapes, however community consultation and the distinct lack of objection allows Council to acknowledge a strong apparent level of community acceptability of the proposal.

Noise

The Applicant has undertaken a Noise Modelling Assessment to determine whether or not the proposed Wind Farm will comply with relevant Guidelines in respect to allowable noise levels received at noise sensitive land uses (Dwellings) on neighbouring properties.

The *Western Australian Planning Commission's Planning Bulletin 67 - Guidelines for Wind Farm Development* endorses the use of the Wind Farms – Environmental Noise Guidelines produced by the South Australian Environmental Protection Authority to be utilised as criteria for noise emissions produced by wind turbines. These Guidelines stipulate that sound levels should not exceed 35dB (A) in the locality or 5dB (A) higher than background noise. In addition, the *Planning Bulletin* states:

"To avoid adverse noise impacts on the amenity of the surrounding community, wind farm developments should include sufficient buffers or setbacks to noise sensitive premises. As a guide, the distance between the nearest turbine and a noise-sensitive building not associated with the wind farm, is likely to be 1km. The ultimate distance between sensitive uses and the wind turbine, may be determined on the basis of acoustical studies".

It would appear that the only existing house not forming part of the subject land is 'Lot 1' (west of the subject land) where it would appear to be approximately 1km from the proposed turbines.

Staff again recommend that no wind turbines be placed any closer than the existing wind turbines proposed on the Applicant's Planning Application and that all landowners affected by the noise impact are involved with a lease agreement (or similar) with Verve Energy as outlined in this Report.

Along with the EPA, the Shire Staff are of the view that a Special Use 'exclusion zone' (or similar) should be established over all land affected by the Wind Farm – once it is clear that project will progress.

Design

The proposal seeks permission for a term of 28 years and includes development of 30 wind turbines and associated infrastructure over six lots which have a total area of 1290ha. The cost of the development is estimated at over $160 million. It should be noted that although the Application is based on up to 30 turbines, the Applicant advises that the project details are not yet final including wind turbine make/model and network access capacity.

The wind turbines will have a maximum tower height of 85m and three blades with a maximum rotor diameter of 100m. Each turbine will be placed on a circular steel tower, bolted to a steel reinforced concrete foundation. The foundation will sit below ground except for the portion which meets the tower being just above ground level. A control panel and switchboard will be housed inside the base of each turbine tower.

Electromagnetic Interference

As Wind Farms can potentially affect the electromagnetic signals in an area, the Applicant has committed to investigate and apply a range of measures to rectify any interference should it occur.

CONCLUSION

Public Notice in accordance with the Statutory Advertising provisions of LPS No.3 has been undertaken and no objection has been received.

The issue of noise is that some aspects of the Wind Farm operation will impact on nearby and adjoining landowners (not forming part of the subject land) and reflected by the 35dB (A) noise contour. It is reasonable given that the Wind Farm has potential impacts on future residences and is to be in operation for up to 25 years, that a lease (or similar) be entered into with Verve Energy and those land owners affected. Should this be unable to achieved, the proposal would need to be amended in such a manner that removes the impact of the 35dB(A) noise contour from any other land.

Visual Management assessment has been undertaken by the Shire's landscape consultant. The assessment from the Shire's visual management consultant indicates that the development will impact upon the 'wildernesses of the area. No variation to the design, colours or immediate location will reduce this impact. Council needs to be satisfied that the visual impacts and noise are acceptable given the overall environmental benefits. Should this be Council's view, it is recommended that conditional Approval be issued. Alternatively, it is open to Council to refuse the Application.

Should Council consider the Application in relation to the Application for Planning Approval on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm be unacceptable, it is recommended that Council, refuse the Planning Approval for a Wind Farm on the following Grounds:

a) The development will have a major impact negative on landscape values in that the landscape character, when viewed from various highly sensitive sites will change from "natural with high wilderness quality" to "natural with development influence".

b) The development is not in accordance with the Specific Objectives of the "Coastal Landscape" zone.

c) The development is not in accordance with the intent and purpose of the Rural Conservation Zone Area A' and 'Rural Conservation Zone Area B' of the Augusta-Walpole Coastal Strategy.

STATUTORY ENVIRONMENT:

Council's Local Planning Scheme No.3 provides a statutory framework for all development in the Shire and has been discussed throughout this Report.

POLICY IMPLICATIONS:

There are no Council Policies pertinent to Wind Farm development. Shire Staff do not envisage the need for such a policy at this time.

FINANCIAL IMPLICATIONS: No implications are anticipated.

STRATEGIC IMPLICATIONS:

The Shire of Nannup *'Forward Plan 2006/07-2010/11'* notes that the vision of the Shire of Nannup is:

"To foster a community that acknowledges its heritage, values and lifestyles whilst encouraging sustainable development."

The construction of up to 30 wind turbines will generate:

- Up to 55 MW of electricity into the south-west electricity network up to 160,000 tonnes per year of greenhouse gas emissions avoided each year.
- Enough electricity to power up to 26,000 homes every year.
- Feed electricity into the Western Australian south west grid supplying renewable electricity free of carbon emissions.
- Offset 160,000 tonnes per year of greenhouse gas emissions.
- Direct and indirect employment opportunities to the local/regional community.

The Applicant estimates that there will be an average of 50-60 employees on-site during the construction. Maximum labour on site is expected to peak at between 80 and 90.The Wind Farm would increase the sustainability of energy supply in Western Australia and contribute to efforts to address global climate change.

RECOMMENDATIONS

The Application for Planning Approval 010/09 on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm is issued Planning Approval for a Wind Farm subject to the following Conditions:

1. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply, to the satisfaction of the Chief Executive Officer.

2. As a consequence of the Wind Farm, Woodarburrup Road is to be widened and sealed to 7 metres with 1.3 metre shoulders from the western most boundary of the land to the eastern most portion of the Wind Farm. In addition to this there is to be passing lanes constructed where there are access points into the site in consultation with the Shire's Works Manager.

3. A visitor viewing area is to be provided in a location agreed between the Applicant and the Shire's Works Manager.

4. Access onto the site shall be restricted to that shown on the plan approved by Council.

5. Sitting of the turbines shall be in accordance with the WAPC's *Statement of Planning Policy No. 2.6 State Coastal Planning Policy* to the satisfaction of the Shire.

6. All fencing shall be 'open rural' fencing in accordance with existing standards to the satisfaction of the Shire.

7. The Applicant shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators.

8. The Applicant shall provide a Traffic Management Plan to Main Roads WA and the Shire of Augusta-Margaret River and the Shire of Nannup prior to the commencement of construction. The Traffic Management Plan shall address:

   a. Transportation of materials to the project site;

   b. Obtaining the necessary written approvals/permits from Main Roads WA Heavy Vehicle Operations Branch and the Shire of Augusta-Margaret River;

   c. Necessary bonds and protections for existing roads; and

   d. The transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.

9. The Applicant shall provide and implement, a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and FESA prior to commencement of any construction.

10. Following the submission of the Application, if the Applicant proposes changes resulting in significant additional environmental impact in the opinion of the Shire of Nannup, these changes shall not be undertaken without prior consultation with the Shire of Nannup and the Environmental Protection Authority Service Unit.

11. The Applicant shall provide a post-construction noise monitoring report, with noise levels taken at the nearby noise sensitive receptors and provide the report shall be forwarded to the Shire of Nannup. No turbine shall be placed into operation where it exceeds the 35dB (A) noise contour on any other land

unless it has (and continues to have) the express written consent of the affected landowner.

12. Prior to the commencement of construction, the Applicant shall commission third party noise modelling studies to demonstrate that the final Wind Farm design complies with noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment and Conservation Noise Branch and the Shire of Nannup at the appropriate time.

13. The Applicant shall ensure sufficient clearance is maintained from Western Power's existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power.

14. Decommissioning of the above ground plant and equipment (excluding concrete pads, footings and in-ground cables) on the subject land will commence within a period of twelve months from termination of operations and be completed within a time period of the satisfaction of the Shire of Nannup. This will occur following submission by the Applicant of a plan outlining the process of decommissioning.

15. The Applicant shall ensure the UHF transmission from the Wind farm and surrounding land is not demised and shall immediately remedy any problems which may arise as a consequence of this development.

16. The Applicant shall ensure that the subject development, at all times, complies with the Environmental Protection (Noise) Regulations 1997 unless a financial interest is provided for and registered against the subject property title.

17. This Planning Approval is valid for a 25 year term.

18. All development shall be setback a minimum of 20m from the property boundary.

Advice Notes:

a) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 1989 and the Health Act 1911 which are to be approved by the Shire of Nannup's Principal Building Surveyor and Principal Environmental Health Officer prior to issuing a Building Licence.

b) Where any vegetation clearing is proposed then it will be necessary to contact the Department of Environment and Conservation in relation to any possible requirements or restrictions.

c) Prior to the installation of a water bore, a licence is to be obtained from the Department of Water.

d) The Environmental Protection Act 1986 contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that the Applicant have due regard for this in the operation of the development.

e) The Applicant is advised that it will be required to implement all necessary strategies to mitigate any noise complaint which may arise including the decommissioning of any wind turbine which may be causing such complaint.

f) Rights of appeal are also available to you under the Town Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

8257 DEAN/PINKERTON

The Application for Planning Approval 010/09 on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm is issued Planning Approval for a Wind Farm subject to the following Conditions:

1. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply, to the satisfaction of the Chief Executive Officer.

2. In accordance with the Shire of Nannup Policy TPL 1 (Design Standards – Section 3, Upgrading of Feeder Roads), a contribution to the modification of Woodarburrup Road from the intersection of Woodarburrup Road and Milyeannup Coast Road eastward to the Wind Farm entry road, shall be made to the satisfaction of the Shire of Nannup and Verve Energy. The contribution shall be based on a Developer Contribution Plan to be formulated by the Shire of Nannup in consultation with Verve Energy taking into consideration potential traffic flows generated by the Wind Farm after completion of construction and potential land uses and subdivisions enabled by the Augusta – Walpole Coastal Strategy for landholdings east of the Wind Farm site that will also contribute to traffic flows on the road." The standard of construction on which the contribution will be made will be commensurate with predicted traffic needs and the need to minimize clearing and earthworks within acceptable safety limits.

   a. There are to be passing lanes constructed at both access points into the site in consultation with the Shire's Works Manager.

   b. An all weather access road and car park is to be constructed from surrounding local material (consisting of a fenced car park for 2 tourist buses and 20 cars) for access to the proposed "interpretive facilities" near the eastern boundary, on Lot 3.

3. A visitor viewing area is to be provided in a location agreed between the Applicant and the Shire's Works Manager.

4. Access onto the site shall be restricted to that shown on the plan approved by Council.

5. All fencing shall be 'open rural' fencing in accordance with existing standards to the satisfaction of the Shire.

6. The Applicant shall (prior to the erection of wind turbine generators) provide notification to CASA of the location and height details of the wind turbine generators.

7. The Applicant shall provide a Traffic Management Plan to Main Roads WA and the Shire of Augusta-Margaret River and the Shire of Nannup prior to the commencement of construction. The Traffic Management Plan shall address:

   a. Transportation of materials to the project site;

   b. Obtaining the necessary written approvals/permits from Main Roads WA Heavy Vehicle Operations Branch, Shire of Nannup and the Shire of Augusta-Margaret River;

   c. Necessary bonds and protections for existing roads; and

   d. The transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.

8. The Applicant shall provide and implement, a Fire Management Plan that addresses the impacts of the Wind Farm through the construction phase to operation, approved by Council and FESA prior to commencement of any construction.

9. Following the submission of the Application, if the Applicant proposes changes resulting in significant additional environmental impact in the opinion of the Shire of Nannup, these changes shall not be undertaken without prior consultation with the Shire of Nannup and the Environmental Protection Authority Service Unit.

10. The Applicant shall provide a post-construction noise monitoring report, with noise levels taken at the nearby noise sensitive receptors and provide the report shall be forwarded to the Shire of Nannup. No turbine shall be placed into operation where it exceeds the 35dB(A) noise contour on any other land unless it has (and continues to have) the express written consent of the affected landowner.

11. Prior to the commencement of construction, the Applicant shall commission third party noise modelling studies to demonstrate that the final Wind Farm design complies with noise limits outlined in this approval. The intended noise modelling methodology shall be discussed with the Department of Environment

and Conservation Noise Branch and the Shire of Nannup at the appropriate time.

12. The Applicant shall ensure sufficient clearance is maintained from Western Power's existing and planned transmission and distribution lines and associated facilities to the satisfaction of Western Power.

13. Decommissioning of the above ground plant and equipment (excluding concrete pads, footings and in-ground cables) on the subject land will commence within a period of twelve months from termination of operations and be completed within a time period of the satisfaction of the Shire of Nannup. This will occur following submission by the Applicant of a plan outlining the process of decommissioning.

14. The Applicant shall ensure the UHF transmission from the Wind farm and surrounding land is not demised and shall immediately remedy any problems which may arise as a consequence of this development.

15. The Applicant shall ensure that the subject development, at all times, complies with the Environmental Protection (Noise) Regulations 1997 unless a financial interest is provided for and registered against the subject property title.

16. The term of the planning approval is 28 years from commencement. Commencement must be within 5 years of the Planning Approval decision or approval shall lapse.

17. All development shall be setback a minimum of 20m from the property boundary.

Advice Notes:

g) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 1989 and the Health Act 1911 which are to be approved by the Shire of Nannup's Principal Building Surveyor and Principal Environmental Health Officer prior to issuing a Building Licence.

h) Where any vegetation clearing is proposed then it will be necessary to contact the Department of Environment and Conservation in relation to any possible requirements or restrictions.

i) Prior to the installation of a water bore, a licence is to be obtained from the Department of Water.

j) The Environmental Protection Act 1986 contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that the Applicant have due regard for this in the operation of the development.

k) The Applicant is advised that it will be required to implement all necessary

strategies to mitigate any noise complaint which may arise including the decommissioning of any wind turbine which may be causing such complaint.

l) If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

m) Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

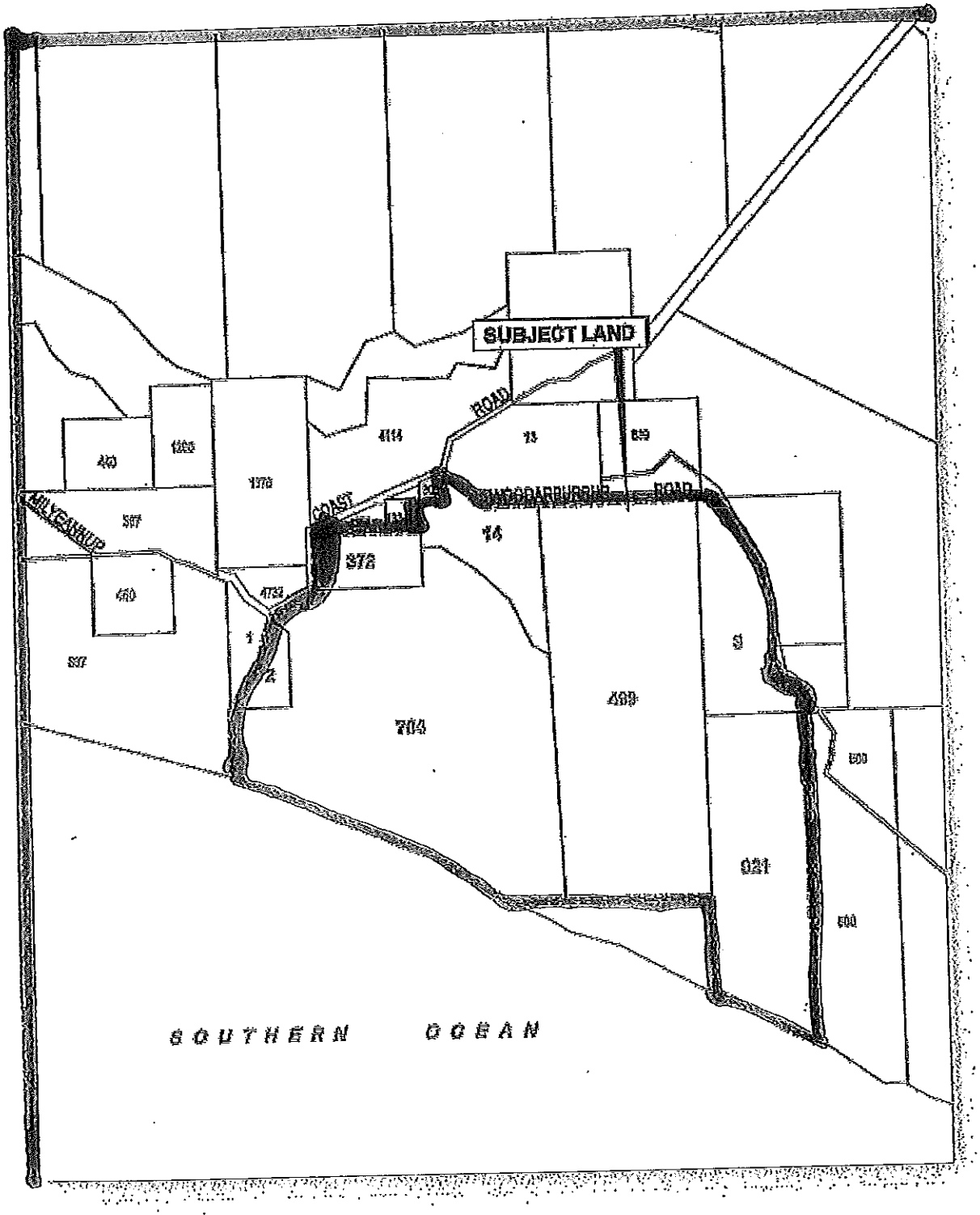
n) Rights of appeal are also available to you under the Town Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

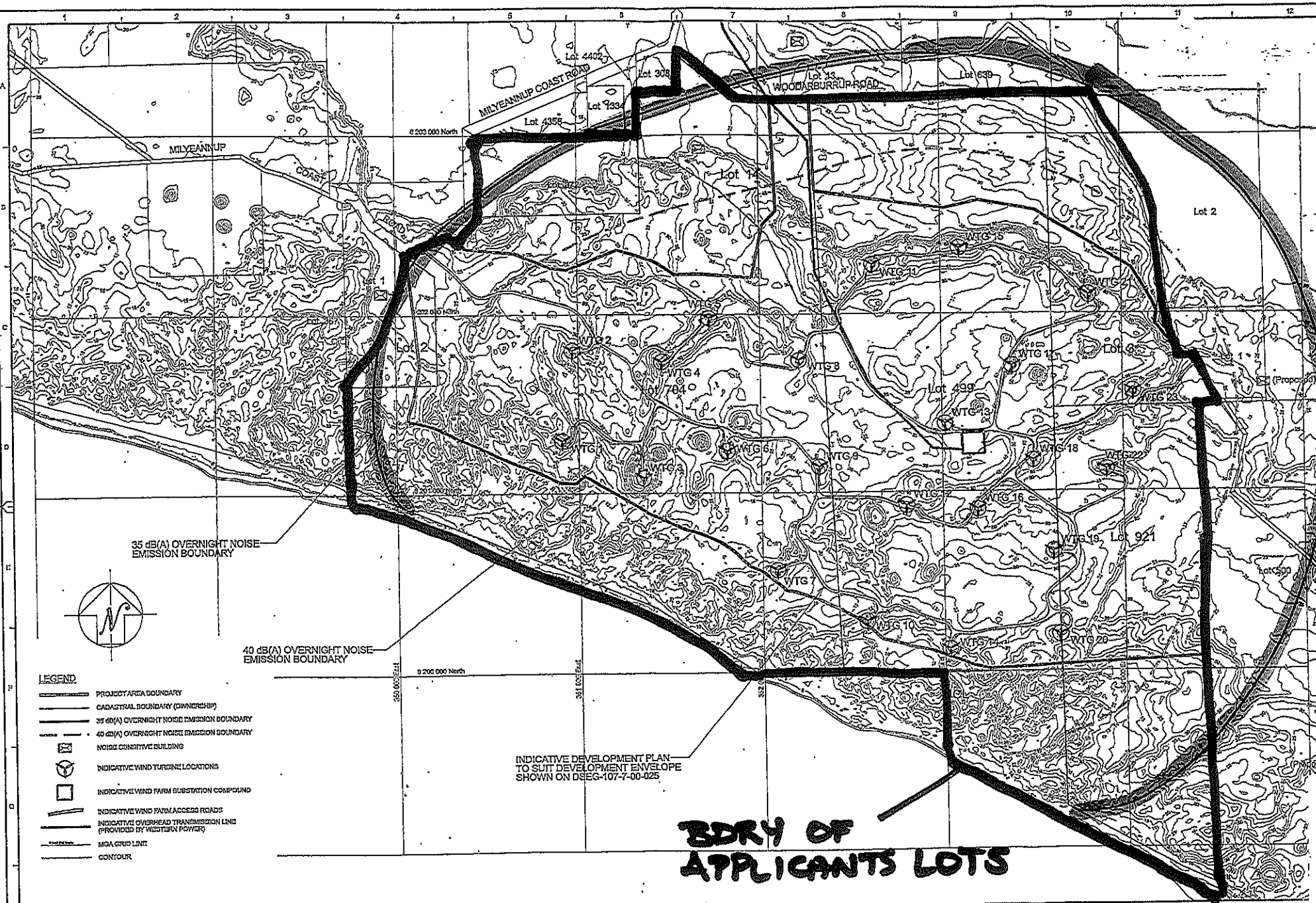
CARRIED 6/0

Cr Dunnet returned to the meeting at 5.40 pm and resumed the chair.

ATTACHMENT 1

LOCATION PLAN





REV.	BY	DATE	DETAILS	REV.	BY	DATE	DETAILS
B	GA	19 MAY 2009	Issued for planning approval				
A	GA	11 MAY 2009	Issued for comment				

verve ENERGY

TITLE: MILYEANNUP WIND FARM INDICATIVE DEVELOPMENT PLAN

DRAWN: GA DATE: 7 MAY 2009
CHECKED: NS
APPROVED: HL

DRG. No. DSEG-107-7-
SCALE: 1:10 000

ATTACHMENT 2

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verve ENERGY

11 September 2009

Mr Shane Collie
Chief Executive Officer
Shire of Nannup
PO Box 11
Nannup WA 6275

Dear Shane.

RE: LANDSCAPE AND VISUAL IMPACT ASSESSMENT OF THE MILYEANNUP WIND FARM

Verve Energy has reviewed the draft report by Bill James dated 22 July 2009 on his Review of Verve Energy's Landscape and Visual Impact Assessment (L&VIA) of the Milyeannup Wind Farm. We have also reviewed the Department of Planning's (DoP's) review comments on our L&VIA, received as an attachment to the Agenda Item 10.3 Council papers on 21 August 2009.

In this letter we wish to respond to both reviews, to provide the Shire of Nannup with further information and comment on the matter.

Verve Energy appreciates;

1. the review and comment commissioned by the Shire of Nannup and undertaken by Mr James; and
2. the review and comment requested by the Shire of Nannup conducted by the DoP.

Verve Energy acknowledges the strongly worded criticism of our L&VIA. We agree with some of the comments, however we do not agree with others as outlined in Appendix 1. Based on Appendix 1 we do not accept that the reviewers' comments invalidate the findings of our L&VIA and we request that the Shire acknowledge our original findings:

> Page 7, last two paragraphs (bolding & underline added here):
> "Verve Energy recognises that wind farms may be a contentious form of development. Whilst Verve has taken every step to reduce the visual impact of the wind farm, **it accepts that it will be a significant change to the <u>local</u> landscape.** Increasing the study area to greater than that recommended in WAPC (2007) and that typically used in Australian and International assessments, highlights Verve Energy's commitment to ensuring that the visual impact of the proposed development is thoroughly assessed.
>
> This report concludes that the wind farm **does not have a significant visual impact** in the context of the **regional** landscape, primarily due to the careful site selection process which

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placed the proposed development greater than 7 kms from significant visual viewpoints. At the **local level** the wind farm is found to have **a high visual impact**, but in the context of an already modified and changing landscape and restricted access to local recreational areas, the proposed wind farm **does not have a significant impact**."

Page 21, Section 4.3.3 (bolding added here):
"The wind farm represents a **significant change to the local** Milyeannup landscape."

Page 83, last paragraph (bolding & underlining added here):
"In conclusion, the Milyeannup wind farm **will create a dominant feature on the <u>local</u> landscape**, but the significance of the impact is reduced due to the low population density and restricted access to **local** viewpoints. In terms of the **wider regional landscape**, the visual impact of the proposed wind farm **will be largely diminished** due to the distance of the wind farm from sensitive tourism, recreational and highly populated residential areas."

We urge the Shire to note that the Shire of Augusta-Margaret River has made a resolution that strongly endorses the project, as detailed in Appendix 1. The Shire of Augusta-Margaret River can be seen to support our L&VIA findings that the project does not have a significant regional visual impact as the predominant regional view shed is located in within the Shire of Augusta-Margaret River.

We consider that given the original Application for Planning approval and L&VIA, the reviewers' comments, and Verve Energy's response to these, that Council should now have sufficient information on which to determine the Application.

We also consider that visual impact is but one consideration in determining the suitability of the land use in the context of broader planning objectives such as regional development, renewable energy and climate change mitigation. Clearly, the response from the DoP's Bunbury office and the Shire of Augusta Margaret River is consistent with our view in this regard.

We would be happy to discuss any aspects of this matter further with you.

Yours sincerely,

Noel Schubert

NOEL SCHUBERT
PROJECT MANAGER MILYEANNUP WIND FARM
VERVE ENERGY
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noel.schubert@verveenergy.com.au

Appendix 1

Verve Energy acknowledges the expertise of the reviewers but we have different opinions on some important aspects raised by the reviews.

It appears from some of the comments made by Mr James that he may not have noted some of the content of the main Application for Planning approval document to which the L&VIA is attached (Appendix 10), and its other appendices.

The author of the DoP review commented on section "6.2 Visual" of the main document, but did not seem to note that the *italicised* portion of 6.2 is actually the Executive Summary of the L&VIA (Appendix 10) judging by the comments.

The main document section 5.1.4 headed "Visual Landscape Planning in Western Australia – A Manual for Evaluation, Assessment, Siting and Design (WAPC 2007b)" has not been commented on by either of the reviewers of our L&VIA and yet contains relevant summary information.

Other sections of the main document, including Appendices 1 & 2, provide information and answers to some comments made by the two reviewers. The whole Application for Planning Approval must be considered in forming judgements on the Proposal and its impacts.

It is also appears that the quality of the documents provided to the reviewers for review may not have been optimal, due to comments from the DoP such as "the 'Altered' simulations are poor quality". Verve Energy provided high quality electronic files as part of its Planning Application, and indicated that large format prints could be provided if required. We believe this has detracted from the review undertaken.

Landscape and Visual Impact Assessment Methodology

Both reviews provide comment on the methodology used.

Mr James states in his Review *"I do not use the methodology or methodologies .... used in this Assessment"* and that he has used other methodologies in his Review. We are not able to comment in this response on the extent to which the different methodologies used by Mr James and ourselves have contributed to the different conclusions, as we have not applied these methodologies ourselves.

Verve Energy consulted with the Department for Planning and Infrastructure (DPI) – now the Department of Planning (DoP) – prior to carrying out the Assessment. The DPI advised us to use their relatively recent manual for carrying out the Assessment; *"Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design" (WAPC 2007)*. This manual and other references were used for the Assessment by Verve Energy as advised, due to the DPI's involvement in assessing the wind farm proposal. We have sought to communicate with and comply with the DPI's requirements through this visual impact assessment process.

The DoP has expressed concern that Verve Energy has not followed "WAPC Manual (2007) in a consistent way" and used "a combination of 3 different components of differing methods". Verve Energy considers that it has generally followed the WAPC Manual (2007), although it accepts that the document would benefit from being presented in a more logical manner and could have been better written (e.g. use of terminology). Verve Energy has supplemented the WAPC Manual (2007) with two other methodologies as these methodologies were seen to add value to the assessment being undertaken. These methodologies were specifically used to determine visual impact magnitude criteria. Whilst the WAPC Manual (2007), for example, requires one to "Assess the magnitude, duration and significance of each specific visual impact", it does not provide prescriptive guidance on the criteria to be used. Using these other methodologies was therefore considered appropriate.

Verve Energy also sought to comply with the WAPC's Planning Bulletin # 67 "Guidelines for Wind Farm Development". These guidelines recognise the sometimes conflicting objectives of encouraging wind farms whilst managing their impacts to the extent possible.

Mr James states in his Review Conclusions, *"The Landscape and Visual* (Impact – sic) *Assessment prepared by Verve for the proposed wind farm at Myleannup* (sic) *does not satisfy the minimum standards for a rigorous assessment of the landscape values and the resulting impacts of the proposed development on those values."*

Verve Energy believes that the Assessment carried out is to an adequate level of rigour for the purpose, as we have followed WAPC Manual (2007) supplemented by two other methodologies where required. We do not believe that a higher "level of assessment rigour" would cause the fundamental conclusions to differ from those that we have reached and presented in the L&VIA.

Landscape and Visual Impacts of the proposed Wind Farm

Mr James states in his Review Conclusions:
"It (the Assessment) does not adequately assess the landscape values.

It does not adequately assess the impact of the proposal on the values. Nowhere does it actually discuss or acknowledge the obvious impacts – that the proposal will change the character of the landscape; will alter the significant features; will remove the experience of wilderness; and will significantly change the views."

We refer to the following quotes from the Verve Energy L&VIA;

- Page 7, last two paragraphs (bolding & underline added here):
  "Verve Energy recognises that wind farms may be a contentious form of development. Whilst Verve has taken every step to reduce the visual impact of the wind farm, **it accepts that it will be a significant change to the <u>local</u> landscape.** Increasing the study area to greater than that recommended in WAPC (2007), and that typically used in Australian and International assessments, highlights Verve Energy's commitment to ensuring that the visual impact of the proposed development is thoroughly assessed.

This report concludes that the wind farm **does not have a significant visual impact** in the context of the **regional** landscape, primarily due to the careful site selection process which placed the proposed development greater than 7 kms from significant visual viewpoints. At the **local level** the wind farm is found to have **a high visual impact**, but in the context of an already modified and changing landscape and restricted access to local recreational areas, the proposed wind farm **does not have a significant impact**."

- Page 21, Section 4.3.3 (bolding added here):
  "The wind farm represents **a significant change to the local** Milyeannup landscape."

- Page 83, last paragraph (bolding & underlining added here):
  "In conclusion, the Milyeannup wind farm **will create a dominant feature on the <u>local</u> landscape**, but the significance of the impact is reduced due to the low population density and restricted access to **local** viewpoints. In terms of the **wider regional landscape**, the visual impact of the proposed wind farm **will be largely diminished** due to the distance of the wind farm from sensitive tourism, recreational and highly populated residential areas."

Given these clear references to the landscape and visual impact (in the L&VIA) Verve Energy disagrees with the assertion that we have not been open about the various landscape value impacts at a local and regional level.

Community Attitudes and the Coastal Landscape Location of the wind farm

The DoP has raised concerns regarding the adequacy of the community consultation undertaken by Verve Energy. In our view the process that was run, and continues to be run, is considered appropriate and adequate for the development proposed and for the purposes of Landscape and Visual Impact Assessment. Given the level of acceptability of the proposed development it is considered that further effort in this regard will not demonstrate a significant shift from the very positive community sentiment for the project.

Verve Energy has been open about the impacts of the wind farm in the L&VIA, and in other documents that accompany the L&VIA, to form the Application for Planning Approval to the Shire of Nannup.

In public consultation Verve Energy has clearly shown what the wind farm will look like from the significant viewpoints around the wind farm, with one exception, Black Point, from which we were unable before submission to produce a photomontage that we were confident was accurate even though considerable effort was put into trying to produce this photomontage[1].

The overwhelmingly positive responses from community members who attended the public displays and presentations, and completed feedback forms, were accepted as being representative of their informed views, as a result of Verve Energy openly displaying large (A0 size) prints of the photomontages from the significant viewpoints as well as other visual material.

[1] The view from Black Point, some 14 km from the wind farm, can be considered to show an impact that is between the impact seen from White Point (7 km away) and the Augusta Hotel (20 km away).

Mr James is critical of Verve Energy putting forward its Albany wind farm as an example of a wind farm that is strongly supported even though it is located in a highly valued coastal landscape. He states that *"The reference to the acceptance of the wind farm at Albany is anecdotal and irrelevant. A person with an opposing view could find many people who do not approve of the Albany wind farm." "The assessment does not report that landscape professionals who examined it did not support the development, nor that the DEC generally opposed it. People may like it, but that doesn't mean that the landscape values are protected or that people wouldn't give more support to a wind farm located inland."*

Verve Energy believes that the Albany wind farm, being located in a valued coastal landscape, is a very relevant example to use for comparison and illustration of what is planned for Milyeannup. The WAPC Manual (2007) also includes Albany as a positive example of managing visual impact.

Verve Energy has valid survey data and reports to support its views that the significant majority of the Albany community and most visitors support the wind farm because, in the eyes of the community, the wind farm complements the coastal landscape. Independent surveys (by Curtin University) and Verve Energy's own surveys, both confirm that a vast majority of the Albany community support the existing wind farm. There are opponents, but they are a very small minority.

We are not aware of the opposition to the Albany wind farm from landscape professionals and the DEC. The City of Albany and the local community, as well as government approval agencies have recently approved the extension of the Albany wind farm. This approval confirms the acceptance of the existing Albany wind farm in the coastal landscape, with this coastal landscape arguably being of equal or greater value than the Milyeannup coastal landscape.

Mr James' reported significant overseas opposition to wind farms is understood and acknowledged by Verve Energy for those places. The Denmark, Western Australia, 'division of the community' about their proposed wind farm is also understandable because of the dominance of the proposed wind farm location to so many people. Verve Energy would not propose to locate the Denmark wind farm where it has been proposed by others. The overseas opposition to wind farms has not yet come to the fore in Western Australia. Western Australian people want more wind farms at present.

The proposed Milyeannup wind farm site has been chosen carefully so that it would be most likely to be acceptable to the community, even though it will impact on the coastal landscape. It is far enough away from significant viewpoints and population centres to reduce the impact to levels acceptable to the community.

After extensive wind monitoring and site selection work by Verve Energy in the south-west of WA over more than 10 years, Verve Energy can confirm that the wind yield would not be sufficient away from the coast to make a large wind farm economical to build. This is the reason for Verve Energy's choice of the Milyeannup site, with higher wind yields due to its coastal location and elevation above sea level.

Purported dominance of the wind farm in significant views.

Mr James's assessment, using an alternative methodology, states that wind farm will dominate the significant views – from the Cape Leeuwin Lighthouse, The Flinders Bay Whaling Memorial, the Augusta Hotel and even Black Point.

Verve Energy does not agree with Mr James that the wind farm will dominate the views from these relatively distant locations[2]. The dominant features are the landforms, the water and the sky. The photomontages produced for the wind farm, and shown to the public and others, need to be of a sufficient size to even be able to clearly pick out the wind farm amongst the other much more dominant features, from these locations.

The Augusta-Margaret River Shire Council (AMRSC) strongly supports the Milyeannup wind farm as evidenced by their letter sent to the Shire of Nannup. Shire officer comment in the Agenda Item papers considered by the AMRSC at their 13 August meeting states in part:

> *"The proposal is not located within the Shire of Augusta-Margaret River; however it is considered that the potential visual impacts of the proposal will be mostly visible from Augusta and other areas within this shire. The Shire's Visual Management Policy is therefore considered to be a relevant consideration. Considering other similar areas within the southern coast included in the visual management policy it is likely that the area would relate to Visual Management Zone B.*
>
> *Accordingly development within the area may be visually apparent but should nevertheless be subordinate to established landscape patterns and should not be visually dominant. To establish this it is proposed that structures are sympathetic in design, within a unified group and that road construction be left to a minimum design standard in order to minimise cut and fill.*
>
> *In considering the elements of the proposal as set out in the landscape and visual impact assessment, and discussed above, it is clear that although the wind turbines will be visible from the three viewpoints identified,* ***it would not be dominant within the broader landscape****. This is due to the turbines being proposed within existing contours which will limit the requirement for cut and fill, equal spacing of wind turbines too will be visible from Augusta as a unified group and minimal impact on natural landscape and vegetation for road construction".*

After considering this agenda item in full, the AMRSC resolved "That Council write to the Shire of Nannup stating its strong support to the proposed wind farm."

Colour of the turbines

Verve Energy has deliberately chosen the colour, a light matt grey as stated in a number of places in the documents, to reduce the visual impact of the turbines against the horizon

[2] We understand that Mr James did not see large format prints of the photomontages like the A0 ones the public, Councillors, Shire staff and DoP staff saw.

and the atmosphere/sky in these southern locations. It is an intentional measure to reduce the visual impact of the turbines as much as possible.

Transmission Line and substation visual impact

The information and photographs of similar transmission lines presented in the L&VIA are representative of the likely appearance of the line. Western Power is responsible for the design of the line and for obtaining the necessary approvals for it. The line does not form part of the wind farm proposal for which Verve Energy is seeking approval through this Application for Planning approval, and that is why detailed landscape and visual impact assessment has not been included in the L&VIA for the line. Having said that, Verve Energy is doing all it can to influence Western Power to choose a line route and line design that minimises the visual impact of the line.

The DoP has raised concerns over the details presented for the substation (such as an example photo of a similar substation from the UK). Verve Energy does present visual management strategies for the substation, and the implementation of these will mean that the visual impact will be minimised.

Magnitude of Impacts for Landscape and Visual Effects - judgements

As Mr James correctly points out, he and Verve Energy differ in our judgements of the most accurate and applicable descriptions in the various ranking tables in the Assessment for Landscape and Visual Effects. This is the crux of the Assessment in terms of ranking the impacts. Verve Energy stands behind its assessment in this regard. We do not propose to debate the validity of each approach or judgement here. Suffice to say we have differing opinions.

Conclusion

Verve Energy already plans to do all that is practical to reduce the visual impact of the wind farm and so further landscape and visual impact assessment will not identify more visual management strategies. It is not practical to move the proposed wind farm inland, away from the coastal landscape. It is impractical to reduce the height of the turbines or locate them in lower positions. The wind yield would be too low for the project to proceed if any of these were done.

Verve Energy considers that the Landscape and Visual Impact Assessment already presented to the Shire is adequate for its purpose. The L&VIA submitted allows the Shire, the Councillors, the community, and the approval agencies, to understand the impacts of the wind farm on the landscape and its values adequately as it stands so that they can make a decision on the acceptability of the proposal. In our view, formed by using the visual impact assessment methodology of the DoP, the impacts of the Millyeannup wind farm will be a significant change to the local landscape (close to the wind farm) but will not have a significant visual impact in the context of regional landscape values (over the broader area).

WILLIAM JAMES LANDSCAPE ARCHITECT
72 Townview Terrace, Margaret River W.A.
PO Box 335, Margaret River W.A. 6285
Phone (08) 9757 3777 Fax (08) 9757 3870

Monday, 14 September 2009

Mr Rob Paull,
Town and Regional Planning advisor to the Shire of Nannup.

Dear Sir,

MILYEANNUP WIND FARM

Please find below my responses to the comments raised by Verve Energy (their letter dated 11 September 2009) regarding my Review of the Verve Energy Landscape and Visual Impact Assessment.

I restate my earlier view that the Verve Assessment does not acknowledge the obvious - that the proposal will have a major impact on landscape values in that the landscape character, when viewed from various highly sensitive sites will change from "natural with high wilderness quality" to "natural with development influence". This is a very significant impact and one that should - if alternative siting is not an optio - disqualify a development.

The Verve letter reiterates their view that the "wind farm does not have a significant visual impact in the context of the regional landscape". This does not stand up. They concede that the proposal at "the local level has a high visual impact" and that this impact is visible from highly sensitive regional sites. Logically, therefore, there is also a regional impact. If the impact is "high" at the local level it is going to be "significant" at the regional level.

In terms of visual assessment, it doesn't matter that the landscape to the north of the development is "already modified and changing". When viewed from various highly sensitive sites the landscape is "natural" and "pristine" – as acknowledged in the Verve Assessment. This is what is significant.

The Verve letter restates that "the significance of the impact is reduced due to the low population density". This is true for the immediate environs but not for Augusta and Leeuwin Lightstation. Augusta has a population of approximately one thousand people (2006 Census). The Leeuwin Lightstation is visited by about 86,000 people annually (2008-2009 financial year). All people visiting the Lightstation pass through Augusta.

The local impact is an interesting situation and one that I didn't comment on in my review; but nowhere in the Assessment is the impact on neighbours actually assessed. If this impact has been assessed it should have been reported. If not, it is an oversight.

The Verve letter refers to the endorsement of the project by the Augusta Margaret River Shire Council. In the Appendix the letter mentions the Shire's Visual Management Guidelines. I mapped the Zones and co-authored the Guidelines in 1994. They are quite old but still useful - they form the Shire's Visual Management Policy. Since these guidelines were developed there have been many advances in landscape assessment and there is now a far greater emphasis on the conservation of natural landscapes – as these become rarer, they become more precious.

I will respond to the relevant points raised in the Appendix to Verve's letter.

Page 3.

- Para.2 I have reviewed Verve's Landscape and Visual Impact Assessment – one would assume that this contains all the information pertinent to visual assessment. If not, it is not a complete document.
- Para. 3 I cannot see why a reading and review of the WAPC's visual assessment guidelines is relevant to this project or Assessment. I would have thought that only specific facts relating to the current project are relevant here.
- Para. 5 I agree that the whole Application must be considered but if it is relevant to visual assessment it should be in the Assessment document.
- Para. 6 The quality of the photomontages is not an issue. As I stated in my Review, photo-simulations are not a reliable guide for visual assessment. They are useful as a supplementary illustration, not as a primary impact assessment tool.

Page 4:

- Para. 4 A visual assessment should, as a minimum requirement, identify the relevant landscape values - in this case " natural landscape with high wilderness quality"; and the impacts on those values - in this case - changing these values to "natural landscape with development influence". These two factors are obvious and not contestable. Regardless of the methodology, or wording, the purpose of a visual assessment is to identify values and impacts and to protect the values from significant impacts. The Verve Assessment does not do this. It maintains that the significant impact is local only; that the local landscape is a modified landscape and constantly changing; that the impacts will not have a regional significance and therefore the impacts are acceptable. This is clearly not the case. A rigorous assessment would have brought the relevant factors to the fore and provided decision-makers with the clear facts of the case.
- Para. 7 The quotation from Page 7 of the Assessment does not address my concern about values, character, significant features, wilderness experience or change of views. Verve has not taken "every step to reduce the visual impact". The major obstacle to protecting landscape values is the siting of the wind farm. Verve has put this one site forward as the only site. Verve has stated that it will not consider moving the site. That is a basic flaw in any visual assessment. Regardless of the environmental merits of the project, and I don't dispute these merits, they should not override other environmental factors – including landscape protection.

  I have discussed the other points raised in this paragraph on Page 1 of this response.

Page 6:

- Community attitudes are one thing, landscape assessment is another. I restate my contention, "People may like it, but that doesn't mean that the landscape values are protected or that people wouldn't give more support to a wind farm located inland."
- The DEC landscape professional who informed me of the opposition of DEC and other landscape professional is John Cleary, formerly of DEC and now a consultant and the author of wind farm visual assessments in Western Australia and Victoria. He informed me that both the Region and Head Office of CALM (former DEC) were opposed to the project because of its impact on the values of the National Park (it was located in a pristine landscape – not National Park, but seen from the National Park) and because of the precedent it would create. This precedent is now being used to justify the present proposal. He also informed me that this opposition was expressed to Western Power at a formal meeting between CALM and Western Power officers. He further informed me it is years since a wind farm was proposed on the Victorian coast. Landscape values and community attitudes are the reason for this. This will inevitably happen in Western Australia.

- The opposition found in Europe to wind farms in valuable landscapes has not come to the fore here because we don't have many wind farms yet. We are, however, not that different from Victorians, the British and Europeans. It is only reasonable to conclude that once people are used to this technology and it becomes common-place they will be more discerning about where wind farms are located. The choice should not be, "it is here or nowhere" - just because it is clean and green. If it impacts on pristine natural landscapes then it is not sustainable.
- To state my own personal position – I admire the wind farm at Albany as a grand spectacle in the landscape, but as a landscape professional I know that it is poorly sited. Life is full of such contradictions and we must deal with them. Personal opinions and community attitudes should not be a substitute for rigorous assessment. Community support for the Albany Wind Farm (or my personal view) does not alter the fact that the Milyeannup wind farm proposal as it stands is against local and state government landscape policies - because it does not protect landscape values.

Page 7:

- Para. 1 Dominance can be caused by either visual magnitude or contrast. Tall vertical, moving mechanical elements in an otherwise horizontal natural landscape will strongly contrast with the natural landscape. They will be a dominant feature in the view because of the attention they will attract. I requote a passage cited in my Review from "Visual Elements of the Landscape" By John A. Jakle (1987)[1].

> "Traditionally, visual perception has been conceptualised as a rapid succession of still images racing through the mind. As interest in a landscape increases, the eyes focus on particular objects and the derived images are made more vivid through conscious thought. Once interest is lost, visual awareness continues as low-grade, subconscious scanning of environment. Cognitive input obtains only from a relatively small portion of the visual field as measured on either side of the direct line of focus. The visual field is shaped like an oval that extends approximately 180 degrees horizontally and 150 degrees vertically. It is sharp and clear at the centre and increasingly vague towards the periphery; the information gathered peripherally is used primarily to cue focusing."

  What this suggests is that the observer concentrates on an object that attracts their attention. Once the attention is concentrated on a contrasting element, such as the wind farm, that becomes the dominant element and changes the observer's perception of the landscape. In this case from "natural with high wilderness quality" to "natural with development influence".
- Para. 3 I have dealt with the AMRSC comments on Page 1 of this response. I would add that, as the author of the visual management policy referred to, I would place the Milyeannup site within Management Zone A because of its high level of naturalness, wilderness quality and ocean frontage. Within this zone the AMRSC guidelines forbid the "skylining" of a structure. The wind turbines and towers will be skylined.
- Para. 5 The matt grey colour of the turbines will reduce the visibility of the turbines but colour change is one of the last strategies to be used in managing visual impacts once siting options have been exhausted. Verve ruled out siting options from the start so colour is one of the few variables left to play with. The choice of colour will not render the wind farm invisible it will merely make it less visible.

Page 8:

- Para. 3 The matter of judgement is an interesting question. I have no reason to sway my judgements to reach a less than favourable outcome for the wind farm proposal. I strongly support wind farms in the right locations. My judgements are the result of many years of professional application to considering just such matters. As far as I know the judgements

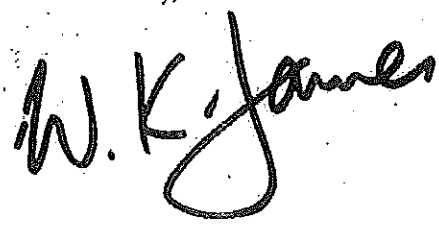
[1] Jakle, John A. (1987). "The Visual Elements of Landscape". The University of Massachusetts Press

made in the Assessment were made by an in-house engineer at Verve. I don't think I am being ureasonable to suggest that my judgements should carry more weight.

Verve's response to my Review does not change my position. In my professional opinion the Verve Assessment is an inadequate document for a number of reasons that I have addressed in my Review and expressed in this letter. All these reasons stem from the fact that alternative siting for the wind farm has never been a question that the Assessment could, or would, address.

The wind farm will be visible from several highly sensitive sites. It is sited on the coast in a pristine natural landscape with high wilderness quality. The fact that the wind farm will be visible will change this landscape from a wilderness landscape to a natural landscape altered by development. The pros and cons of the wind farm are not relevant to the Assessment. What is relevant is its impact on the landscape. Clearly there is an unacceptable impact. Council should recognise this when making their decision.

Yours faithfully,



Bill James
Registered Landscape Architect No. 220

AGENDA NUMBER: 10.6
SUBJECT: 2009/10 Purchase of Trucks and Trailer
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: TEN09
AUTHOR: Chris Wade – Works Manager
DISCLOSURE OF INTEREST:
DATE OF REPORT: 15 September 2009

Attachment: Whole of Life Cost Comparison.

BACKGROUND:

Council's 2009/10 plant replacement program included two 14 tonne tippers, a pig trailer and a utility. Under WALGA's preferred supplier policy Council is not required to call tenders for replacement equipment but can call for quotes and enter into negotiations with WALGA preferred suppliers. Six quotations have been received and reviewed by Council's Works Manager, Mechanic and operators. Council's Plant Committee have met informally and discussed this item and requested it be presented it to Council.

COMMENT:

The assessment of the quoted vehicles included test driving and inspecting most of the available trucks. The selection criteria were not addressed by all suppliers resulting in Isuzu providing the cheapest conforming quotation. Further investigation has highlighted there may be an ongoing exhaust/emission system problem with the trucks from Isuzu.

Scania Australia supplied a quotation that met all the criteria but is over the budgeted allocation. Scania Australia has indicated that they see this sale as an opportunity to make inroads into the local government market and have discounted the market price of each truck. Traditionally local government have purchased a Japanese truck due to the large price differential with European manufacturers. Until recently, Scania Australia has relied on agencies in the southwest to sell their products. They now have a manufacturer run workshop, spare parts and office in Bunbury with 24hour back up support if required. The branch manager if successful would like the relevant operators to spend a day in Bunbury for a familiarisation day and then a day in Nannup under normal loaded conditions to obtain the best operating techniques.

Under the preferred supply scheme negotiations Scania has included a 12 month Repair and Maintenance Contract. This contract covers all costs apart from general wear and tear in the first 12 months including all servicing and labour. Another advantage of the Scania and is a relevant in today's political and environmental climate is that the Scania operates on the Euro 5 (5 being the lowest emission level of any vehicles operating on diesel or petrol) emission level compared to Isuzu's Euro 4 level.

The Scania is of a higher standard/quality that will be a future investment for Council and will not require trading for eight years instead of the usual four years. It has higher level safety features in the areas of braking, traction control and cabin intrusion.

The attached spreadsheet shows the whole of life cost of ownership of the Isuzu and Scania over an eight year period. It highlights the total savings to Council over this period to be approximately $250,000. It also shows that for this year, approximately $48,000 is required additional to the budget allocation for all budgeted plant purchases. The replacement program included the trade and purchase of one of the gardening utility. If council supports the officers recommendation this trade will not happen and the $10,000 changeover figure will be used as part of the truck purchase.

The decision for Council is whether it wishes to enjoy financial savings in the short term of $36,204 with higher long term expenses of $497,596, ie buy two Isuzu's, or find the additional $36,204 this financial year and enjoy long term financial savings, ie buy the Scanias.

The recommendation to this item is to purchase the Scania's which would mean that the changeover of Council's other 14 tonne tipper in 2011/12 could be downgraded as the non trailer towing vehicle. This would be a saving to Council on its 5 Year Plant Replacement plan.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Council's net 2009/10 Plant Replacement Budget has $265,000 allocated to it. A further $48,000 is required to fund the purchase of two Scania P420 trucks and one pig trailer. If Council agree to the recommendation, this adjustment will be built into the budget review to be presented to Council early in the new year.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

Council purchase two Scania P420 trucks and one pig trailer as per quotation received from Scania Australia.

8258 CAMARRI/BOULTER

Council purchase two Scania P420 trucks and one pig trailer as per quotation received from Scania Australia.

CARRIED 7/0

WHOLE OF LIFE COST COMPARISON (EIGHT YEARS) PER TRUCK

	Scania	Isuzu	Difference
Price 2009/10	$203,600	$188,135	
Trade 2009/10	-$69,090	-$72,727	
Net	$134,510	$115,408	-$19,102
Price 2013/14 (est.)		$220,000	
Trade 2013/14 (est.)		-$80,000	
		$140,000	$140,000
8 yr capital cost	$134,510	$255,408	$120,898
servicing	$31,000	$35,000	
depreciation	$137,600	$255,000	
parts	$17,500	$24,000	
8yr total cost	$320,610	$569,408	$248,798

THIS YEARS CAPITAL COSTS

	Scania	Isuzu	Budget
2 X Trucks	$269,020	$230,816	
Trailer	$44,040	$46,040	
	$313,060	$276,856	$265,000
Difference to budget	-$48,060	-$11,856	

Note: Budget included purchase/trade of 2wd Utility

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

Cr Camarri has put forward a late elected member motion. The notice of Motion is a rescission motion therefore it must have the support of three members to be considered and must be passed by an Absolute Majority. (5)

BOULTER/CAMARRI

"We, the undersigned, request this late agenda item: NOTICE OF RECISION MOTION.

We wish to rescind Minute No 8243, Agenda Item No 10.7 from Council Meeting of Thursday 27th August 2009, Strategic and Organisational Review.

We wish to delete C1 and replace it with the wording from page 56 Part C of the Minutes of that Meeting which reads:

C1 That the council adopt the principle the future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs.

We wish to delete C2 and replace it with:

C2 That the Council review the relativities in rate contributions from the GRV and UV sectors, and to that end set up a Rate Review Committee following the October 09 LG elections.

Crs CAMARRI
Crs BOULTER
Crs LORKIEWICZ

LOST 4/3
Due to no Absolute Majority

Councillors voting for the motion: Dunnet, Boulter, Camarri, Lorkiewicz
Councillors voting against the motion: Dean, Pinkerton and Bird.

AGENDA NUMBER: 10.7
SUBJECT: Local Government Structural Reform Submission
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 31
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 16 September 2009

Attachment: Shire of Nannup Draft Structural Reform Submission.

BACKGROUND:

Council members would be aware of the Minister for Local Government's request for local councils to have amalgamation proposals to him for consideration by the deadline of 30 September 2009.

COMMENT:

Over the last 6 months this issue has ebbed and flowed in political circles, at the regional level and throughout the community. As time has progressed it has become apparent where the matter was headed in terms of the desire within this community. This has been evidenced by the views of Council members themselves, community feedback through meetings and surveys, and discussions with a number of other local governments and WALGA.

Council's submission is based around its existing position which is to remain an autonomous local government entity.

The strategy employed to achieve what is understood to be Council's aim has effectively been to challenge the assessment ranking that was attributed to this Council, which has been done notification to the Department of Local Government 28 August 2009. This was followed up by a formal appeal against the checklist assessment which was forwarded on 11 September 2009, and is an integral part of the draft submission attached for Council's consideration today.

The draft submission, accompanying letter and attachments to the Department of Local Government are lengthy, complex and the culmination in many hours of work and research. Given the importance of the topic it is important that Council members are comfortable with the contents of the submission.

The submission is submitted for Council's endorsement.

It is noted that the consultant's report (Gilfellon) referred to in the attached submission is not complete and has not (at this stage) canvassed in any detail amalgamation options involving the Shire of Busselton or the Shire of Augusta/Margaret River. The available timeframe will not see these matters addressed before submissions close on 30 September 2009.

It is also noted that per discussions with the Shire of Bridgetown/Greenbushes 16 September 2009 that their submission will not include reference to Nannup though is understood to include the Shire of Boyup Brook. It is unknown what the Shire of Manjimup submission will be though it is understood that Council is meeting as of today's date to confirm their position.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council endorses the attached Local Government Reform submission, adopting the following statement as its position on the Minister for Local Government's agenda for Local Government amalgamations:

"The Shire of Nannup submits that it desires to continue as an independent, autonomous local government authority and that after having canvassed a number of possible amalgamation options sees no demonstrable benefit from a financial, economic and social perspective that amalgamation would serve any benefit to the citizens of this district."

8259 BOULTER/BIRD

That Council endorses the attached Local Government Reform submission, including a reference to the administration centre of the Council being centrally located within the Shire, adopting the following statement as its position on the Minister for Local Government's agenda for Local Government amalgamations:

"The Shire of Nannup submits that it desires to continue as an independent, autonomous local government authority and that after having canvassed a number of possible amalgamation options sees no demonstrable benefit from a financial, economic and social perspective that amalgamation would serve any benefit to the citizens of this district."

CARRIED 5/2

Councilors voting for the motion: Dunnet, Bird, Boulter, Dean and Pinkerton.
Councillors voting against the motion: Camarri and Lorkiewicz.

Shire of
NANNUP
The Garden Village

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25 September 2009

Ref: ADM 31

Hon. John Castrilli
Minister for Local Government
12th Floor, Dumas House
12 Havelock Street
WEST PERTH WA 6005

DRAFT

Dear Minister,

SHIRE OF NANNUP LOCAL GOVERNMENT REFORM SUBMISSION

I write providing this Council's Local Government Structural Reform submission as requested by the deadline of 30 September 2009. This submission was endorsed by Council at its meeting held on 24 September 2009

Background:

Yourself as Minister for Local Government announced in February 2009 that councils in Western Australia were to be given six months to forward submissions on voluntary amalgamation. Throughout this period further information has been provided as to some of the parameters that such submissions should take.

A checklist on sustainability was required to be submitted to the Minister by the end of April 2009 and this Council duly complied. Council has raised with the Department of Local Government significant concerns with the checklist process and the "ranking" attributed to this shire. The correspondence sent to the Department of Local Government on this matter is attached *(Attachment A)* and should be read in conjunction with this submission.

This correspondence contains five attachments including a current Strategic and Organisational review report recently adopted by Council which is considered critical to this submission.

Local Government Advisory Board Criteria

1. Community Of Interest

Refer point 9 contained in Attachment A.

2. Local Government Viability

Refer points 1, 3, 5 and 10 contained in Attachment A. Additional information on this matter is contained in the body of this submission where reference is made to the interim consultancy report undertaken By Mr John Gilfellon.

3. Effective Delivery of Local Government Services

Refer points 2, 6 and 10 contained in Attachment A.

4. Financial Assessment

Refer points 2, 3, and 10 contained in Attachment A. Additional information on this matter is contained in the body of this submission where reference is made to the interim consultancy report undertaken By Mr John Gilfellon.

5. Economic Factors

Refer points 2, 6, and 10 contained in Attachment A. Additional information on this matter is contained in the body of this submission where reference is made to *Economic and Social Cost Considerations.*

6. Demographic Trends

Refer points 6 and 7 contained in Attachment A. Additional information on this matter is contained in the body of this submission where reference is made to the interim consultancy report undertaken By Mr John Gilfellon.

7. Transport and Communication

Refer point 9 contained in Attachment A.

8. History of the Area

Refer point 9 contained in Attachment A.

9. Physical and Topographical Features

This matter is discussed briefly in the body of this submission under the heading of *Proposal for a Blackwood River Valley Shire.*

The Reform Submission -Representation

Refer point 4 contained in Attachment A.

The Reform Submission –Regional Grouping

The interim consultancy report undertaken By Mr John Gilfellon canvasses this matter in depth and is referred to extensively in the body of this submission.

The Reform Submission –Transition Timeline

The conclusion to this submission does not advocate an amalgamation with any other shire therefore a transition timeline is not relevant. The latter stages of the consultancy report undertaken By Mr John Gilfellon may include some estimates on theoretical transition costs of some of the shires in the Warren Blackwood area. The short deadline to provide reform submissions has not enabled this matter to be fully researched by the consultant.

Consultation

Council has held two public meetings on this matter both which were well attended. Notes are attached. *(Attachment B)*. The second meeting involved the presentation of the consultant's report commissioned by the shires of Manjimup, Nannup, Bridgetown/Greenbushes and Boyup Brook and funded through the Department of Local Government.

Council also commissioned a community survey which produced a very strong view that this Council remain an autonomous local government. These survey results are attached. *(Attachment C)*.

Consultancy Report

As indicated above Council has participated in the employment of Local Government consultant Mr John Gilfellon involving the shires of Manjimup, Nannup, Bridgetown/Greenbushes and Boyup Brook and funded through the Department of Local Government.

That consultancy was to be in two parts given the short deadline in which reform submissions had to be completed. A copy of the interim report Version 2 is attached. *(Attachment D)*. Note that Council's involvement in this consultancy was conditional in that Council sought *"the consideration of possible shire groupings outside of the four Warren Blackwood shires" as part of its participation.* The interim report does not, and I understand will not, include other possible groupings of shires outside of the Warren Blackwood area.

Council was very conscious that two of its near neighbours in Busselton and Augusta/Margaret River may have been feasible options for amalgamation. However given that it is clear there is no desire from either this community or those shires the fact that these options have not been explored has become somewhat academic. It is also quite obvious that a merger with a much larger shire (population and rate base wise) such as Busselton would not be a merger, it would be a takeover and this Council would become an irrelevant satellite community in much the same way as Jarrahwood.

The interim consultancy report does not identify any clear grouping of local governments that can be reasonably argued would provide better local government services, increase efficiencies and reduce costs. By contrast the interim consultancy report identifies a number of areas where there are clear warning signs that by amalgamating shires costs would increase, efficiencies would be lost and communities would be left worse off that they presently are.

Perhaps the most alarming detail relates to the comparisons between one of main options canvassed, being the amalgamation of the shires of Manjimup and Nannup. The Shire of Manjimup has significant debt, its rates levied are above the Grants Commission assessed capacity and it has few reserves.

The Shire of Nannup is virtually debt free, has a long way to reach its assessed rates capacity and has, for its relatively small size, adequate reserves. The conclusion is that an amalgamation between these two shires from a pure financial basis would be a disaster for the Shire of Nannup and similar to the Busselton/Jarrahwood example quoted above. This would see Nannup become the poor cousin of a greater Shire of Manjimup which is already struggling to service the area that it presently operates in.

Other notable comments from the interim report that have relevance to this shire and this submission are as follows:

<u>Page 19, Interim Report Version 1:</u>

"The trends for Nannup show a increase in value for total assets, reserve funds and equity showing a growth in the overall wealth of the Shire. There is also a downward trend in long term borrowings which adds to financial stability."

<u>Page 32, Interim Report Version 1:</u>

"Although not a comment on the financial viability or otherwise of Manjimup, of the four Shires it would appear to be the least financially sound as it imposes rates above the assessed capacity, has the largest debt liability and the lowest percentage of unrestricted reserve funds."

Page 52, Interim Report Version 1:

Population Movement 1996 Census to June 2008

	1996 Census	2001 Census	2006 Census	Estimated 30/06/2007	Estimated 30/06/2008	% Increase/ decrease
Boyup Brook	1,747	1,536	1,480	1,581	1,594	-8.8
Bridgetown	4,034	3,924	3,953	4,258	4,339	+7.6
Manjimup	10,256	9,880	9,256	9,875	9,995	-2.5
Nannup	1,161	1,171	1,192	1,297	1,325	+14.1
Total	17,198	16,511	15,881	17,011	17,253	+0.3

ABS statistics

Page 28, Interim Report Version 2:

"With rates in the dollar imposed on UVs, Nannup has the largest discrepancies to the average and would have to increase its rate in the dollar by 57.54%."

This Shire has recognised this and passed the following resolutions at its August 2009 meeting:

"C1 That the Council adopt the principle that future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs, and that Council actively seek to achieve the Grants Commission overall assessed rate capacity by reasonable incremental rate increases.

C2 That the Council review the relativities in rate contributions from the GRV and UV sectors to bring these more in line with the Local Government Grants Commission's assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments."

Page 29, Interim Report Version 2:

"It can be seen from the Table that Manjimup has the greatest annual amount of repayments as a percentage of rate revenue. Nannup is a sound position as it has no significant debt liability. As a combined Shire loan repayments as a percentage of rates would be 9.8%.

The annual repayments for a combined Shire, if no new loans are taken out, decreases each year.

The table is represented on the following page:

Loan Repayments per Shires and Combined

	Boyup Brook	Bridgetown-Greenbushes	Manjimup	Nannup	Combined
	$	$	$	$	$
2009/10	125,572	103,748	837,865	29,020	1,096,205
% of rate revenue	7.4%	3.6%	14.6%	3.4%	9.8%
2010/11	125,572	103,748	813,885	21,846	1,065,051
2011/12	125,572	103,748	728,247	14,251	971,818
2012/13	124,817	103,748	637,674		866,239
2013/14	109,908	88,367	628,739		827,014
2014/15	109,908	88,367	616,160		814,435
2015/16	109,908	52,707	590,828		753,443
2016/17	109,908	52,707	576,098		738,713
2017/18	110,977	52,707	525,456		689,140
2018/19	85,613	52,707	452,248		590,568
Total	**1,137,755**	**802,554**	**6,407,200**	**65,117**	**8,412,626**

Page 30, Interim Report Version 2:

"It can be seen from the Tables that Bridgetown-Greenbushes has the largest amount of cash backed reserves. Bridgetown-Greenbushes unrestricted reserve funds are 62.25% of its 2008/09 operating expenditure, Nannup is 21.37%, Boyup Brook 14.5% and Manjimup 4.38%."

Grants Commission

The Gilfellon report states in part in respect of combining the four Warren Blackwood shires –

Page 67, Interim Report Version 2:

"Unfortunately the current level of general purpose grants will only apply for a period of five years after amalgamation when the created Shire will be assessed as an individual local government. Although the amount of any decrease cannot be stated with any certainty a heavily qualified estimate by the WA Grants Commission is for a decrease of between $500,000 and $900,000."

Page 77, Interim Report Version 2:

"The WA Grants Commission has provided a heavily qualified estimate in the likely reduction in general purpose grants after five years of approx $620,000 if the Shires of Manjimup and Nannup combined."

This is a significant financial disincentive to amalgamate these shires. Unless the State Government was to substitute or increase funding to the level that would be forgone, all current shire districts would be worse off. The Minister's statement that service levels would be able to be increased does not ring true if funding is to be reduced overall.

As pointed out in Council's appeal to its checklist assessment *(Attachment A)* any combination of the Warren Blackwood shires, particularly involving Manjimup or Nannup would still have a significant reliance on external funding due to the size of the DEC estate in this region. Both Manjimup and Nannup have over 80% of their land area classified as non ratable and moving lines on maps will not alter this. Unless the State can see some way of providing compensation for those districts that have such large tracts of non ratable land this situation will remain.

It is a recurring theme throughout this submission and Council's appeal against its checklist assessment rating, that due to the above scenario Council has been forced to seek external funding and has been very successful in doing so. To be penalised for this success is very difficult to accept and Council's view is that it should be commended for being proactive in seeking alternative and innovative ways in which to raise revenue.

Economic and Social Cost Considerations

Should the State undertake action that would see this local government dissolved and/or the Nannup Timber Mill close as a possible separate policy decision, this community would lose up to 70 jobs directly, which when coupled with the flow on effect to families and small business would completely devastate the local economy. There is no doubt this would impact other service areas such as the school, hospital and aged care, provision and use of recreation facilities, private investment decisions etc.

Does the State Government want to be responsible for this?

This Council has proven time and time again that it is very capable of managing its own affairs and managing them well. When some of our larger neighbours to the west have lurched from inquiry to suspension, commissioners to factionalized politics, there is no desire whatsoever for this local government to become part of the problems of others simply to satisfy an unproven economic rationalist theory.

Even if there was an amalgamated shire the costs associated with providing services over larger distances will far outweigh any potential savings. For example commuting times for staff will certainly increase creating inefficiencies and lowering the level of service. Is someone who is commuting from a base in a neighbouring town likely to be returning to a distant workplace for meetings after hours? I would not think so, and if this did eventuate the overtime cost would be significant and the output of people diminished.

Page 67, Interim Report Version 2:

"Any existing staff housing could be utilised in the short term with staff commuting to work. Such a commuting arrangement would make it more difficult to attract staff in the long term.

To avoid diseconomies of scale incurred with travel, the limited annual road construction time, town and recreation facilities maintenance the bringing together of the works crews in one centre should not be undertaken."

It is also submitted that the State has not fully considered the impact on employees of affected local governments, particularly when contrasted with the overall economic conditions that are prevailing at this point in time and anticipated over the coming few years. The State has also not formally committed to assisting local governments with redundancy costs or establishment costs for new local governments. The anticipated costs of these matters are considered to be a significant detriment to local government amalgamations, regardless of who meets the cost.

Proposal for a Blackwood River Valley Shire

A proposal has been put to Council from the Balingup Progress Association for a "Blackwood River Valley" Shire. If this proposal was to be progressed a specific study would need to be undertaken.

The proposal is not presently based on data accurate enough to be able to make an informed judgment on with distance again being a major impediment. A long and narrow shire district is unlikely to produce economies of scale in terms of efficient service delivery.

It is understood that the proposal does not seek to include of the whole of the Nannup Shire due to the desire to remain isolated from any coastal development. Given that this Council has undertaken a site specific Coastal Management Plan over the past two years and that the Scott River area is one of the most productive agricultural areas in the State this notion is not supported.

The non inclusion of the Scott River area in any proposal also creates another issue as to where that area would fit in local government terms.

There are some community of interest and topographical aspects of a proposed Blackwood River Valley Shire which on the face of it would appear worthwhile of consideration in a subsequent local government reform study.

Amalgamation Options

Council has considered a number of amalgamation options with the following four warranting the most attention:

1. Amalgamate with the current shires of Manjimup, Bridgetown/Greenbushes and Boyup Brook to create a Shire of Warren/Blackwood.

2. Amalgamate solely with the Shire of Manjimup.

3. Form a Blackwood Valley Shire as put forward by the Balingup Progress Association.

4. Retain the status quo.

Having discussed the financial disincentives for amalgamation Council also submits the additional following reasons (where not already mentioned) for retaining this Shire in its present form:

- Loss of identity.
- Reduction in representation.
- Effect on businesses and volunteerism.
- Purpose of reserve funds can be altered from original intent.
- Direct negative impact on jobs.
- No evidence that services will be increased.

Perhaps the only advantage seen in amalgamation is the increased access to expertise in specialised areas of Council's operations such as planning. Given that the State is intending to remove local government involvement in larger planning applications this is likely to be somewhat academic. Additionally Council presently resource shares where specialised services are required. Note Council is quite open to considering the sharing with other local governments functions that are of a "non geographic" nature and is in the process of having discussions with neighbours in this regard.

One other advantage put forward is the notion that grant funding opportunities will be increased by amalgamating shires. Given that this Council was marked poorly in its checklist assessment for being too successful in attracting grant funding this proposition is rejected outright.

Council Resolution to Proceed

As requested Council has included the completed checklist for this local government, and the assessment from the Department of Local Government *(Attachment E).* As mentioned prior Council's dissatisfaction with the assessment and subsequent representation to the Department of Local Government is included as Attachment A to this submission.

Additionally the guidelines on preparing submissions requested a date at which elected member numbers will be reduced. This is contained in Attachment A, point 4. The specific resolution of Council on this matter occurred on 27 August 2009 and is as follows:

"That Council adopt the position that consistent with the desire to continue as ongoing autonomous local government entity that it considers that a Council with the size and demographics of Nannup to best served by six elected members commencing from the next ordinary Council elections scheduled for 2011."

The formal Council resolution specific to this submission which was adopted on 24 September 2009 is as follows:

The Shire of Nannup submits that it desires to continue as an independent, autonomous local government authority and that after having canvassed a number of possible amalgamation options sees no demonstrable benefit from a financial, economic and social perspective that amalgamation would serve any benefit to the citizens of this district.

Please do not hesitate to contact me if you require any further information.

Yours faithfully,

SHANE COLLIE
CHIEF EXECUTIVE OFFICER

Attachment A

Shire of
NANNUP
The Garden Village

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11 September 2009

Ref: ADM 31

Jennifer Mathews
Director General
Department of Local Government
GPO Box R1250
PERTH WA 6844

Dear Jennifer,

SHIRE OF NANNUP CHECKLIST ASSESSMENT

I write further to my letter of 28 August 2009 concerning the above matter. As indicated in that correspondence Council has identified significant inconsistencies, some errors and a lack of knowledge of important localised issues in the checklist outcome attributed to this Shire. As such as a precursor to Council's Structural Reform Submission Council wishes to appeal the category "3" rating attributed to it.

The majority of these matters appear to be due to the fact that the assessor was not aware of plans in place and reviews underway which address many of the points highlighted in the negative in the assessment report. In the main I refer to a Strategic and Organisational Review Report commissioned in December 2008 (prior to the Minister's Structural Reform announcement in February 2009) and adopted by Council at its most recent meeting held on 27 August 2009. This is noted as **Attachment 1**. This report and the resolutions that have emanated from it **(Attachment 2)** address important own source revenue issues such as rates, cost recovery and user pays among other efficiency measures.

I will address these matters in turn as they are listed in the assessed checklist.

1. <u>Long Term Strategic Planning</u>

As noted in the assessment document Council has in place a Strategic Plan for the next five years. The document was forwarded with Council's checklist and it is reviewed annually or more frequently if required. The document has financial

estimates contained within though given the many variables associated with projecting out expenditure over such a lengthy period of time, the estimates cannot be defined in absolute terms. Council has accepted that it could more accurately portray the financial estimates contained in its Strategic Plan and as part of the aforementioned Strategic and Organisational review report Council adopted the following resolution on 27 August 2009:

"C26 That Council's Forward Plan 2008/09 – 2012/13 be reviewed by including a long term financial plan to demonstrate how the Shire will fund day to day operations and other core business activities and projects included in the plan plus another five years."

The addition of a further 5 years to the plan also demonstrates Council's willingness to extend out its forward financial projections over a significant length of time.

2. Detailed Asset Management Planning

Council is yet to complete a comprehensive asset management plan. This is the reason why (understandably) Council was not scored well in this area. Council allocated funds last year to do a comprehensive asset management plan which would have fulfilled this requirement and no doubt led to a higher score.

Council was to commence the WAAMI program through WALGA however there is a monopoly situation with the company that conducts this program which Council has concerns with and that prevented the undertaking of the program. Council has carried those funds forward into the present financial year and this checklist criteria will be met within the next twelve months.

Additionally Council has its asset register, road inventory and building maintenance plans all up to date as well as having an intimate knowledge of the assets under its care, control and maintenance. This includes identified gaps in community infrastructure provision. The completion of a comprehensive asset management plan involving community infrastructure will add further to the standard of information available for future planning and development.

Council was well underway to developing this plan prior (included in budget preparation May 2008) to the Minister announcing his agenda for structural in February 2009.

3. Future Financial Viability and Planning

While this matter will be addressed in greater detail in Council's Structural Reform Submission it is acknowledged as fact that this Council has a small rate base. A number of recent resolutions are seeking to address this. By way of example Council passed the following relevant resolutions at its 27 August 2009 meeting again in respect of the Strategic and Organisational review report commissioned in December 2008:

"C1 That the Council adopt the principle that future rate increases should be at or above CPI and more closely linked to the LGCI given that the latter has more relevance to local governments' costs, and that Council actively seek to achieve the Grants Commission overall assessed rate capacity by reasonable incremental rate increases.

C2 That the Council review the relativities in rate contributions from the GRV and UV sectors to bring these more in line with the Local Government Grants Commission's assessment of the shire's rating capacity and with rates levied by neighbouring and regional local governments.

E4 That Council move toward a general user pays principle in the overall management for all assets under its care, control and maintenance.

C11 That the Council adopts maximum fees permitted by regulations for all planning and development applications."

With over 85% of its land area non ratable due to State Government legislation it is difficult to accept from the same entity that the inability to raise own source revenue is a fair measure of sustainability, or that by amalgamating councils will change this.

Likewise Council was rated poorly in the context of a statistic indicating that 63% of its total revenue was external grant funding. Due to the inability to raise own source revenue due to land tenure as demonstrated above, Council has no other option than to seek funding from external sources and has been very successful in doing so. To be penalised for this success is very difficult to accept and Council's view is that it should be commended for being proactive in seeking alternative and innovative ways in which to raise revenue.

If Council was able to extract some form of rate revenue from the DEC estate utilised for commercial activities, this Council would be very sustainable in respect of own source revenue and probably would have rated a category "1" in the checklist assessment process.

4. Equitable Governance and Community Representation

The result in the checklist assessment is not a true reflection on the situation with this Council. There are three specific areas that are relevant:

i. The last election (or lack of) at this Council in 2007 was an aberration in terms of electoral interest and voter turnout. Elections in Nannup are normally hotly contested and voter turnout very high. Electoral reports conducted by the WA Electoral Commission will show that in 2001, 2003 and 2005 Nannup was among the highest in the State for voter turnout. The election held in 2003 saw Nannup have the highest percentage turnout in the State at approximately 69%. It is expected that both nominations and voter turnout will be high in 2009. The selection of one non representative year (2007) as the benchmark for this Council is simply not an accurate picture of the normally active community participation in the local electoral process.

ii. Council presently has 8 elected members and 3 wards resulting in a high elected member to elector ratio of 1:117 which was noted as a negative in the checklist assessment. As part of the aforementioned Strategic and Organisational review report Council adopted the following resolution on 27 August 2009:

"E6 That Council adopt the position that consistent with the desire to continue as ongoing autonomous local government entity that it considers that a Council with the size and demographics of Nannup to best served by six elected members commencing from the next ordinary Council elections scheduled for 2011."

iii. Population growth. Similar to point 7 below, the assertion that demographic change in this community is going to be stagnant or negative is simply wrong. I have enclosed **(Attachment 3)** the 2006 Australian Bureau of Statistics Estimated Resident Population of the 4 Warren Blackwood Shires represented by the following table.

Percentage Change in Population 1996 to 2006.

Shire of Boyup Brook	-11.2%
Shire of Bridgetown Greenbushes	+2.1%
Shire of Manjimup	-4.7%
Shire of Nannup	+8.5%

It is reasonable to conclude that there will be a greater number of electors within this district in the coming years which when combined with a reduction in Council member numbers will see the elected member to elector ratio change significantly.

The outcome of the above three points is that the elected member to elector ratio of 1:117 is estimated to be between 1:200 and 1:250 within the next 5 years.

5. Proficient Organisational Capacity

Council was marked in the negative for not having an overarching staff attraction and retention strategy in place to build organisational capacity. This statement is not supported by any demonstrable need to develop such a strategy and appears to be targeted at larger organisations. As well as there being no statutory requirement to develop any such strategy, it is disappointing to be labeled negatively by an external authority with limited understanding of local employment conditions.

The employment facts of this Council are as follows:

Four senior officers -

Chief Executive Officer	employed since January 2001
Manager Corporate Services	employed since May 1995
Works Manager	employed since April 2000
Manager Development Services	employed since January 2009

(Manager Development Services prior employed for 10 years)

With minimal turnover and a small number of professional staff one questions why an overarching staff attraction and retention strategy would be required. Council encourages internal promotion and has a stable outside workforce which over recent years have won two safety first award through WALGA. Other inside staff positions display minimal turnover and are generally subject to local recruitment where possible.

Council is in a fortunate position where it is able to make the most of accessing skilled staff (and contractors) as a consequence of people finding the area an attractive place to live. Unlike areas in the wheatbelt, people generally come to this community for lifestyle reasons possessing skills which this organisation can, and has take advantage of. This is justification in itself to ensure that this local government remains an ongoing entity as the employment supply far outstrips demand and the loss of employment opportunities in this community has a far greater impact than in other areas of the State.

Training was mentioned as a negative in the assessment report. This is rejected as Council is well served by long term employees who have undertaken training over many years. It is clearly not in anyone's interests to be sending officers to training courses for the sake of statistics. Having said this Council is a regular participant in a range of training activities dependent on need. Council is in the process of developing a specific skills register for staff.

In respect of the processing of building and development applications it is perplexing that this has been highlighted as an issue. Any delays experienced are minor in nature and are in the main attributed to applicants not providing the required information. If formal statistics are required than they can be.

Council currently contracts a consultant planner for larger or more complex development applications such as a current $160 million wind farm proposal from Verve Energy. This consultant is well versed in planning issues and has been involved in assessments of large and complex planning applications such as Smiths Beach (Busselton) and the current Barrow Island (Ashburton) proposals.

6. Effective Political and Community Advocacy for Service Delivery

Council was marked in the negative for not demonstrating funding partnerships with the State or Commonwealth Government and private sector to attract local investment and enhance service provision to the community.

Attachment 4 is an extract from the recently adopted Strategic and Organisational review report providing this Council's 2006/07 revenue compared with 29 other similar size shires. This table shows the total revenue of this shire as $11,227,000, almost twice that of the next listed shire with the average across the board being $4,212,133. This demonstrates that Council is involved with a number of significant funding partnerships that perhaps the assessor of Council's checklist was not aware of. Examples include:

- Construction of Mowen Road linking Margaret River and Nannup, and more importantly linking the South West Cape to Cape region with the Warren Blackwood Region and ultimately the Great Southern. Despite having a rate base of less than $1 million (at present) Council has attracted $4.77million in Federal funding for this job with State committing just over $2 million in the last financial year. A further $6 million of State funding is allocated in 2010/11. Council is managing the implementation of this project demonstrating that it can handle large jobs like this.

- Replacement of Jalbarragup Bridge. A similar State/Federal funding arrangement is in place for this job. Of the less than a dozen Western Australian local government authorities who received funding under the Federal Auslink program, including the metropolitan area, this shire was successful in not one, but two projects. Council should not be penalised

for accessing funds outside of its own source revenue as to not do so is contrary to establishing and maintaining funding partnerships with other levels of government.

Similarly Council has lobbied very hard over a number of years which has seen State significant programs such as underground power installed (two separate programs, infill sewerage completed and a major upgrade to the district hospital completed in 2001.

From the perspective of private industry Houghton's Nannup was recently established being the largest industrial wine processing plant in the State. This Council played a significant role in attracting this industry to the area including beating the competition from surrounding areas. Benefitting from its proximity to the Margaret River region and the Great Southern region this business deals with all of the company's south west grape production.

A further major industry success has been in dairy with the southern section of the shire now producing a third of the State's milk. Again these major developments were only possible with Council providing a positive attitude and encouragement to the investment proponents.

Council is also in the process of dealing with no less that 4 substantial subdivisions in the district, including a major residential/special rural development which potentially will double the number of lots and people contained within an expanded townsite. Economic growth and job creation will follow that critical mass. Probably of more importance is the fact that Council is very mindful of developing strategies which will deal with this growth and resulting service provision, notwithstanding that this future growth has not been recognised in Council's checklist assessment.

This Council has always "punched above its weight" in areas such as this and to be categorized poorly is unfair and not a true reflection of the situation.

Council also was an integral part in the Regional Forest Agreement (RFA) negotiations with the former Liberal Court Government in the late 1990s which saw the implementation of the current Forest Management Plan. In terms of attracting/maintaining investment and employment in the region this time was a significant fork in the road in the future development of this community. Those negotiations saw guaranteed employment levels agreed upon and the native timber industry restructured to the satisfaction of the State and this community. That partnership has endured and it is anticipated that further negotiations with the State will see a continuation of such arrangements.

Should the State undertake action that would see this local government dissolved and/or the Nannup Timber Mill close, the community would lose up to 70 jobs directly, which when coupled with the flow on effect to families and small business would devastate the local economy.

In terms of community consultation, a further point that the checklist assessor incorrectly marked as poor, I advise of the following consultation examples:

- The forthcoming local government elections including the nomination period have been advertised (in addition to the statutory advertising) by consecutive major advertisements in our local newspaper and also promoted through a district wide household letter drop.

- Council regularly holds community planning days, the most recent being on 14 March 2009.

- Bushfire public meeting March 2009, attended by around 140 people, or around 20% of the electors of the district.

- Voter percentage turn out has historically been among the highest in the State at over 60% if postal, or over 40% if in person.

- Members of the public attending Council meetings are quite often over 20 such as July and August 2009.

- Council regularly undertakes subject specific community surveys, again with very high return rates. The very subject of local government reform is presently being surveyed throughout the community.

- Council circulates on a monthly basis a regular Shire update in the local newspaper, generally matters connected with Council meeting decisions.

- The Shire President is regularly featured on various media forums, including radio, television and newspaper on a local, regional and occasionally Statewide basis.

7. Understanding of and Planning for Demographic Change

Similar to point 4 above the assertion by the assessor of Council's checklist that population growth will remain stagnant or negative is rejected. The table quoted in point 4 above is from the Australian Bureau of Statistics (ABS). It appears that the ABS and the WA Planning Commission are using different figures for their population projections as evidenced by **Attachment 3**. Overlaying local knowledge and factual information readily available on planning applications there is no question that this community will experience growth, and most likely

significant growth over the next 10 years. This is provided that the State supports both an autonomous local government and the ongoing operations of the Nannup Timber Mill. This anticipated growth is demonstrated by:

- Residential/Special rural subdivision (Askino) underway, approximately 120 lots east south east of townsite.
- Residential/Special rural subdivision (Hale) just approved by the WAPC, approximately 340 lots east of townsite. Over $1 million in infrastructure already expended.
- Special rural (The Valley) south of townsite 21 lots released and almost all sold.
- Special rural (Cockatoo Valley) south of townsite 29 lots released, all sold and around 50% developed.
- Struthers/Widdeson Street in townsite approximately 16 lots to be developed.
- Industrial subdivision, 6 lots, recently approved.

Council has in place a townsite development strategy which guides these developments as well as a new Local Planning Scheme gazetted in December 2007. Council is well advanced in its understanding of and planning for demographic change and again it appears that this has not been recognised in Council's checklist assessment.

Council as the peak community based organisation in the district has extensive local and district planning knowledge and given that it appears that documentary evidence is the preferred method of demonstration I advise of Council's involvement in, or intention of developing, the following relevant planning documents:

	Document
1	Nannup Local Planning Scheme No 3 Amendment 1 (Flood Plan)
2	Coastal Management Plan (Finalised 7/09 through DPI)
3	Retaining walls (Residential)
4	Standard Conditions for Planning Approvals
5	Clearance Conditions for Subdivision
6	Developers bonds and maintenance contributions
7	Delegations to Staff
8	Residential Development Policy
9	Municipal Inventory, Heritage List and implementation
10	Implementation of Residential Development Guidelines/Scheme (Folly)
11	Rural Residential Development Policy

12	Chalet/ Residential Accommodation Developments
13	Rural Strategy
14	Industrial Development Policy
15	Minimum Standards for Scheme Amendments
16	Road dedications • Middle Street – closure of legal road • Nash Road closure • Nannup Timber Mill • Agg Road • Tomas Road
17	Tree Farms/Plantations
18	Demountable Buildings / Sea Containers & Other Similar Relocatable Storage Units
19	Building Envelopes Policy
20	Subdivision Fire Management Requirements
21	Car Parking Policy
22	Retaining Walls Industrial and Commercial
23	Extractive Industry Policy
24	Commercial Development Policy
25	Heritage Precinct
26	Relocated Dwellings – Conditions of Approvals
27	Dams Policy
28	Lane way development
29	Fencing Standards
30	Bed & Breakfast Accommodation Policy / Ancillary Accommodation
31	Street Stalls
32	Permitted land uses within Freehold State Forest
33	Community Buildings Policy
34	Main Street Heritage Precinct Guidelines

While it is probably not necessary to provide all of these documents, with a number still in the development stage, it is stated that Council has a programmed and coordinated approach to planning for demographic change.

Coupled with recent major planning decisions such as a wind farm on the south coast (Verve Energy – Investment $160 million) and a Health Retreat with accommodation options for up to 20 residents on Balingup Road, it is submitted that Council's role in this area is far greater than the checklist assessment outcome states. Council is also very much aware of the challenging issues that neighbouring shires have experienced when dealing with rapid growth (such as Margaret River and Busselton) and is able to plan and respond with assistance from the experiences that others have had.

8. Effective Management of Natural Resources

It is very difficult to accept the portraying of this matter by the State Government in any credible light given that the State controls over 85% of the district land area with questionable management practices. When the effective management of natural resources is not a statutory or core function of local government one questions why this has been included as an assessable item in the checklist.

Council's exposure to this area is limited and is adequately met in the various planning policies listed in item 7 above. Council also considered at its December 2008 meeting a Natural Environment Strategy. While the document was not adopted at that stage and is likely to be reintroduced for further consideration at a later point in time, it is currently used as a management tool and is noted as per **Attachment 5.**

The context and irony of this criteria is further emphasized by referring to the not too distant past where this Council was at the forefront of environmental opposition to the State who was seeking (through the Water Corporation) to draw 45 gigalitres of water from the South West Yarragadee aquifer. When scientific evidence indicated that the proposal was not sustainable from an environmental, as well as economic and social perspective, it still took the State Government a number of years to heed the advice of what this shire was saying all along.

With Council coordinating an alliance of a number of shires, farming groups (including the WAFF and PGA), environmental groups and likeminded political figures on this issue alone, the checklist statement which reads in part:

"limited demonstrable evidence of an organisational, strategic approach to environmental management"

is rejected as extremely unfair. This Council has been an environmental leader in place of other levels of Government who have consistently failed in this area, particularly in respect of the management forest and water resources.

9. Optimal Community of Interest

The checklist assessment stated that there was no response to the question:

"Your local government provides services and facilities to communities with a similar community of interest."

A response of "yes" was provided. It was unclear, and still is, as to what, if any, further expansion was sought on this question.

Council has a number of localities however only one established townsite. The community of interest is spread evenly throughout the shire and is unique to this district. For example, Nannup does not particularly share a community of interest with places such as Busselton, Dunsborough or Boyup Brook. There are historical links with other townships such as Manjimup and to a lesser extent Bridgetown and over more recent times communities such as Balingup and Augusta appear to have similar characteristics to Nannup. There is however no clear link with any of these communities with modern transport and technology seeing a variety of services and facilities utilised in other communities and vice versa.

Perhaps the best example of this is the new Manjimup Aquatic Centre (and associated debt). With this facility being built only a few years ago, the anecdotal instance of use by members of the Nannup community is minimal. By changing an line on a map to amalgamate these shires the usage pattern of Nannup residents will not alter. What will alter is this community then bearing the debt cost of a facility it did not have any involvement in commissioning and is rarely used.

Nannup has adopted a *"Garden Village"* theme, unique to this area and the South West. It has the climate, rainfall, geographic location and tourism pull that enables this to occur. Any move to amalgamate this shire, particularly with a larger neighbour such as Busselton or Manjimup, would certainly see this theme lost as any such merger would be seen as a takeover rather than an equal partnership. Nannup would lose its identity.

10. Optimal Service Delivery to Communities

The statement made by the assessor in this category was as follows:

"The Shire provided minimal demonstrable evidence of its capacity to increase service provision should the need arise; reflective of the Shire's dependence on external funding to supplement community projects."

Similar to point 3 above it is an undisputable fact that Council is only in a position to rate approximately 15% of its total land area due to the land tenure which prevails in the district. Regardless of what size the local government is, while the land tenure is as it is, this situation will remain. This is a State Government imposed constraint which has led to Council being more active than most in accessing external funds.

It is stated again – Council should not be penalised for this and indeed where Council is able to access external funding, it is to the ultimate benefit of the citizens of this area and ultimately the State. A larger local government entity will face the same, if not greater constraints and be far less likely to be in a position to respond as efficiently as this Council does.

11. Membership of an Effective Regional Grouping

As mentioned in the checklist submitted this Council is a member of the Warren Blackwood Strategic Alliance which comprises the shires of Bridgetown/Greenbushes, Boyup Brook, Manjimup and Nannup. This group has been operating since 2001. The group's main role is advocacy, representation and promoting economic development on behalf of the region. The group has more recently become the vehicle for the distribution of Royalties for Regions funding.

12. Previous Structural Reform

Council participated in a structural reform study in 2001 with the Shires of Manjimup, Bridgetown/Greenbushes and Boyup Brook. This study somewhat ironically was undertaken by the current Minister for Local Government's Chief of Staff Mr Gary Brennan. All shires concluded at the end of the study that there were inadequate financial savings and/or efficiency benefits in amalgamating in whole or in part. It is difficult to see how that has changed particularly given the position of the Grants Commission where external funding will drop significantly in the coming years with an amalgamated shire

For the time, cost and energy that went into that report, the current report being undertaken by Mr John Gilfellon appears to be heading for the same conclusion. There are some very obvious financial reasons for not amalgamating and these are covered in full in Council's reform submission.

This Council was also to participate in a similar study in 2002 with the shires of Augusta Margaret River and Busselton however that study did not eventuate as all councils agreed that it was not in their best interests to do so. Funding obtained for the study was returned.

As stated in Council's initial checklist there are a number of formal resource sharing arrangements presently in place involving this shire. These arrangements work very well and have benefit to both provider and participant. Examples include:

- Warren Blackwood Strategic Alliance. See point 11 above.
- Ranger Services – contracted from Busselton to Nannup.
- IT Services – contracted from Manjimup to Nannup.
- Specialist bridge crew – contracted from Manjimup to Nannup.
- Regional Risk Coordinator.
- Planning Services – Council is presently in discussions with the shires of Augusta Margaret River and Busselton on a shared arrangement.

A number of other as needed arrangements operate such as specialist road construction works between shires.

13. Conclusion

Council will shortly be submitting its reform submission to the Minister for Local Government based primarily on the detail contained in this correspondence.

It is submitted that Council has been unfairly treated in the checklist assessment process and the information provided above demonstrates this. In the areas where Council has the ability to control and respond it is clear that Council has performed very well. In those areas where the subject matter is out of Council's control, such as ratable land tenure, it is clear that Council is constrained by the legislation of the State and should not be marked down for this.

Therefore a review of the category "3" assessment attributed to this Council is requested. This review is also requested to recognise Council's own actions by virtue of the adopting of a number of efficiency based measures as evidenced by the detail contained in **Attachment 2**, the resolutions from the recently adopted Strategic and Organisational Review Report.

Please do not hesitate to contact me if you require any further information.

Yours faithfully,

SHANE COLLIE
CHIEF EXECUTIVE OFFICER