



Shire of
Nannup
rest • connect • grow

Minutes

Council Meeting held
on Thursday 22 November 2012
Commencing at 4.15pm

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 47 were confirmed by
Council on 13 December 2012 as a true and accurate record.

.....
Cr Tony Dean
SHIRE PRESIDENT

Index

Meeting No	Description	Page No
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
	Michael Loveland	
Q1	Can I have the details of the information referred to in the job application for Fire Break Inspector?	
A1	Plantation maps are being supplied to Michael Loveland.	
4.	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	7
6.	PETITIONS/DEPUTATIONS/PRESENTATIONS	7
7.	DECLARATIONS OF INTEREST	7
	The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.	
	Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.	
8.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	7
	That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 October 2012 be confirmed as a true and correct record.	
9.	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	8
10.	REPORTS BY MEMBERS ATTENDING COMMITTEES	8

11. REPORTS OF OFFICERS

Minute No	Agenda No	Description	Page No
----------------------	----------------------	--------------------	--------------------

DEVELOPMENT SERVICES

8868	11.1	Request to name an unnamed road off Brockman Highway	10
8869	11.2	Proposed closure of Agg Rd (portion of northern Section)	15
8870	11.3	Realignment of Ethel Rd, Peerabeelup	18
8871	11.4	Application for Planning Approval	26
8872	11.4	Application for Planning Approval	27

FINANCE AND ADMINISTRATION

8873	11.5	Accounts for Payment	31
------	------	----------------------	----

COMMUNITY & ECONOMIC DEVELOPMENT SERVICES

8874	11.6	Ellis Creek Trail	35
8875	11.7	Drift Public Artwork	38
8876	11.8	Shire of Nannup Review of Health Needs & Services	41
8877		Procedural Motion	42
8878		Procedural Motion	43
8879	11.9	Confidential Item	47
8880		Procedural Motion	

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

8881		Procedural Motion	47
------	--	-------------------	----

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

None

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

None

15. CLOSURE OF MEETING

17.55pm

Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The chairperson declared the meeting open at 16.18 hours

ATTENDANCE:

Councillors: Dean, Camarri, Dunnet, Gilbert, Longmore, Lorkieicz, Mellema & Steer.

Robert Jennings – Chief Executive Officer
Vic Smith – Manager Corporate Services
Chris Wade – Manager Infrastructure
Steve Thompson – Consultant Planner

VISITORS: 15

APPOLOGIES:

None

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

None

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Michael Loveland

Q1 Can I have the details of the information referred to in the job application for Fire Break Inspector?

A1 Plantation maps are being supplied to Michael Loveland.

4. PUBLIC QUESTION TIME

Rita Stallard

Q1 What happened to the old cemetery gates?

A1 The Manager of Infrastructure advised that they are at the depot and disposal of the gates has not yet been discussed.

Q2 Why are there no more Heritage Committees?

A2 The Chief Executive Officer advised that the Council currently consults with the Historical Society and with the relevant individuals.

- Q3 How is a project qualified as "heritage"?
- A3 The Chief Executive Officer advised that things included on the Municipal Inventory are classed as heritage.
- Q4 What is the status of the old school toilets?
- A4 The Chief Executive Officer advised that there was no change.
- Q5 Is the Shire aware of a window falling out of the Recreation Centre?
- A5 The Chief Executive Officer advised that he was aware of this.
- Q6 Is it possible to have a timetable for addressing safety issues at the Recreation Centre?
- A6 The Chief Executive Officer advised that it is possible to have a timetable.

Patricia Fraser

- Q1 Why was the opening of the cemetery gates by invitation only?
- A1 Question taken on notice.
- Q2 Who selected the ribbon cutters?
- A2 Question taken on notice.
- Q3 What has Mr Creen and Mrs Marlow done to justify their roles in the opening of the cemetery gates.
- A3 Question taken on notice.
- Q4 Why are the cemetery gates designed as a straight black colour?
- A4 The Manager of Infrastructure advised it is a coating and will lighten in time.
- Q5 Where did population figure and 2,500 come from in the recent radio broadcast.
- A5 The Chief Executive Officer advised that it was a verbal error on the Broadcast.

Len Gilchrist

- Q1 Why was there no traffic management signs on road works?
- A1 The Manager of Infrastructure advised that it is not a requirement for mobile work.
- Q2 Has the emergency management person got a two way radio?
- A2 The Chief Executive Officer advised that it is a DEC issue.

Michael Loveland

- Q1 How much progress has been made in getting information previously requested.
- A1 The Manager of Infrastructure advised that this information should have been received and he will follow this up.

Geoff Kemp

Distributed copies of the Fuel Reduction Notice.

- Q1 Can height requirements in various sections be brought into a common height?
- A1 The Chief Executive Officer advised that it is the first year the document has been revised and updated and we can build on this to improve clarity. He also advised that there had been a lot of reviews of the document prior to issue.
The Manager of Infrastructure advised that we will look at the height issues and that we are trying to get a generic order through WALGA.
- Q2 Why do we need 3 metres of mineral earth for a fire break?
- A2 The Manager of Infrastructure advised that the fire break is to be clear of combustible material.
- Q3 Why have we changed from 2 meters wide?
- A3 The Manager of Infrastructure advised that 3 meters is required to accommodate vehicles.
- Q4 Will fire break inspections be carried out effectively?
- The Manager of Infrastructure advised that they will be carried out effectively.
- Q5 Will enforcements be consistent?
- A5 The Manager of Infrastructure advised that enforcement would be consistent.

Nancy Turner

- Q1 Is Council aware that since a letter from Mr & Mrs Moyle promising to reduce noise, that the noise has continued?
- A1 The Shire President advised that he was not aware of this.

Brian Brown

- Q1 Is Council aware that trucks are being driven at speed along Leschenaultia Drive?
- A1 The Chief Executive Officer advised this should be referred to the Police.

Elwyn Mayles

Q1 Has there been any application to divide 15 acre blocks into three 5 acre blocks?

A1 The Town Planner advised that he was not aware of any applications and that there are different rules in town as opposed to special rural.

5. APPLICATIONS FOR LEAVE OF ABSENCE

None

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

A petition requesting that the Planning Application in respect of 47 Leschenaultia Drive be refused was presented by Bernard Healy.

The Shire President thanked Mr Healey for his presentation and advised him that the original application had been withdrawn and replaced by a more limited application concerning parking.

Chief Executive Officer stated that he understands the frustration felt by residents and outlined process of the planning permission under consideration.

The Town Planner explained that the parking of two or more trucks is illegal under the TPS. Now the applicant is requesting the parking of a single truck. This would normally not need this approach but in this case it will be considered by Council. The applicant will have a right of appeal if application is refused. Noise is a separate issue under another legislation.

The Chief Executive Officer will provide a full written response to the petition.

7. DECLARATIONS OF INTEREST

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

Cr Longmore: Impartially Item 11.9

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8867 STEER / LONGMORE

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council chambers on 25 October 2012 be confirmed as a true and correct record.

CARRIED 8 / 0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None

10. REPORTS BY MEMBERS ATTENDING COMMITTEES

Dean: Visit Perth to meet with Dept of Commerce
Blackwood Valley Marketing Organisation

DEVELOPMENT

SERVICES

AGENDA NUMBER: 11.1

SUBJECT: Request to name an unnamed road off Brockman Highway

LOCATION/ADDRESS: Adjoins Lots 11088 - 11090

NAME OF APPLICANT: Mrs Margaret Fusco

FILE REFERENCE: ROA57

AUTHOR: Steve Thompson – Consultant Planner

REPORTING OFFICER: Robert Jennings – Chief Executive Officer

DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995

DATE OF REPORT: 12 November 2012

Attachment: 1. Location map
2. Information from applicant
3. Submissions

BACKGROUND:

A request has been received to name the un-named road that provides access to Lot 11089. The road reserve, located approximately 4½ kilometres east south-east of Nannup is shown in Attachment 1.

By way of background, the family of the late Roy Rowe have requested the naming of the unnamed road reserve in honour of Mr Rowe (details outlined in Attachment 2). The Rowe family have owned Nelson Location 11089 for many years, with the unnamed road reserve providing access to the Rowe family property.

Ordinarily, road names are chosen from a list of pre-approved names, however, on request, alternative names can be suggested and considered by Council. As "Rowe" is not on the pre-approved road name list, it is presented to Council for determination.

The Shire administration sought comments for a four week period through writing to and inviting comments from adjoining/nearby landowners and from relevant State Government and servicing authorities. The Shire received five submissions which are set out in Attachment 3. All submissions either raise no objection or support the naming.

COMMENT:

There is widespread support for the naming of "Rowe Road" and it is recommended that the Council support the applicant's request. Should the Council support the proposed name, it needs to be approved by the Minister for Regional Development and Lands following advice from the State Government's Geographic Names Committee and meet their "Road Naming Guidelines." Some of the guiding principles used by the Geographic Names Committee include:

- suitable names include from the local Aboriginal language, pioneers and citizens who have made a significant community contribution;
- unsuitable names include long or difficult to pronounce names;
- name duplication is not supported within 50 kilometres; and
- names of living persons should only be used in exceptional circumstances.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

A new road name sign will need to be installed on Brockman Highway.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council:

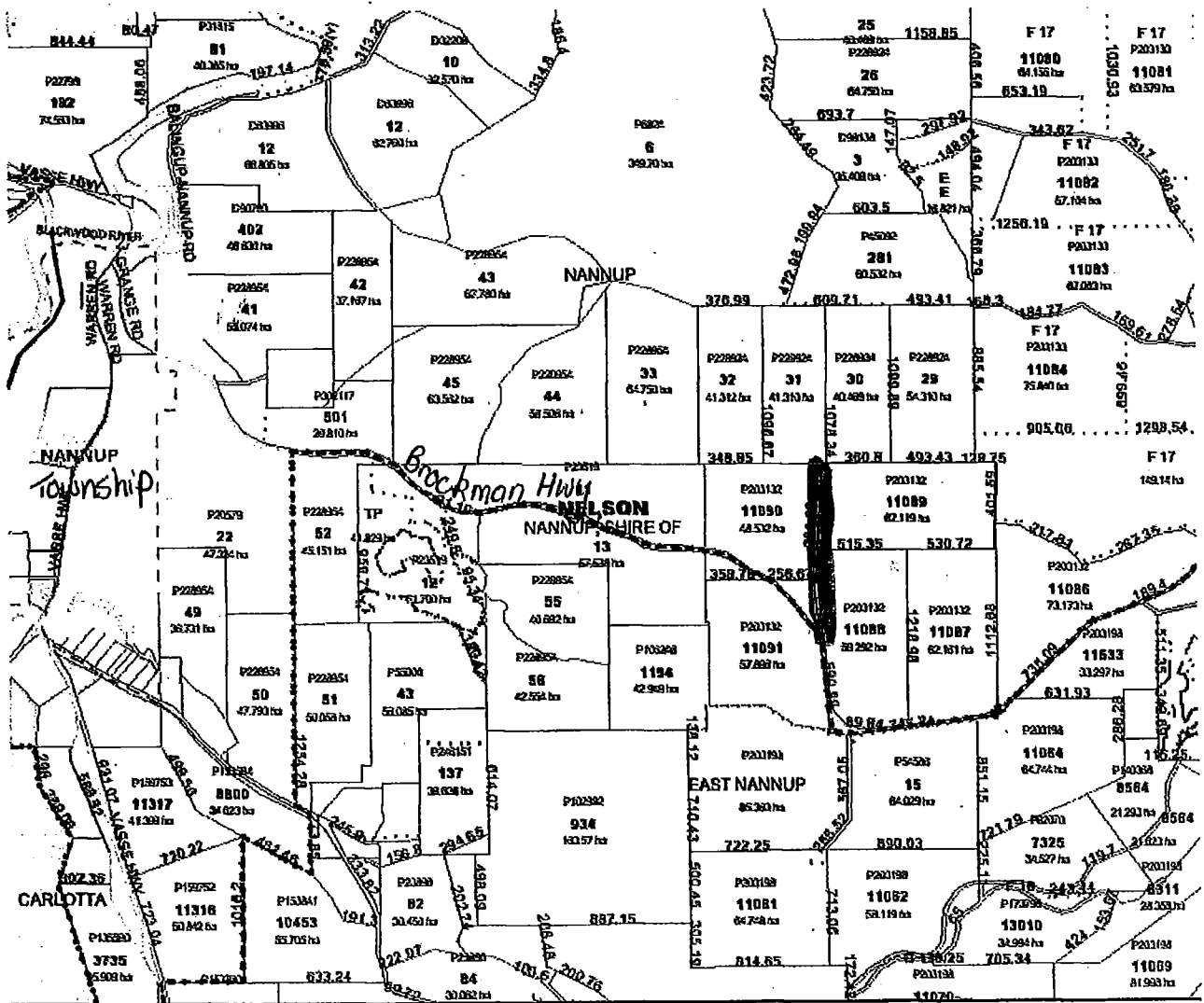
1. Approve the name of "Rowe Road" to be applied to the unnamed road reserve shown on Attachment 1.
2. Request the Geographic Names Committee and the Honourable Minister for Regional Development and Lands to approve the name of "Rowe Road".

8868 DUNNET / MELLEMA

That Council:

- 1 Approve the name of "Rowe Road" to be applied to the unnamed road reserve shown on Attachment 1.
- 2 Request the Geographic Names Committee and the Honourable Minister for Regional Development and Lands to approve the name of "Rowe Road".

CARRIED 8 / 0



Proposed section of road to be named Rowe Road.

From: meganne@westnet.com.au [mailto:meganne@westnet.com.au]
Sent: Thursday, 30 August 2012 11:49 AM
To: Steve Thompson
Subject: Re: Naming of Rowe Road

Hi Steve

Thanks for all your endeavours and input.

My Dad (Roy Rowe) was born in Bridgetown in July 1923. The family moved to Nannup when he was 4 years old and my grandfather built the house and Garage near the main Bridge into town (from Busselton direction) – it was known as Nannup Motors for well over 60 years, but later became Hamish's Restaurant and is now the Bridge Cafe! After leaving school my Dad worked in his father's garage, fixed cars and drove a school bus on the Gold Gully road (for over 40 years.)

Dad did all his own schooling in Nannup of course.

joined the army and served in Bougainville during the Second World War (mainly fixing army trucks a lot of the time!) and returned to the Garage after the War ended.

He was the local RAC agent in town and attended countless accidents and breakdowns – he was also actively involved in the St John Ambulance Association and I remember many times when Dad and the local Policeman rushed an injured person through to Bunbury or Perth and then later he would have to go out with his tow truck to tow the damaged vehicle in. He worked many long hours fixing cars that had broken down till 10pm -11pm at night and then have to be up early to drive the school bus the next morning.

He was on call 24 hours and often had to attend accidents or emergencies in the wee small hours of the morning. He delivered quite a few babies around town en-route to the hospital!

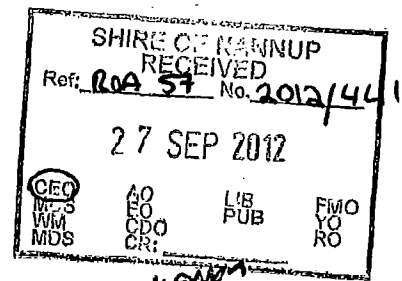
I also remember that even on weekends – after 1pm Saturday - (which was about the only time we got to spend with Dad) local people would come knocking on the door asking him to open up the Garage for them because they needed petrol or a spare part, and he would always oblige, much to our frustration! Because once others saw the Garage open they'd call in too, so he'd get stuck there for a few hours and any plans we had to go somewhere got cancelled!

In his younger days he played football, cricket and tennis and later on, golf. He also helped another couple of guys run the Boy Scouts for a few years,

after he had children of his own.

So as you can see, he was a very community minded man and was loved and respected by many.

Kind Regards
Margaret



Robert Jennings
Chief Executive Officer
Shire of Nannup.

Dear Robert,

Thank you for the opportunity to support the naming of "Rowe Road".

We lived in Nannup in the early 1960's. My wife was a registered nurse working at the Nannup hospital and I worked as a forest officer for the then Forests Department.

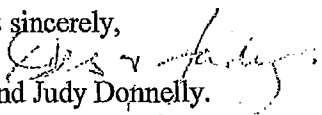
Nannup community was very close knit and thrived on the support of all residents. Times were tough and some members of the community went the extra mile to make things work.

The Rowe family was one of those families that supported the community in every endeavour.

My wife recalls some hair-raising experiences with Roy driving the ambulance as a volunteer, transporting patient to Busselton, Bridgetown and Perth.

We have no hesitation in supporting the naming of the unnamed road reserve "Rowe Road".

Yours sincerely,


Des and Judy Donnelly.
26.09.2012.

Wendy Kennedy

From: Gail Musto [mustogail@yahoo.com.au]
Sent: Friday, 28 September 2012 11:26 AM
To: ShireofNannup
Subject: re: naming of Rowe Road

SHIRE OF NANNUP			
RECEIVED			
Ref:	ROA 57	No.	2012/491
28 SEP 2012			
CEO	AO	LIB	FMO
MCS	EO	PUB	YO
VIM	CD		RO
MDS	CM		

Attention : Robert Jennings

Hello Robert

In response to your letter of 21 September, we have no objection to this unnamed road reserve being named Rowe Road.

Yours sincerely

Gail and Geoff Musto



Government of Western Australia
Department of Environment and Conservation

Your ref: ROA57
Our ref: 2012/004531
Enquiries: Brad Commins
Phone: 08 9752 5555
Fax: 08 9752 1432
Email: blackwood@dec.wa.gov.au

SHIRE OF NANNUP
RECEIVED
Ref: ~~12004531~~ No. 13 2012 / 479
ROA 57
11 OCT 2012
CEO MCS WM MDS
AO EO CDO CR:
LIB PUB
FWO YO RO

STEVE / WANNUP

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Robert

PROPOSED NAMING OF UNNAMED ROAD RESERVE

Thank you for your correspondence of the 21 September 2012 concerning the naming of an unnamed road reserve accessing Nelson Location 11089. The proposal to name the road reserve Rowe Road in honour of Mr. Roy Rowe is supported by the Department of Environment and Conservation (DEC).

The department is aware of the history of Mr. Rowe in the Nannup community and his contribution over many years to the residents of the Shire. This initiative is a fitting recognition of that community service.

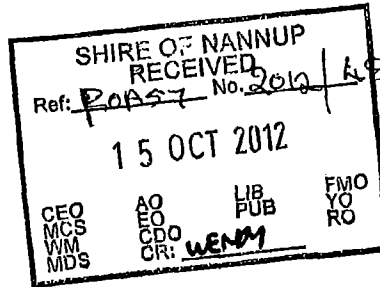
Yours faithfully

Greg Mair
DISTRICT MANAGER

5 October 2012



Enquiries: Alan Roberts on 9724 5626
Our Ref: 05/3017-03
Your Ref:



12 October 2012

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

Dear Robert

NAMING OF UNNAMED ROAD RESERVE AS 'ROWE ROAD'

I refer to your letter of 21ST September 2012 regarding the proposed naming of an unnamed road reserve in the Nannup Shire.

You have outlined a proposal to name this 'Rowe Road' in honour of the late Roy Rowe and have presented Main Roads with the opportunity to comment on this.

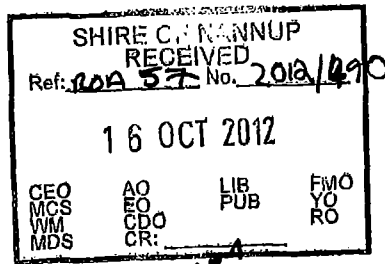
It is noted that the Council will be seeking approval from the Geographic Names Committee if the proposal is endorsed by council.

The proposal has been examined by Main Roads and there are no objections raised.

If you require any further information please contact me on (08) 9724 5600.

Yours sincerely

Alan Roberts
CUSTOMER SERVICES MANAGER



26 Kearney St

Nannup

WA 6275

15/10/12

Nannup Shire Council

15 Adam St

Nannup WA 6275

Att: Robert Jennings

Dear Sir

Thank you for your recent letter re: the naming of Rowe Road.

You have requested that I write again about this before October 19th so

here I am again, to formally ask that the as yet unnamed road that turns sharp left off Brockman Hwy near Colreavy's front gate, and runs past my late father's property (Lot 11089 Nelson location) to join Annells Road at the bottom, be named Rowe Rd, in honour of my father.

The Shire has recently graded the road, formerly it was a very rough bush track.

The family would very much appreciate the gesture and the fact that the road would finally have a name, for legal documentation.

Many thanks in anticipation.

Yours sincerely

(Mrs) Margaret Fusco

AGENDA NUMBER: 11.2

SUBJECT: Proposed closure of Agg Road (portion of northern section) – submitted for endorsement to permanently close.

LOCATION/ADDRESS: Agg Road (northern section), Nannup

NAME OF APPLICANT: Nil

FILE REFERENCE: ROA132

AUTHOR: Steve Thompson – Consultant Planner

REPORTING OFFICER: Robert Jennings – Chief Executive Officer

DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995

DATE OF REPORT: 12 November 2012

- Attachment:
1. Location Map
 2. Proposed section of Agg Road (northern section) to be closed
 3. Submissions

BACKGROUND:

Agg Road (northern section) is approximately 9 kilometres north-northeast of the Nannup town site (see Attachment 1). A portion of the existing formed track is located outside of the Agg Road reserve on freehold land. To ensure there is practical and legal vehicular access, the Council supported the dedication of a new road reserve to follow the existing formed track. When the road dedication (creation) process is complete, the formed track will be located in the road reserve with the road becoming the responsibility of the Shire.

The Council at its meeting on 23 August 2012 passed the following motion at minute number 8823.

“That Council:

1. Agrees to initiate permanent road reserve closure action, under section 58 of the Land Administration Act 1997, to close a portion of Agg Road (northern section) as set out in Attachment 2.
2. Note the Shire administration will invite submissions on the road reserve closure request for a period of six (6) weeks.
3. Will reconsider the road reserve closure request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Regional Development and Lands permanently closes the road reserve.
4. Request the Department of Environment and Conservation (DEC) to investigate and progress land rationalisation of freehold lots in the Shire of

Nannup, that have the appearance of road reserves, such as Lot 8537 on Deposited Plan 210734. This is subject to:

- a. DEC liaising with the Shire, Department of Regional Development and Lands, relevant State Government departments and servicing agencies;
- b. No additional land locked lots being created (ideally DEC addresses historic land locked lots created by its predecessors); and
- c. The lots being amalgamated into adjoining properties."

Previously, the Council at its 21 December 2006 meeting passed the following motion, in part, at minute number 8772:

"That Council dedicates a 15 metre road reserve along the road formation named Agg Road (north section) linking Revelly Bridge to Nelson Location 1274."

The road dedication process for Agg Road (northern section) is nearly complete. There is an associated need to permanently close redundant sections of the road reserve.

Attachment 2 shows the agreed road reserve to be dedicated on the existing track formation and the proposed section of road reserve to be permanently closed. Assuming the road closure process is finalised, redundant land will be amalgamated into adjoining properties and this will enable the Department of Regional Development and Lands (RDL) to finalise the road dedication process.

In accordance with the Council resolution on 23 August 2012, the *Land Administration Act* and the *Land Administration Regulations*, the Shire administration consulted extensively for a six week period by the Shire administration:

- writing to and inviting comments from adjoining/nearby landowners;
- writing to and inviting comments from relevant State Government and servicing authorities (Department of Indigenous Affairs, Fire and Emergency Services Authority, Department of Agriculture and Food, Department of Environment and Conservation, Forest Products Commission, Western Power, and Telstra);
- placing details on the Shire website; and
- having information available at the Shire office.

The Shire received four submissions on the proposed closure which are set out in Attachment 3. All submissions raise no objection.

COMMENT:

It is recommended that Council endorse permanent road closure action for a portion of Agg Road (northern section) outlined in Attachment 2. This is because this section of road reserve is superfluous with the proposed creation of the new road reserve on the alignment of the existing formed track. The requested road reserve closure will not

create additional "land locked lots" without direct access to a gazetted road reserve. Completion of the road closure process will complement the road dedication process and assist to progress and finalise an historic issue.

Subject to the Council's decision, the Minister for Regional Development and Lands will determine whether to permanently close the road reserve. Should the Minister agree and should associated valuation and other matters be acceptable to adjoining owners, the road reserve will be amalgamated into adjoining properties.

Department of Environment and Conservation freehold land

Separate to this road reserve closure request, there are some historic freehold lots in the locality and close to Agg Road which are owned by the Department of Environment and Conservation (DEC) such as Lot 8537 on Deposited Plan 210734. Some of these freehold lots are unusual given they are narrow elongated land parcels which have the appearance of road reserves. It is suggested that DEC investigate and progress with land rationalisation to sell these lots on the condition that:

- DEC liaise with the Shire, RDL and relevant departments/servicing agencies;
- no additional land locked lots are created (ideally DEC addresses historic land locked lots created by its predecessors); and
- the lots are amalgamated into adjoining properties and the narrow elongated DEC titles are not sold off separately.

The Shire administration will follow up with DEC regarding the above.

STATUTORY ENVIRONMENT:

The *Land Administration Act* and *Land Administration Regulations* require the Shire to seek comment for at least 35 days. The Shire administration has met this requirement by writing to adjoining/nearby landowners, relevant servicing authorities and State Government agencies and inviting comments from the wider community through the public notices in local papers.

The Council now needs to formally resolve to finalise the closure and indemnify RDL against any costs that may arise (survey documentation, stamp duty etc.). It is recommended that these costs should be borne by the applicant/landowner.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

The Council has previously allocated and spent funds associated with the road dedication process for Agg Road (northern section) through a partnership with RDL. The Shire met advertising costs associated with public comment on the road reserve closure.

STRATEGIC IMPLICATIONS:

Agg Road is an important strategic link that provides access to properties on the western side of the Blackwood River in the locality.

RECOMMENDATION:

That Council:

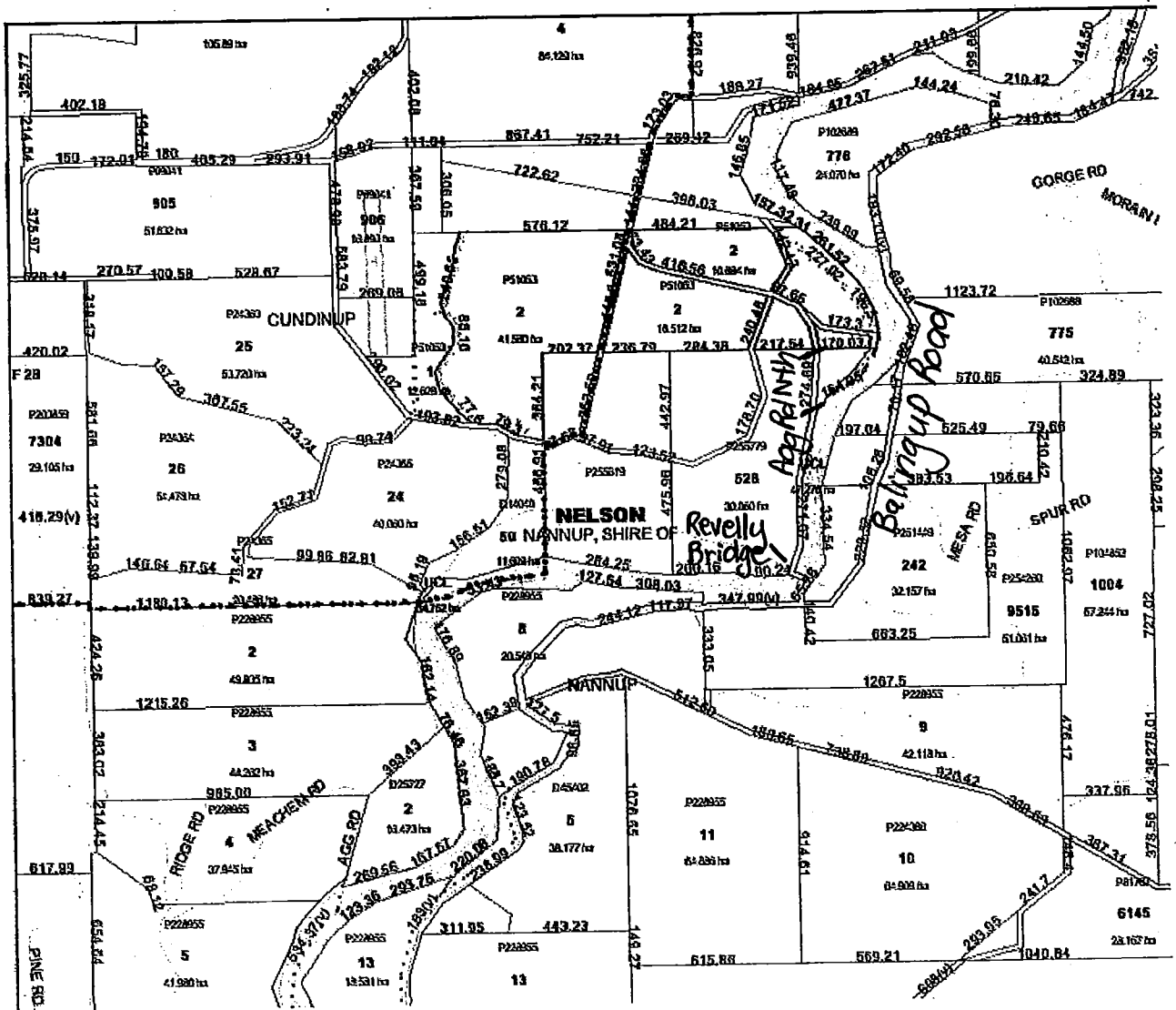
1. Agree to permanently close a portion of Agg Road (northern section) as set out in Attachment 2.
2. Request the Minister for Regional Development and Lands to permanently close the road reserve as set out in Attachment 2 with the road reserve being amalgamated into adjoining properties.
3. Indemnifies the Department of Regional Development and Lands against any costs in the process, with these costs being borne by the applicant/landowner.
4. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Regional Development and Lands, other agencies and the applicant/landowner regarding the closure of the road reserves, including the signing and sealing of all documentation required.

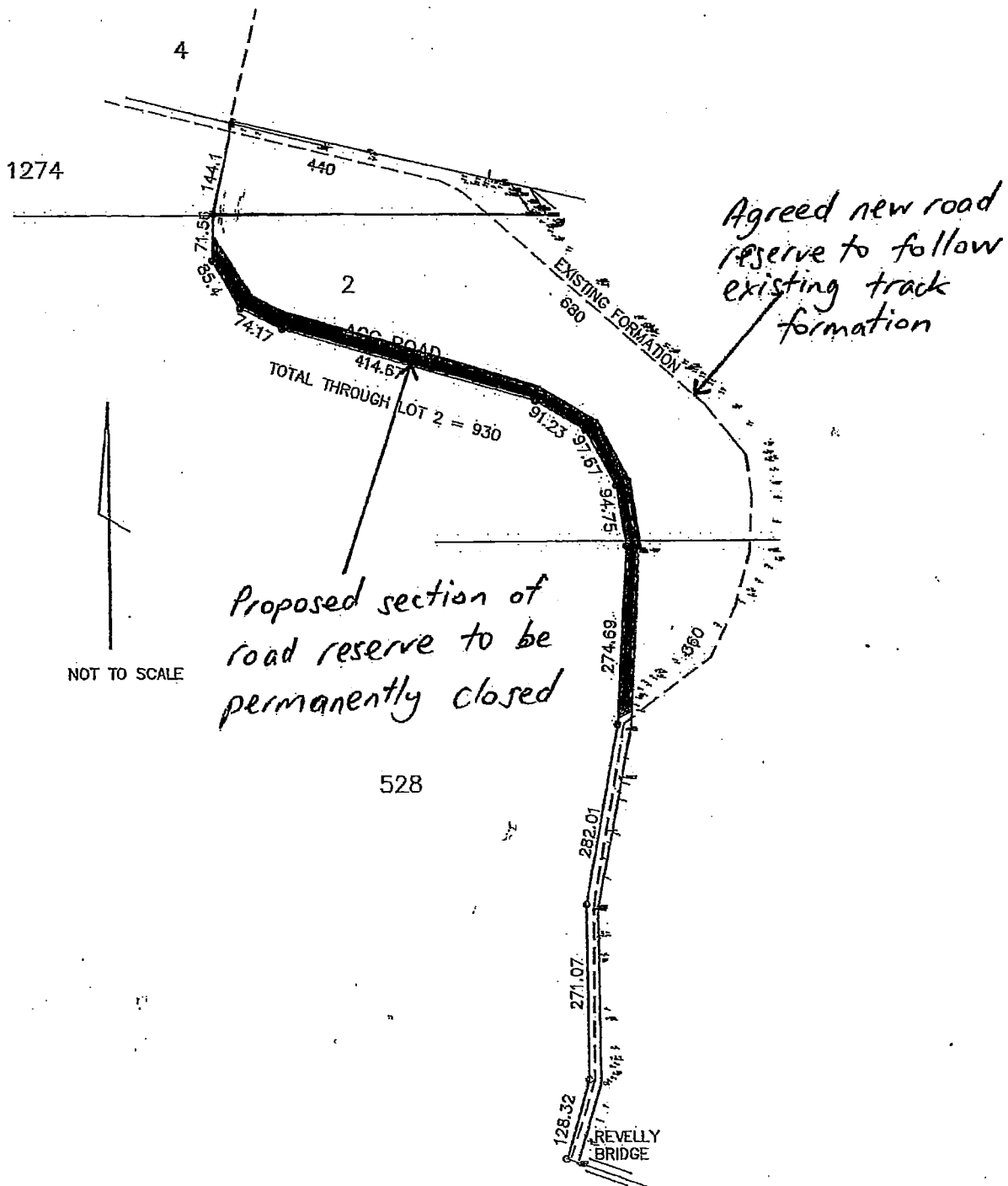
8869 LORKIEWICZ / CAMARRI

That Council:

1. Agree to permanently close a portion of Agg Road (northern section) as set out in Attachment 2.
2. Request the Minister for Regional Development and Lands to permanently close the road reserve as set out in Attachment 2 with the road reserve being amalgamated into adjoining properties.
3. Indemnifies the Department of Regional Development and Lands against any costs in the process, with these costs being borne by the applicant/landowner.
4. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Regional Development and Lands, other agencies and the applicant/landowner regarding the closure of the road reserves, including the signing and sealing of all documentation required.

CARRIED 8 / 0





REPEG; WESTERN BOUNDARY-AGG ROAD NANNUP
SURVEYED 25-30/05/08
CLIENT; SHIRE OF NANNUP
PO NUMBER 9923
JOB NO: 0845

NANNUP SURVEYS
PO BOX 339 NANNUP WA 6275
PH 9756 0901
FX 9756 0902



Bunbury Office
 Robertson Drive
 East Bunbury
 Western Australia 6230

Postal Address
 P.O. Box 236
 Bunbury
 Western Australia 6231

Phone: 9725 5288
 Facsimile: 9725 5270

www.fpc.wa.gov.au
 ABN 69 101 683 074

Your Ref: ROA132
 Our Ref: Agg Rd Closure.
 Enquiries: Joeri Mak
 Phone: (08) 9725 5282
 Fax: (08) 9725 5270

SHIRE OF NANNUP
 RECEIVED
 Ref: ROA 132 No. 2012/440
 27 SEP 2012

CEO MCS WM MDS	AO EO CDO GR	LIB PUB	FMO VO RO
-------------------------	-----------------------	------------	-----------------

wannup

Attachment 3



Shire of Nannup
 Mr Vic Smith, Acting Chief Executive Officer
 15 Adam Street,
 P.O. Box 11, Nannup, WA
 6275

Dear Mr Vic Smith,

RE: PROPOSED ROAD CLOSURE – AGG ROAD (NORTHERN SECTION), NANNUP.

I write to advise that the Forest Products Commission has considered the proposed road closure and deemed it not to have a negative impact on future operations.

If you would like to discuss this matter further, please Joeri Mak at Forest Products Commission Bunbury.

Yours sincerely,

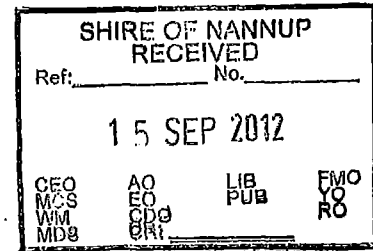
Troy Sawyer
 Central Operations Manager

24/09/2012



Wendy Kennedy

From: Margaret Healy [margaret.healy@westernpower.com.au] on behalf of Customer Contact Centre [customer.contact.centre@westernpower.com.au]
Sent: Saturday, 15 September 2012 10:56 PM
To: Wendy Kennedy
Subject: Re: Comment invited re: proposed road closure - Agg Rd North Nannup
Attachments: ATT38619.jpg



Good evening Wendy

Thank you for your email

I have forwarded your correspondence onto our design team, and your reference no is 7186268653.

We will be in further contact with you regarding this issue in due course

Kind regards

Margaret

From: "Wendy Kennedy" <wendy@nannup.wa.gov.au>
To: <enquiry@westernpower.com.au>
Date: 13/09/2012 03:15 PM
Subject: Comment invited re: proposed road closure - Agg Rd North Nannup

To Whom It May Concern,

Please find attached letter inviting comment on a proposed road closure within the Shire of Nannup.

Kind Regards,

Wendy Kennedy
Administration Officer



Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275.
www.nannup.wa.gov.au



Government of **Western Australia**
 Department of **Environment and Conservation**

Your ref: TPL9,136217:ROA132
 Our ref: 2012/004531-1
 Enquiries: Brad Commins
 Phone: 08 9752 5555
 Fax: 08 9752 1432
 Email: blackwood@dec.wa.gov.au

Chief Executive Officer
 Shire of Nannup
 PO Box 11
 NANNUP WA 6275

SHIRE OF NANNUP			
Ref: <u>ROA 132</u> / <u>2012/478</u>			
ROA 55			
11 OCT 2012			
CEO	AO	LIA	FMO
MCS	EO	PUB	YO
VEM	CDO		RO
MDS	CR:		

STEVE COMINS
12/10/12

Dear Robert

ROAD RESERVE RATIONALIZATION AGG ROAD AND PERKS ROAD AREA

Thank you for your correspondence dated 13 and 20 September 2012 concerning road reserve rationalization in the Agg Road and Perks Road locations within the Shire of Nannup.

The Department of Environment and Conservation (DEC) has considered the proposals and the contents of the correspondence forwarded to DEC by the Shire. The department supports the intent of the proposals especially the finalization of the Agg Road dedication to establish the road as a formally gazetted alignment. This issue has a long history with DEC and its predecessors and it will be a worthy achievement to finalize the issue.

The DEC would appreciate some clarification concerning issues associated with the Shire's proposals. Mr. Brad Commins will make an appointment to discuss these issues with you at your earliest convenience in order to clarify some points identified by DEC associated with the road reserve rationalizations. Following the meeting DEC will provide a final response to your proposals.

Yours faithfully

Greg Mair
 DISTRICT MANAGER

6 October 2012



Government of Western Australia
Department of Indigenous Affairs

SHIRE OF NANNUP			
RECEIVED			
Ref: ROA 132		No. 2012/473	
9 OCT 2012			
CEO MCS WM MDS	AO EO CDO CRI	LIB PUB	FMO YO RO

ENQUIRIES : Harley Coyne - Ph 9845 7300

OUR REF: 2012/D8405

YOUR REF: ROA132

STEVE

Vic Smith
A/Chief Executive Officer
Shire of Nannup
15 Adams St
PO Box 11 Nannup WA 6275

Dear Vic

**RE: REQUEST FOR COMMENT ON PROPOSED ROAD CLOSURE - AGG ROAD
(NORTHERN SECTION), NANNUP**

Thank you for your correspondence dated 13 September 2012 regarding the abovementioned road closure. The Department cannot see any difficulty in closing the Agg Road (northern section) but would like to bring to your attention that there is an Aboriginal heritage site within close proximity to the agreed new road reserve. The site is registered as the Blackwood River Site ID. 20434.

It is also possible that there are further sites that have not yet been entered on the Register of Aboriginal Sites. The *Aboriginal Heritage Act 1972* ("the Act") protects all Aboriginal sites in Western Australia whether they are known to the Department of Indigenous Affairs ("DIA") or not.

Please note that the provision of this information is not to be considered as a clearance (as DIA does not have the power to give approvals; rather DIA's role is to ensure that all the heritage issues have been addressed). The procedures to enable all relevant parties to follow the requirements of the Act are outlined below.

If in the event of road works occurring on the agreed new road then the Nannup Shire will need to refer to the Cultural Heritage Due Diligence Guidelines available on the DIA website at:

http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHA_Due_Diligence_Guidelines.pdf?epslanguage=en

The proponent will need to determine the level of risk using the Heritage Assessment Guide matrix on the above website. The level of activity and the existence of a registered site are the reference points for making this determination.

Please do not hesitate to contact Harley Coyne or Robert Reynolds at our Albany office, if we can be of further assistance.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Jay Cook".

JAY COOK
A/OPERATIONS MANAGER SOUTHERN

3 October 2012

Search Results

Role = PUBLIC

NAVIGATE TO: | [Main Menu](#) | [Search Form](#) |
PRINT: | [Search Results](#) | [Verification Report](#) | [Registry Status](#) | [Site File Cover Sheet](#) | [Site Regn W'flow](#) |

Page 1 of 1 [Go](#)

1 Sites found

Site ID	Stat	Acc	Restr	Site Name	Resolution	Assessment	Site Type	Additional Info	Coordinates	Field Code	Site No.
20434	R	O	N	Blackwood River	2004/099	5(b), 39.2(a), 39.2(c), Entry Date: 19/01/2005	Mythological		33 56'58"S / 116 10'28"E 423713mE / 6243153mN Zone 50 [Reliable]	Bu.B.12	

Page 1 of 1 [Go](#)

1 Sites found



AGENDA NUMBER: 11.3

SUBJECT: Realignment of Ethel Road, Peerabeelup - submitted to initiate road closure and dedication process

LOCATION/ADDRESS: Ethel Road, Peerabeelup

NAME OF APPLICANT: John Gaunt and Elisabeth Tilley

FILE REFERENCE: ROA86

AUTHOR: Steve Thompson – Consultant Planner

REPORTING OFFICER: Robert Jennings – Chief Executive Officer

DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995

DATE OF REPORT: 12 November 2012

- Attachment:
1. Location map
 2. Proposed section of Ethel Road to be closed and dedicated notes from applicant
 3. Reports to Council in March 2011 and October 2010
 4. DEC advice

BACKGROUND:

Ethel Road is approximately 35 kilometres south of the Nannup town site (see Attachment 1).

Details relating to the requested realignment (correspondence and plan) recently provided by the applicant are set out in Attachment 2. In summary, the applicant proposes:

- that a section of the Ethel Road reserve containing the dam (lake) is closed and amalgamated into Lot 4497 (owned by Mr John Gaunt and Ms Elisabeth Tilly);
- a section of the Ethel Road reserve which does not contain a constructed track is closed and is added to the State Forest; and
- a new section of the Ethel Road reserve is created (dedicated), which follows the existing track to Lot 6982 (owned by M Baxter, R & T Chugg and M North taking the land out of the State Forest.

There is a long history to the realignment of Ethel Road. Some of the matters extend back decades which include a dam extending into the Ethel Road reserve. Attachment 3 provides background information which is not repeated in this report. Most recently, the Council at its 24 March 2011 meeting passed the following motion at minute number 8574:

"That Council agree to the realignment of Ethel Road by exchanging unneeded road reserve for the area of State Forest that is needed for the realignment as indicated on Attachment 2."

Mr John Gaunt and Ms Elisabeth Tilly purchased Lot 4497 in October 2007. The property is known as "Donnelly Lakes" and it contains four chalets, a caretaker's dwelling and the majority of the large dam.

Given the dam is located in the road reserve, access to adjoining Lot 6982 is in part via a Department of Environment and Conservation (DEC) track through the State Forest rather than by the Ethel Road reserve. DEC in November 2011 provided written advice (see Attachment 4) to the owners of Lot 6982 that it has no objection to the continuing use of the track to access Lot 6982.

COMMENT:

The proposed request to realign a portion of Ethel Road near the dam has merit given the current situation and needs to be resolved. A dam located in a road reserve raises liability and safety issues for the Shire and other parties. Accordingly, it is recommended that Council initiate permanent road closure and dedication action for a portion of Ethel Road as proposed in the plan set out in Attachment 2.

While there is considerable history relating to the matter, the request is simple, which assists to address the undesirable situation of a dam being located in a Shire managed road reserve. The request also has the benefit of legal and practical vehicular access to adjoining Lot 6982 being contained on one alignment through the proposed new section of the Ethel Road reserve. This is considered a better long term outcome to future owners of Lot 6982 compared to practical vehicular access being via a DEC managed track.

The proposed realignment of Ethel Road with the associated land swap is simpler than the former proposal which created issues for DEC. The current proposal is expected to be supported by DEC given it will result in a net increase in land added to the State Forest.

It is suggested there are clear benefits in progressing with the realignment of Ethel Road and incorporating the dam into Lot 4497 (Donnelly Lakes). A key implication of this proposal is that, if finalised, it would legally prevent access from the owners of Lot 6982 to the dam. The owners of Lot 6982 would still enjoy the view of the dam along with access to water from the dam in bush fires.

Next steps

Subject to the Council's decision, the Shire administration will next:

- write to and invite comments from adjoining/nearby landowners;
- write to and invite comments from relevant State Government and servicing authorities;
- place a public notice in local newspapers; and
- have information available on the Shire website and at the Shire office.

Following this, the Shire administration will report back to Council. The Council will then determine whether or not it will agree to the road reserve closure and dedication request and whether it will advise the Minister for Regional Development and Lands to permanently close and dedicate the road reserve. Assuming all necessary support and approvals are obtained, and, should associated valuation and other matters be acceptable to adjoining owners, the road reserve will be amalgamated into Lot 4497 at the same time as the new road reserve is formally created.

STATUTORY ENVIRONMENT:

Land Administration Act and *Land Administration Regulations*. A Council resolution is required to initiate the road closure and dedication process.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

The applicant will meet all costs associated with the process including advertising (associated with public comment on the road reserve closure and dedication) and survey costs.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council:

1. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close a portion of Ethel Road and associated road reserve dedication as set out in Attachment 2.
2. Note the Shire administration will invite submissions on the road reserve closure and dedication request for a period of six (6) weeks.
3. Will reconsider the road reserve closure and dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Regional Development and Lands permanently closes and dedicates the road reserve.

8870 LORKIEWICZ / CAMARRI

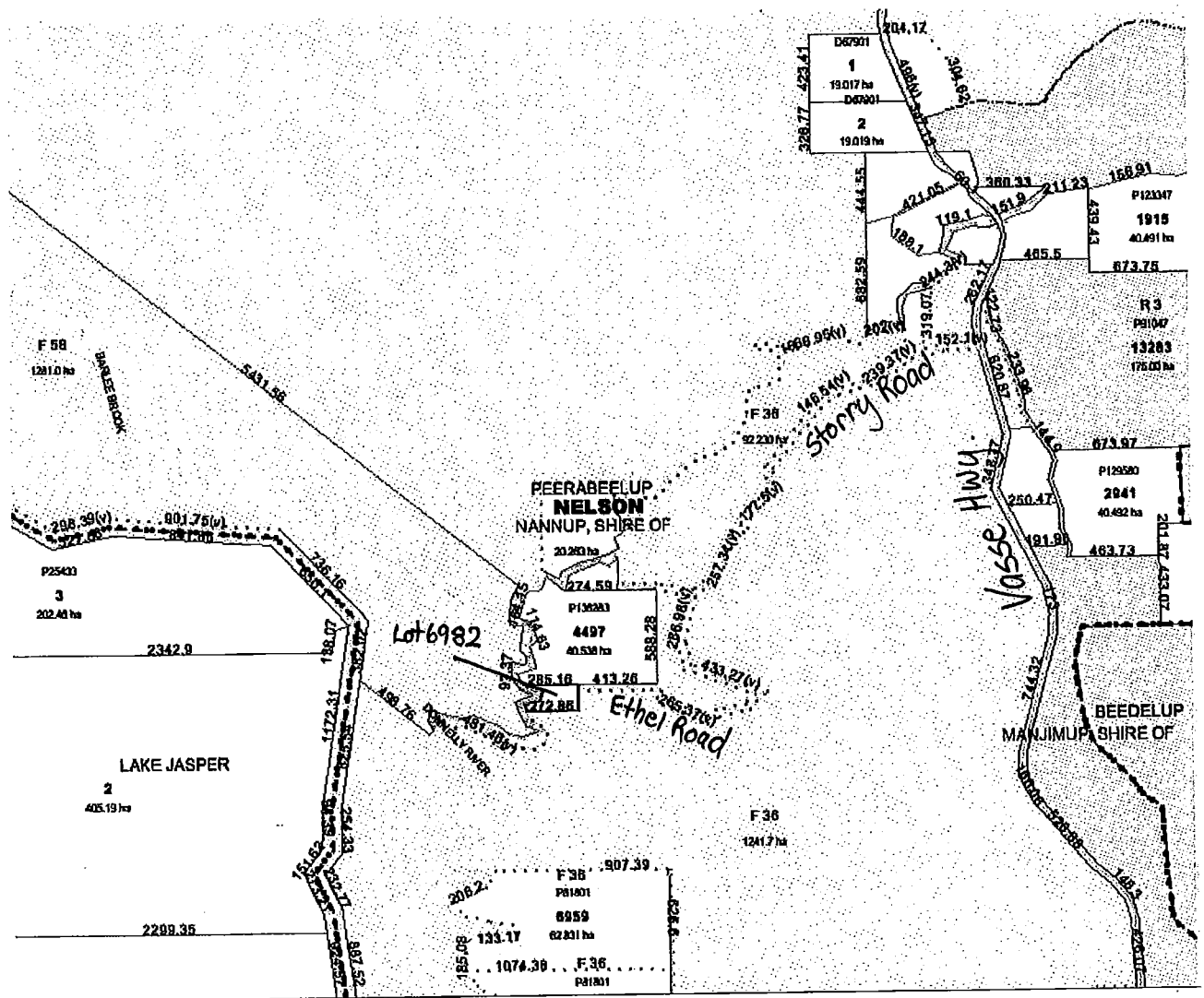
That Council:

1. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close a portion of Ethel Road and associated road reserve dedication as set out in Attachment 2.
2. Note the Shire administration will invite submissions on the road reserve closure and dedication request for a period of six (6) weeks.
3. Will reconsider the road reserve closure and dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Regional Development and Lands permanently closes and dedicates the road reserve.

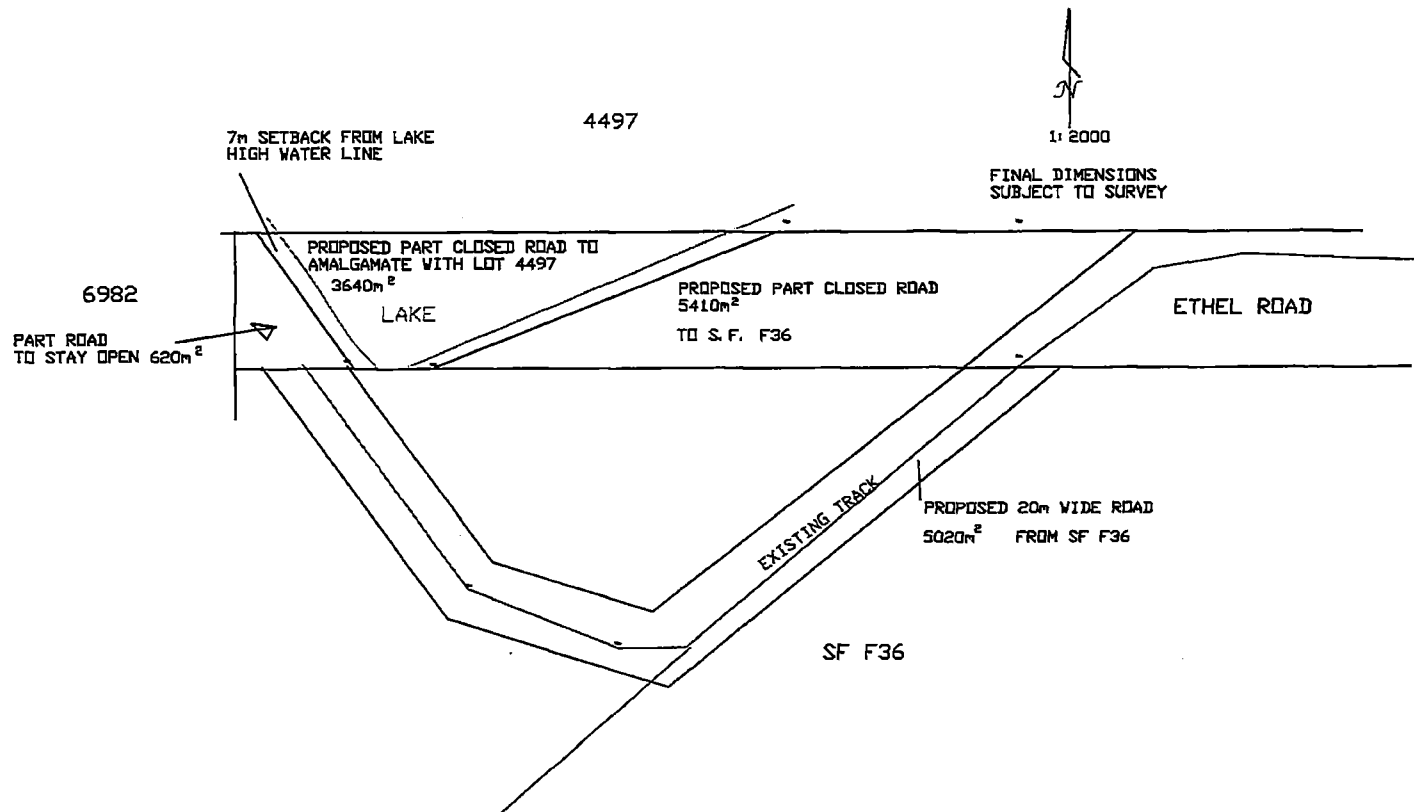
That Council:

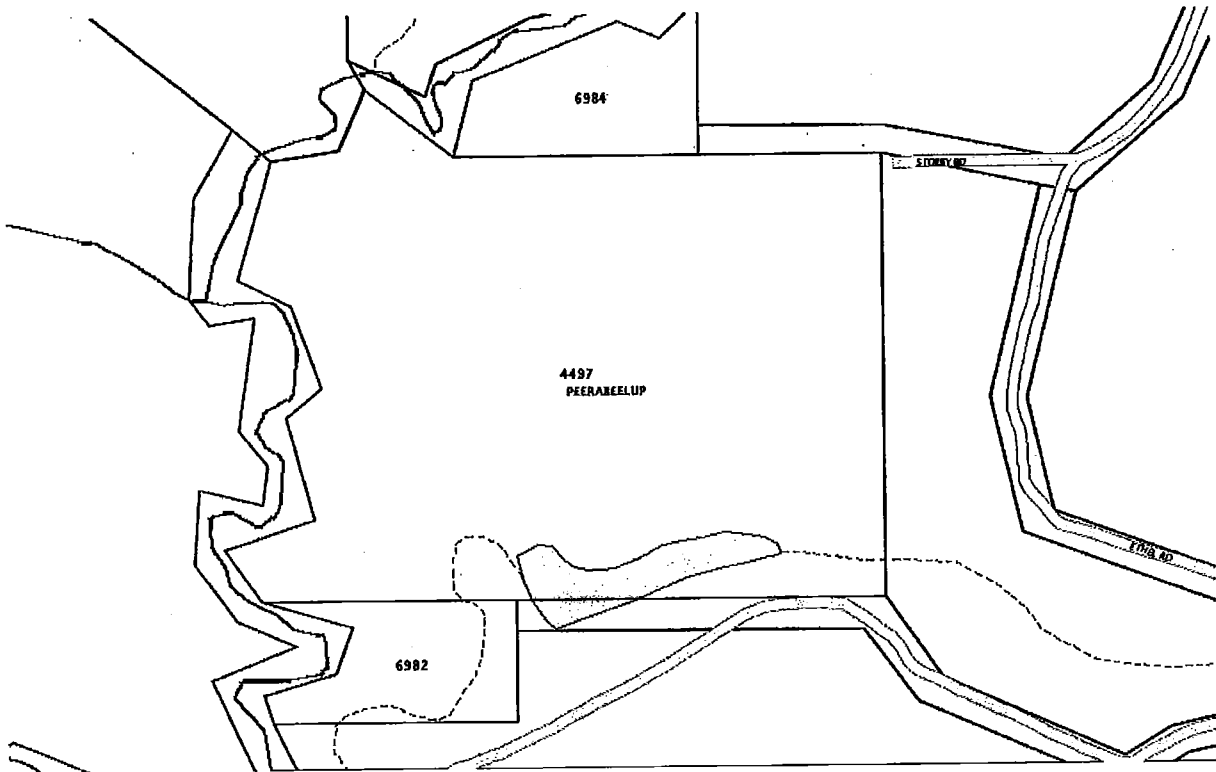
1. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close a portion of Ethel Road and associated road reserve dedication as set out in Attachment 2.
2. Note the Shire administration will invite submissions on the road reserve closure and dedication request for a period of six (6) weeks.
3. Will reconsider the road reserve closure and dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Regional Development and Lands permanently closes and dedicates the road reserve.

CARRIED 8 / 0



PROPOSED PART ROAD CLOSURE, DEVIATION AND LAND EXCHANGE
ETHEL ROAD, STATE FOREST F36 LOT4497
PEERABEELUP







Donnelly Lakes

Company: Badgers Sett Pty Ltd
As trustees for: The 100 Acre Wood
t/a Donnelly Lakes Chalets

Director/Owners Mr John L Gaunt - Ms Elisabeth M Tilly

Lot 4497 Storry Rd

Peerabeelup WA 6260

Location:	4497	District:	Nelson
CP No:	CG	Compilation Plan:	417 9.8.33
Diagram:	SP 1 36283	Acreage:	100.1 acres

Donnelly Lakes

General

Donnelly Lakes, which comprises Location 4497 Nelson - Peerabeelup, is a 100 acre property offering 4 star chalet accommodation enjoying a lake system created and managed by the owners. It is primarily surrounded by state forest with the principal neighbor being DEC and two private neighbours, each having 9 acre holdings located on the north-east and the south-west property boundary. The predominant neighbor is DEC which manages the remaining and surrounding state forest on both the East and West boundary in its entirety and the greater portion of the Southern boundary and Northern boundary.

Objectives and Vision

The owners wish to maintain the current high profile of this property as a premier tourist destination and develop it further whilst focusing on four main objectives

1. The continued provision of a high quality 4 star chalet resort in a pristine bush land environment.
2. Develop a sustainable aqua-culture business by breeding a variety of wild trout species in the developed lake system with minimal intervention from humankind.
3. To create a fly fishing destination for serious anglers who can apply their skills in an unmatched and picturesque setting and supply wild trout to a wider market.
4. To secure the main lake within Donnelly Lakes land titles so that a management plan for the water ways is sustainable without third party degradation of the fishery and its amenity so allowing the former objectives to be met.

Property Description

Donnelly Lakes is a private chalet development established approx 20 years ago when a lake system was developed at the then-owner's cost by damming a valley with a natural winter creek running through it in the southern portion of the property thus forming a 2.5 hectare main lake with a small portion of the lake lying across the southern property boundary expanding onto DEC forest land. This lake is supplied by a winter creek and also spring-fed

throughout the seasons thus maintaining water levels during summer with only small variations of approx .3 metre and only small temperature variance between the winter and summer months, an important consideration for the propagation of breeding trout. During winter and for approx 9 months per annum, the overflow feeds into three interconnected lower lakes, each approx 1 hectare, via a spillway either side of the dam wall before exiting into the Donnelly River which forms the West boundary of the property being approx 1km in length. In total there are 5 chalets located on the main lake and the target market is at the higher end of accommodation providing a destination with resort type facilities and infra-structure for guests wishing to escape to a place offering peace and tranquility. This property caters to local, national, international visitors and a developing fly fishing clientele as we have continued to develop and promote Donnelly Lakes as a trout fisherman's destination offering experiences in both Rainbow and Brown trout in separate lakes.

The 5 Chalets are situated discreetly in a bushy environment enjoying views over the lake whilst offering privacy and a quiet environment for guests to holiday. They are designed to offer low visual impact to the bush land setting and are constructed in clear treated timber weatherboard with green color-bond roofing and verandah/patio areas to blend with the leafy surrounds they enjoy. Small jetties along the lake foreshore allow guests private access to the lake and a main gazebo and adjoining jetty is also on the lake foreshore. Private outdoor spas in each chalet plus canoes are provided for guests to enjoy the lakeside amenity.

The main lake is regularly stocked with Rainbow trout and the third lower lake is stocked with Brown trout. Guests are permitted to fish the lakes for trout but are denied fishing rights for marron regardless of the season. No swimming is allowed in the main lake although canoeing is permitted. The main lake is also home to a diverse marine population including marron, long necked tortoise etc. The threatened species Engawa Reducta or Burrowing Crayfish has also recently been found on the property and confirmed by DEC wildlife officers and in consequence, a 'tread lightly' policy is in place.

Currently a deluge system for fire protection to the chalet area and the bush surrounds is being installed for the protection of property and the bush land environment. Power, gas and water are all supplied to the chalet via underground reticulated supply lines from a remote pump station and a remote central gas tank. The owner is the Captain of the local Bidelia volunteer bush fire brigade and takes fire risk management seriously.

The property is a registered Land for Wildlife property and all care is taken in any development of infrastructure, plantings, use of pesticides and movement of machinery.

July, 2010.

AGENDA NUMBER: 10.2
SUBJECT: Realignment of Ethel Road, Peerabeelup
LOCATION/ADDRESS: Ethel Road Reserve
NAME OF APPLICANT: Department of Local Government
FILE REFERENCE: ROA86
AUTHOR: Geoffrey Benson – Manager of Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 11 March 2011

Attachments: 1. Aerial View of Lot 4497 & Lot 6982
2. Map of proposed realignment of Ethel Road
3. Photographs from site inspection of Lot 4497 & Lot 6982

BACKGROUND:

Further to the October 2010 Council meeting where Council's decision (res 8474) was:

1. *"That Council advise Mr J Gaunt and Ms E Tilly that it is prepared to consent to the alterations to the Ethel Road survey alignment by:*
 - *Closing the part of Ethel Road (Part A) that is within the line marked "edge of lake" on the plan of the survey by JH Towie submitted as Attachment 8, Council meeting agenda 28 October 2010.*
 - *Close the part of Ethel Road (Part B) that is between Part A and the eastern boundary of Location 6982.*
 - *Amalgamate Part A with Location 4497 and amalgamate Part B with Location 6982, and*
 - *Dedicate by survey a new public road 20 metres wide to include the part of the existing sand track access to Location 6982 that is not within Ethel Road. The new public road to join the south boundary of Part B on the highest ground on the south boundary of Part B as shown on Attachment 8, Council meeting agenda 28 October 2010, which is to avoid the lower steep slope near the east boundary of Location 6982.*
2. *That Council advise Mr J Gaunt and Ms E Tilly that it will not bear any costs associated with the above alterations which have been specifically requested by Mr Gaunt and Ms Tilly to correct the fact that a major water body has been constructed without approval within the Ethel Road reserve.*
3. *If Mr J Gaunt and Ms E Tilly do not agree to Recommendations 1 and 2 within a month from the date of the Council decision then Council invite them to implement Option 2 and if they do not agree to implement Option 2 then Council commence action in Option 3.*

4. *That Council advise Mr J Gaunt and Ms E Tilly that Planning Approval will be required to formalise the lake which currently encroaches onto Ethel Road, whether or not recommendations 1 or 2 above are followed through with by Mr Gaunt and Ms Tilly.*
5. *That further investigation be undertaken in respect of the building located on Location 6982 with a view to ensuring compliance with the relevant health/building/planning legislation recognizing its current use and setback requirements."*

Both property owners of Lot 4497 and 6982 were informed of Council's decision and the Manager of Development Services has received responses from both parties regarding the matter. Lawyers for Lot 6982 landowners (Baxter, Chugg and North) have responded on their behalf and made points about:

1. Realignment of Ethel Road
2. Access to Water
3. Effects on the Viewscape of Lot 6982

A summary of the responses to the above questions were given, as shown below:

1. Realignment of Ethel Road

"Council is in the process of negotiating with Department of Environment and Conservation (DEC) to excise a new road alignment for Ethel road to give Lot 6982 appropriate access. Your client will be kept advised of how the process is progressing."

2. Access to Water

"The issue of water that may have been available and access to it would normally be dealt with by the Department of Water, if for commercial purposes. In the case of domestic purposes the simplest way to get access would be to apply to the Department of Regional Development and Lands."

3. Effects on the Viewscape of Lot 6982

"I refer you to residential properties and the Residential Design Codes and the clauses to prevent Overlooking and Overshadowing. However the construction of a fence on a person's property boundary is usually dealt with as a Dividing Fence issue therefore is a civil matter under clauses of the Dividing Fences Act. Therefore I refer you to the Building Commission for further advice on this matter."

COMMENT:

While carrying out research for the procedure to realign Ethel Road it became apparent that to achieve the end result, that being excising part of the State Forest to use for Freehold (Dam) and road reserve (Ethel Road), some give and take would be necessary to satisfy the Conservation Commission and DEC and ease the request through Parliament.

Therefore staff has provided an alternative option for the realignment of Ethel Road that both achieves legal access for Lot 6982 and assuages the concerns of the Conservation Commission, by exchanging unneeded road reserve for the required land being taken from the State Forest.

Outline of steps to be taken after Council agrees to the recommendation of this report are below:

1. Submit proposal to Pemberton DEC for them to assess and forward to DEC Head office to assess and forward to Conservation Commission
2. Conservation Commission to assess and submit to Parliament
3. Both houses of Parliament must approve the change to the State Forest Boundary.
4. DEC to inform the local government authority of the outcome

As yet there is no indication as to time frame for the above, but it could be as much as six months depending on time to pass through Parliament.

STATUTORY ENVIRONMENT:

Land Administration Act 1997
Local Government Act 1995

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Road survey costs to be borne by Mr J Gaunt.

STRATEGIC IMPLICATIONS: Nil.

AGENDA NUMBER: 10.4
SUBJECT: Illegal Dam Encroachment on Road Reserve
LOCATION/ADDRESS: Donnelly Lakes – Location 4497 Storry Road
NAME OF APPLICANT: Department of Local Government
FILE REFERENCE: A472, A467
AUTHOR: Bob O'Sullivan - Planner
DISCLOSURE OF INTEREST:
DATE OF REPORT: 20 October 2010

Attachments:

1. Locality Plan.
2. Aerial Photo Lot 4497, Lot 6982, Storry Road, Ethel Road.
3. Plan of Survey of Location 6982 in 1912.
4. Letter from Norths' dated 3/1/1991.
5. Council Minutes 24/1/1991.
6. Letter from B. Baxter received 9/9/1994.
7. Letter from E. Chugg received 13/3/2001.
8. Plan of Resurvey of south boundary of Lot 4497.
9. Last page of building application for shed in 1985.
10. Submission by Mr John Gaunt 12 September 2010.
11. Photograph – Front of Building Location 6982.

BACKGROUND:

Mr John Gaunt and Ms Elisabeth Tilly are the owners of Location 4497 on Deposited Plan 136283 which was purchased in October 2007. The property is known as Donnelly Lakes. Mr. Gaunt, in a letter dated 12 September 2010 to Council, presented proposals to overcome a problem in which part of his dam is located on an unconstructed public road (Ethel Road) which is the only legal access to adjoining property Location 6982. His proposals are summarised here:

1. Survey a new public road through DEC land (State Forest F36) around the existing access to the adjoining Location 6982 starting from where the existing access leaves Ethel Road.
2. Close Ethel Road where there is water from a dam on his land Location 4497 in order for Mr Gaunt to acquire the closed road land and add to his title.
3. Fence the main lake to form a land buffer around the southern side of the lake for approximately 5-10 metres from high water mark.
4. Investigate the structures on adjoining Location 6982 for non-compliance with Council's planning scheme.

Mr Gaunt also raises issues regarding the behaviour of neighbours and strangers which cannot be remedied by Council. The approach in this report is to comment on points raised by Mr Gaunt, search the files for both properties and identify the facts, issues and options for Council to consider appropriate action.

1. COMMENT ON POINTS RAISED BY MR GAUNT

Mr. Gaunt's point in paragraph 3 "*The road reserve, as shown on Landgate files for the southern border, is no longer valid*" is not correct because the road adjoining the southern boundary of Location 4497 remains an unmade public road and is named "Ethel Road" on mapping by Landgate. The layout of the lands and roads is on Attachments 1 - 3.

Mr. Gaunt's point "*The road that services the adjoining property on the south boundary has been diverted as shown to provide access to their property*" is not correct as the "diverted road", on aerial photography in 2007 is a DEC track which after leaving Ethel Road is in State Forest F36 and is not on a public road.

Landgate mapping shows the track provides access to a building in the north east corner of Location 6982 on Plan 81882 (Council ref A467) which adjoins Location 4497 owned by Mr Gaunt. Location 6982 is owned by B & M North, M Baxter and R & T Chugg.

The only legal access to Location 6982 is Ethel Road which has a significant encroachment of water from a dam established on Location 4497. On Attachment 2, Ethel Road extends to the east, then turns north crossing a broad drainage path to link, through State Forest F36, to Storry Road (40m wide) which then links in a north east direction to Vasse Highway.

Aerial photography in 2007 (Attachment 2) and a plan of survey (Attachment 8) shows the south side of the dam across Ethel Road. The dam is on a broad drainage path through the south east corner of Location 4497 that drains to the west to the Donnelly River.

2. FILE SEARCH A472

29 April 1987, Road No 17667 (Storry Road) was declared 40 metres wide between the east boundary of Location 6982 and Vasse Highway. It appears that a person with an interest in the land, Mr A Dunn proposed, in a letter Council received on 27 December 1990, a dam of 20-30 acres on a small side stream to the Donnelly River as part of a "tourist chalet development".

Mr & Mrs North, the owners of Location 6982 which adjoins Location 4497 on its south boundary, wrote to Council on 3 January 1991 opposing a proposal by a Mr Crow (understood to be the owner at the time of Location 4497) to build a dam on his property because the dam "*will be on our boundary and will interfere with access to our block*", and "*the water from the dam will come within 3 metres of our boundary*", "*We oppose this dam until such time the shire provides an all weather access to our block*". A copy of this letter is Attachment 4. A letter from Mr Dunn to Council on 14 January 1991 refers to his intention "build a dam".

The Council minutes for Item 9 Tourism Accommodation Storry Road on 24 January 1991 are per Attachment 4. Item 9 is an approval with conditions for Tourist Chalet Development, with no reference to a dam.

A letter to Council from Mr Dunn dated 29 April 1991, when the owners were W&E Crow, refers on page 2 to *"in the preparation of the four chalet sites was that in cutting into hillside overlooking the new lake"*, and on page 3 refers to *"Mr. Crow the current owner"*. This indicates that Mr Dunn was involved in development on Location 4497 before it was sold to him. The dam was therefore probably built after 14 January 1991 and before 29 April 1991.

A report to Council's meeting on 24 October 1991 discussed a concept plan for Location 4497 which it described as a major development that included *"the proposed creation of lakes and islands in the north of the site"*. An undated and unidentified sketch, not to scale, shows 4 lakes on the south side of Location 4497 with 'Lake 1' hard against the south boundary. In a letter to Council dated 25 September 1991 an application was made for the rezoning of Location 4497 from *Rural to Special Use* for development which included *"lakes, dams and spillways"* and made reference to a drawing A002. Drawing A002 had not been located.

Council advised Mr Dunn that at its meeting on 24 October 1991 approved in principle was given for a preliminary concept plan for the development of Location 4497 subject to suitable amendment documents being prepared. Council issued a building permit for 2 chalets on 28 October 1991.

The proposed Amendment 9 of TPS 1, with a report and a Concept Plan, was adopted by Council on 23 January 1992. The report refers to drainage on page 3, paragraph 1.2.3: *"Drainage of the site is essentially towards the Donnelly River although some water makes its way into the creek which runs close to the southern boundary of the site. A series of dams and spillways has been constructed along this creek"* and in paragraph 1.3 refers to *"the artificial lake near the southern boundary of the site"*.

There is no acknowledgement that the lake extends over the southern boundary.

The concept plan shows a 'Lake 1' abutting the south boundary of Location 4497 over a distance of about 150 metres with no indication of how far the lake extended south of Location 4497 onto the public road. Neither the public road now named Ethel Road nor Location 6982, both on the south side of Location 4497, are shown on the concept plan or mentioned in the text of the report.

In response to the proposed amendment 9 to the TPS No 1, the EPA said in a letter received by Council on 11 May 1992 that a management plan should be prepared for the lakes and wetlands on the site. There is no record of a management plan. The response from the Water Authority was that *"a licence must be obtained to divert or pump water from the Donnelly River"*. This did not

come into play as the lake in question is not "taking" from the river, it is on a creek line above it.

In the advertising of proposed Amendment 9, Council issued a notice on 28 July 1992 to the owners of adjoining Location 6982, B & M North, of the proposed rezoning and the land uses in the proposed development which did not refer to a dam or lake.

It also appears that the applicant for Location 4497, Mr Dunn had some complaint regarding what he wanted to develop on his property and the Council approval process. Mr Dunn made a complaint to the Ombudsman. On 14 October 1993 the Ombudsman issued a 29 page draft report of findings for a complaint by Mr Dunn.

- The Ombudsman's background statement, on page 2 in paragraph 3, includes *"He initially built four chalets; constructed a dam and spillway; created 3 lakes"*.
- Para 4 has *"Council granted planning approval for a tourist accommodation development"*.
- Paragraphs 11 & 12 refer to a letter faxed to Council advising intention to *"build a dam to create a waterfowl environment"*.
- Paragraph 13 states *"on 24 January 1991 Council resolved to conditionally approve the development."*
- Paragraph 16 says *"In February 1991 the complainant commenced development of the dam, lakes and other infrastructure works referred to earlier."*
- Paragraph 17 – *"On 16 March 1991 Council issued a building licence for five identical chalets to be built on 'Lake 1', four of which were constructed."*
- Paragraph 31 – Council's planner advised a scheme amendment was necessary.
- Paragraph 34 – *"Council approved in principle the concept plan" and "requested that rezoning documents be prepared"*.
- Paragraph 42 – *"The scheme amendment is still proceeding but has not as yet been effected"*.

The Ombudsman's completed findings were issued on 9 November 1993.

The Department of Planning and Urban Development notified by letter dated 17 March 1994 that it refused to approve the proposed Amendment 9 of TPS 1.

Council decided at the December 2003 meeting to initiate an amendment (31) to TPS 1 to rezone Location 4497 from Rural to Special Use. The minutes of this meeting do not include a reference to a lake or dam.

At Council's meeting held in August 2004 Council adopted the scheme amendment.

Again the minutes do not include a reference to a lake or dam (see Attachment 5). The report dated March 2006 for the amendment No. 31 of Town Planning Scheme 1 has a Development Guide Plan that shows the lake abutting the south boundary of Location 4497 over about 260 metres but does not show the lake extends south of this boundary. The report does not refer to the lake extending over the southern boundary of Location 4497. The WAPC advised on 2 November 2006 that final approval was given for amendment 31.

3. FILE SEARCH A467 and B467

The building file B467 has an application for a shed in 1985. The last page (copy in Attachment 9) explains the shed will be in the north east corner of Location 6982 because it is the only part of the land that is not affected by flooding.

Council received a letter on 9 September 1994 from Mr Peter Baxter complaining that the public road access to Location 6982 is under many feet of water. (Copy of letter in Attachment 6). Additionally a letter from E Chugg to Council, received on 13 March 2001 asked for work to be done on the track to their land (6982) to improve it enough to give ground clearance for a car. (Copy of letter in Attachment 7)

4. INSPECTIONS SEPTEMBER/OCTOBER 2010

Following receipt of Mr Gaunt's letter 12 September 2010 an initial inspection was undertaken by the Chief Executive Officer with Mr Gaunt on 17 September 2010. It was apparent from this inspection that there were a number of complex planning matters that needed to be addressed and that it would take some time to get to the bottom of the issues.

A further site inspection was undertaken on 12 October with Council's Planning Staff Ms Rehanna Arthur and the author of this report, again undertaken in conjunction with Mr Gaunt and Ms Tilly. Mr Gaunt and Ms Tilly walked us across the dam wall to the southern boundary of their property Location 4497 and the north east corner of Location 6982 which belongs to M North and others. At this corner there is a new survey peg and a round fence post from which there is:

- a fence to the east for about 10 metres to the edge of the dam water,
- another fence to the south for about 30 metres and
- a fence to the west for about 10 metres on level ground to where the ground falls steeply about 8 metres vertically to a drainage line and very wet ground which appeared to be level for about 100 metres west to a small clearing.

Photos were taken here. We walked south on a track that goes slightly uphill to a flat ridge and then east along the track which is on the highest ground, then walked north (downhill) towards the dam to a fence on the south boundary of Location 4497, then walked west along that fence to the edge of the dam.

On returning to the north-east corner of Location 4497 I looked closer at the dam wall and the topography of high ground across the dam to the north and the high ground with the track to the south, and the natural ground at the western base of the dam wall about 20 metres to the east and about 8 metres below the dam wall. Mr. Gaunt remarked there had been a structure on the low ground to the west. There appears to be a plausible explanation for the development of the dam wall and the house at the north-east corner of Location 4497 as follows:

1. Part of the land in Location 6982 was described on a plan of a survey in 1912 (Attachment 3) as "*First class potato & pasture land*" on the north side of a line on the plan that is roughly parallel to, and north of, the present vehicle track. The line on the plan possibly represents the southern edge of the low ground surrounding the drainage line that is now under the dam. The land at the north-east corner of Location 6982 would have been metres lower than it is now.
2. Mr Dunn proposed, in a letter Council received on 27 December 1990, a dam of 20-30 acres on a small side stream to the Donnelly River as part of a "*tourist chalet development*".
3. A letter from Norths' dated 3 January 1991 (Attachment 4) notified Council that a Mr Crow, the then owner of Location 4497, "*would like to build a dam on our boundary*" and "*the water from the dam will come within 3 metres of our boundary*".
4. Mr Gaunt, who bought Location 4497 in 2007, said the dam wall was built with ground material excavated from the 3 lakes in the north of Location 4497.
5. The dam wall was constructed after 3 January 1991 and possibly before 29 April 1991.
6. The dam wall was laid, in the shape of 2 straight lines at right angle, from the high ground on Location 4497 where the chalets are now and the next high ground which is the north-east corner of Location 6982 (Attachment 9). The L-shaped dam wall can be seen from the L-shaped downstream edge of the water on Attachment 2.
7. The southern half of the southern arm of the dam wall was laid in a south-east direction towards the north-east corner of Location 6982.
8. The Norths' building was built in the north-east corner of Location 6982 on a small area of high ground which adjoins, or is part of, the southern part of the dam wall.
9. The small area of ground in Location 6982 on which the Norths' building stands, is at the same height as the dam wall and about 8 metres higher

than the natural surface about 20 metres west at the base of the dam wall. At the base of the dam wall to the west of the house, there is a drainage line with water. Past that to the west, the ground is very wet and not amenable for walking.

10. Whether the small area of high ground in the north-east corner of Location 6982 existed as natural ground before the dam was built or was created as part of the dam wall is unknown.

5. FACTS

Access to Location 6982:

Vehicle access to Location 6982 is from Vasse Highway by public road on Storry Road (gravel formed), then on Ethel Road (public road, unformed sand track), an informal unformed sand track through State Forest F36 to the most western part of Ethel Road (public road, unformed sand track) which gives access to the eastern boundary of Location 6982 at the building.

Dam:

The dam wall is on Location 4497, owned by Mr Gaunt and Ms Tilly, and in part on:

- Location 6982 owned by B & M North, M Baxter and R & T Chugg, and
- Ethel Road which is a public unformed road.

The dam water is in three land parcels: Location 4497, Ethel Road and State Forest F36. Mr Towie, surveyor, gave verbal advice on 15 October 2010 that the top of the bank of the dam is 9 metres from the peg at the north-east corner of Location 6982 and that the edge of the water is about 1 metre further (to the east).

House:

The building is set back 1.67 to 2.1 metres from the boundary with Ethel Road as shown on the plan by Surveyor J Towie in Attachment 8 and per the photograph Attachment 11. This setback is to the vertical structure of the building with the verandah extension located on the Ethel Road reserve boundary. This is clearly evident from the photograph which includes the red survey peg. In the inspection on 12 October 2010, the edge of a water tank was about one metre from the fenced northern boundary of Location 6982. The building is to the south of the water tank, indicating the building is at least 2 metres from the northern boundary of Location 6982.

Records – Dam/Dam Wall:

No record was found on the files for Location 4497 or Location 6982, or in Council minutes, of an approval for, or official recognition of, the construction of the dam wall.

The rezoning of the land to Special Use in Amendment 31 of Town Planning Scheme No. 1 has a Development Guide Plan, adopted by Council on 26 August 2004, that shows the lake in Location 4497 but the plan does not show the dam wall, adjoining Location 6892, the part of the lake in Ethel Road, or Ethel Road itself.

The planning report, dated March 2006, accompanying the amendment has, in section 4.1, a description of past development on Location 4497 which does not refer to the dam. There is a silence in that amendment report and in Council records about the impact of the dam on Location 6982 and Ethel Road except for complaints by the owners of Location 6982.

Structure on Location 6982:

There is no record on file for a house/dwelling on Location 6982 but there is an approval (Attachment 9, 1985) for a shed at the north-east corner of the property. The present use of the structure appears to be greater than a shed.

6. TOWN PLANNING SCHEME # 1.

Town Planning Scheme (TPS) No.1 began on 16 September 1983, which is 7 years before the dam was likely built, and it operated until 14 December 2007 when LPS 3 was gazetted. In TPS 1, Location 4497 and Location 6982 were in the Rural Zone. Approval was required by clause 6.1 in TPS 1 for any development except a single house. 'Development' was defined in clause 1.5 to include 'the erection, construction, alteration or carrying out of any building, excavation or other works on any land'.

Building on Location 6982. In the Rural Zone a single house was permitted. The Development Table (cl.5.3) did not apply to residential development. The Development Table required a shed to be setback 20 metres from the road. Council had a discretion (cl.5.3.2) to vary the setback for a shed when it issued the building permit in 1985. It is unknown, but likely that Council at that time would have approved the building in the structure's present position because to increase the setback to 6 metres or 20 metres would place the building on the side of a steep slope or on the floodplain of the Donnelly River. During the recent

inspection the area was observed to be wet ground and the inspection was during a dry period.

To require a greater setback, Council would consider:

- Clause 5.8 (floodplain) of TPS 1,
- By law 3 of the Town Planning and Development By-laws which does not allow dwellings on unsuitable and unhygienic ground, and
- access to Ethel Road which is the only public road connected to Location 6982.

The conclusion here is that the structure, whether a house or shed, likely complied with Town Planning Scheme No 1 and is lawfully established for planning purposes. Its use may have changed if being used for temporary accommodation and such building/health issues would need to be investigated.

Dam on Location 4497. No record was found of an approval by Council or other authority for the construction of the dam on Location 4497 or its encroachment onto Ethel Road. The encroachment of the dam onto Ethel Road appears to have been avoided in planning applications to Council and Amendment 31 of TPS 1. Amendment 31 of TPS 1 has an accompanying report that does not refer to any part of the lake extending south onto Ethel Road. The Development Guide Plan shows the lake abutting the south boundary of Location 4497 for about 250 metres, with no part of the lake south of this boundary. The plan does not show Location 6982 or Ethel Road to the south of this boundary. The Development Guide Plan has the caption that it "*provides a framework for future development. Actual development that may vary from the development Guide plan requires approval from the Western Australian Planning Commission. Adopted by Council at its meeting on 26 August 2004.*" The WAPC advised on 2 November 2006 that final approval was given for Amendment 31.

Both Council and the WAPC adopted the Development Guide Plan which became a part of TPS 1 and is now part of the Local Planning Scheme 3 (LPS3) being listed as SU10 in Schedule 4. Clause 4.7 of LPS 3 says "*A person shall not use any land or any structure or buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 4*". A lake, dam or water body or anything similar is not set against Location 4497 in Schedule 4.

Consequently there is no explicit approval for a lake, dam or water body on Location 4497 and there are no conditions set out for such use. However, perhaps inconsistent with that conclusion there is, on the Development Guide Plan, the notation "*Vehicle access to Lake*" and the symbol for "*Water bodies*".

The Local Planning Scheme in clause 11.4 and section 214 of the Local Government Act make it an offence to continue to use any land unless all approvals required by the scheme have been granted and issued. A contravention

of a local planning scheme is an offence (s.218 of the Planning and Development Act).

Once the contravention is recognized in Council there may be time limits in which to issue notices or other action to ensure the use of Location 4497 is complying with LPS 3. There is no implied approval for part of the dam to be on Ethel Road.

7. CONCLUSION

- While the building at the north east corner of Location 6982 appears to be lawfully established development (as a shed) for planning purposes, further investigation into its current use and setback issues is required.
- There is no record of an approval for the development of or extension of the dam water from Location 4497 to Ethel Road.

8. OPTIONS

Council is given remedies in the Local Planning Scheme, the Planning & Development Act and the Local Government Act and regulations where development is not approved or is the cause of damage on roads. There is a question whether the dam on Lot 4497 is approved development.

There are 3 options to respond to Mr Gaunt's submission being to agree to his request, to ask for alterations to the dam, and to enforce the provisions in the Local Government Act.

The options avoid an adverse effect on access to or use of Location 6982 (North and others). These owners complained (Attachments 4, 6 and 7) when the dam affected their access on Ethel Road and may claim compensation for a loss of existing rights attached to their land if their rights are further affected.

Option 1, Mr Gaunt's Request:

To accede to Mr. Gaunt's request, Council could consent to a legal agreement to:

- Close the part of Ethel Road (Part A) that is within the line marked "edge of lake" on the plan of the survey by JH Towie in Attachment 8. Part A is roughly a triangle with a base of 150 metres and height of 40 metres which has an area of 3,000 square metres. On Attachment 8, Storry Road became Ethel Road on 15 August 2006.
- Close the part of Ethel Road (Part B) that is between Part A and the eastern boundary of Location 6982. The plan Attachment 8 does not show the distance on the south boundary of Location 4497 from the north east corner of Location 6982 to the "edge of lake" but Mr. Towie said by

phone on 15 October 2010 that the distance is 9 metres to the top of the bank of the dam wall ("edge of lake") and a further 1 metre east to the edge of the water. Part B is a rectangle with depth 40 metres and unequal sides of 9 metres and 36 metres which has an area of 900 square metres.

- Amalgamate Part A with Location 4497 and amalgamate Part B with Location 6982, and
- Dedicate by survey a new public road 20 metres wide to include the part of the existing sand track access to Location 6982 that is not within Ethel Road. The new public road should join the south boundary of Part B on the highest ground on the south boundary of Part B as shown on Attachment 8, to avoid the lower steep slope near the east boundary of Location 6982.

Option 2, Require Alterations to the Dam:

The owners could remove the water from Ethel Road by reducing the level of the dam spillway or by constructing a new dam wall on Location 4497 parallel to the southern boundary of the property, subject to written approval from Council.

Council advise the owners Mr Gaunt and Ms Tilly that the Special Uses approved for Location 4497 do not include the extension of their dam to Ethel Road.

They are required to apply to Council for approval to construct a dam wall on Location 4497 parallel to the southern boundary of the property to prevent the encroachment of water from their dam on Ethel Road, and if approval is given construct the dam wall.

Alternatively they could reduce the level of the water in their dam so water cannot pass to Ethel Road.

Option 3, Enforce Regulations under the Local Government Act 1995:

The powers under the Local Government Act are:

- Regulation 5 of the Local Government (Uniform Local Provisions) Regulations prohibits interference with the soil on local government land. The owners of Location 4497 interfere with the soil on Ethel Road by flooding it with water from the dam on Location 4497.
- Regulation 19 of the Local Government (Uniform Local Provisions) Regulations makes an offence to, without lawful authority, alter, obstruct or interfere with the natural flow of surface water to damage any thoroughfare that is local government property. There is no record of a lawful authority

to alter the natural flow of surface water on Location 4497 to damage Ethel Road.

STATUTORY ENVIRONMENT:

Local Government Act 1995.
Local Government (Uniform Local Provisions) Regulations.
Shire of Nannup Town Planning Scheme # 1.
Local Planning Scheme # 3.
Planning and Development Act 2005.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That Council advise Mr J Gaunt and Ms E Tilly that it is prepared to consent to the alterations to the Ethel Road survey alignment by:
 - Closing the part of Ethel Road (Part A) that is within the line marked "edge of lake" on the plan of the survey by JH Towie submitted as Attachment 8, Council meeting agenda 28 October 2010.
 - Close the part of Ethel Road (Part B) that is between Part A and the eastern boundary of Location 6982.
 - Amalgamate Part A with Location 4497 and amalgamate Part B with Location 6982, and
 - Dedicate by survey a new public road 20 metres wide to include the part of the existing sand track access to Location 6982 that is not within Ethel Road. The new public road to join the south boundary of Part B on the highest ground on the south boundary of Part B as shown on Attachment 8, Council meeting agenda 28 October 2010, which is to avoid the lower steep slope near the east boundary of Location 6982.
2. That Council advise Mr J Gaunt and Ms E Tilly that it will not bear any costs associated with the above alterations which have been specifically requested by Mr Gaunt and Ms Tilly to correct the fact that a major water body has been constructed without approval within the Ethel Road reserve.

3. If Mr J Gaunt and Ms E Tilly do not agree to Recommendations 1 and 2 within a month from the date of the Council decision then Council invite them to implement Option 2 and if they do not agree to implement Option 2 then Council commence action in Option 3.
4. That Council advise Mr J Gaunt and Ms E Tilly that Planning Approval will be required to formalise the lake which currently encroaches onto Ethel Road, whether or not recommendations 1 or 2 above are followed through with by Mr Gaunt and Ms Tilly.
5. That further investigation be undertaken in respect of the building located on Location 6982 with a view to ensuring compliance with the relevant health/building/planning legislation recognizing its current use and setback requirements.

VOTING REQUIREMENTS:

**BOB O'SULLIVAN
PLANNER**

58



Government of Western Australia
Department of Environment and Conservation

Your ref:
Our ref: 2007/004027 & 2007/004487
Enquires: Keith Lillie
Phone: 97761207
Fax: 97761410
Email: Donnelly.district@dec.wa.gov.au

FILE COPY

Peter & Margaret Baxter
Email: dunnhard2@westnet.com.au

SCANNED
and emailed

Dear Peter and Margaret

The Department of Environment and Conservation [DEC] acknowledges your recent request to use the DEC managed track off Storry Road to access your location, lot 6982 within the Shire of Nannup.

DEC has no objection to you continuing to use this track to access your property. Please accept this letter as your authorisation to use the track for this purpose.

Please note that this track through State Forest is not subject to a routine or regular maintenance program by DEC. Current maintenance of the track is on a needs only basis for DEC operational purposes.

Should you require any further information please contact Keith Lillie at the DEC office in Pemberton on 97761207.

Your's sincerely

JOHN GILLARD
DISTRICT MANAGER
DONNELLY DISTRICT

10 November 2011

ENTERED

Ed 14/11/2011

ea653943 & ea653944

AGENDA NUMBER: 11.4
SUBJECT: Application for Planning Approval – Parking of a single truck and associated bobcat and excavator
LOCATION/ADDRESS: Lot 47 Leschenaultia Drive, Jalbarragup
NAME OF APPLICANT: Jamie & Melinda Moyle
FILE REFERENCE: A1118
AUTHOR: Steve Thompson – Consultant Planner
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995
DATE OF REPORT: 12 November 2012

- Attachment: 1. Location map
2. Original information provided by applicant
3. Submissions
4. Supplementary advice from applicant

BACKGROUND:

Site Details

The site subject to this Planning Application is Lot 47 Leschenaultia Drive which is shown in Attachment 1. The site is at Jalbarragup, within the Brookwood Estate, which is south-west of the Nannup town site.

The site is 2.87 hectares in area, contains an existing residence and shed along with native vegetation and cleared areas.

Adjoining and surrounding land uses are rural living which are zoned Special Rural.

Planning Application

The applicant originally lodged a Planning Application seeking approval for a garden centre along with the parking of one truck with associated parking of a bobcat and excavator (outlined in Attachment 2). Following the consultation period where a number of submissions were received (Attachment 3), the applicant has recently withdrawn the request for a garden centre (Attachment 4). Now the applicant is seeking approval for the parking of one truck and associated bobcat and excavator.

Consultation

The Shire administration invited public comment on the Planning Application by writing to 20 adjoining/nearby landowners and two State Government agencies, placing a notice in the local paper, details on the Shire website and having details available at the Shire office.

The Shire received 15 submissions on the original Planning Application (incorporating the garden centre) and these are provided in full in Attachment 3. Most submissions were received from adjoining/nearby landowners with nearly all opposing the application or raising issues. The submissions which oppose the application raise a number of matters including:

- noise impacts on amenity/lifestyle including a loss of tranquillity;
- traffic impacts and safety of road users;
- bushfire and environment risks associated with the storage of fuel; and
- detrimental impact on property values.

Since providing the submission on 13 September 2012, Mr Matthew White has advised the Shire that he withdraws his letter of support (set out in Attachment 3) for the proposed garden centre.

Prior to the applicant lodging the Planning Application, the Shire administration investigated various complaints relating to land use and noise impacts on Lot 47 Leschenaultia Drive. The Shire had received written complaints that the site was being used as a trucking business and 3 trucks were parked on the property. The complaints advised that trucks operate at all hours and there are noise impacts.

The *Shire of Nannup Local Planning Scheme No. 3* (LPS3) does not permit the parking of two or more trucks and the operating a transport business (transport depot) on land within the Special Rural Zone. LPS3 defines a "transport depot" as follows:

"means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods and persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers."

The owners of Lot 47 Leschenaultia Drive earlier in 2012 ceased parking the second and third truck on their land.

Planning Framework

The site is zoned "Special Rural", within Special Rural Zone No. 5, in LPS3.

Outlined below are relevant clauses from LPS3:

"1.6.1 The local government's general aim is to recognise the unique qualities and characteristics of the Scheme Area and safeguard its natural resources, whilst promoting sustainable development through diversified residential, commercial, industrial, agricultural, timber, tourist and resource based activities."

"1.6.2 The local government's general intentions are –

- (b) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist development, as well as providing opportunities for home-based employment.
- (d) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.
- (f) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area."

"4.13.10.1 Specific Objectives of the Zone (for the Special Rural Zone)

- (b) To provide for a range of land uses compatible with the residential occupation of the land while providing for agricultural production on smaller lots where such production does not interfere with the amenity or rural residential character of the area;
- (e) To establish minimum development standards to ensure development is consistent with, and does not detract from, the rural character or landscape qualities."

Under LPS3 a Garden Centre is an "A" use in the Special Rural zone which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of LPS3 (e.g. informing neighbours).

LPS3 provides no direct guidance regarding the parking of one truck on a property in the Special Rural Zone or in other zones. Clause 8.1 however states:

"Subject to clause 8.2, all development on land zoned and reserved under this Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.

Note:

1. *The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part 4)."*

Clause 10.2 titled "Matters to be considered by local government" in part states:

"The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application:

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;
- (b) the Local Planning Strategy;
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (j) the compatibility of a use or development within its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (n) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (w) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted under sub-clause 10.1.1; and
- (zb) any other planning consideration the local government considers relevant.

The site is located in Precinct NR5 in the *Shire of Nannup Local Planning Strategy*. The precinct objectives, relating to discouraging additional rural residential subdivision in Jalbarragup and Darradup and providing for the sustainable use of land within agricultural areas, do not assist in assessing the Planning Application.

COMMENT:

It is recommended that Council approve the Planning Application for the parking of one truck and associated bobcat and excavator subject to conditions. . This follows

assessment against LPS3, the Local Planning Strategy, Local Planning Policies, State Planning Policies, the submissions and information provided by the applicant.

Should the applicant not have withdrawn the proposed garden centre use, the Shire administration would have recommended to Council that the Planning Application be refused. A garden centre is a commercial use which is considered inappropriate and inconsistent with the area's character. A garden centre is better suited to the industrial area or a large rural property.

Now that the application is however for the parking of one truck and associated bobcat and excavator, conditional approval is recommended given:

- this is consistent with a number of properties in the Shire including where business operators park a single truck;
- historically, the Shire has not taken a Planning Application for the parking of a single truck throughout the municipality;
- there is sufficient space on the 2.87 hectare property; and
- planning conditions can assist to manage the use.

Other considerations include:

- the *Environmental Protection (Noise) Regulations 1997* apply to the site (and throughout Western Australia) regardless of whether a Planning Application is lodged or a planning approval is given. Should written complaints on noise be received in the future, the Shire will separately investigate. The Regulations exempt noise from reversing beepers that are required by law to be fitted with a device. The Regulations also exempt noise when vehicles are on roads. The Regulations do however apply for other activities on the property such as revving motors;
- seeking to limit the hours of operating a single truck through a planning condition is considered inconsistent with the legal tests for imposing conditions. The State Administrative Tribunal has adopted the approach taken in *Newbury DC v Secretary of State for the Environment* (1981) AC578 when considering the validity of specific conditions. That decision held that, in order to be valid, a condition must be imposed for a planning purpose, fairly and reasonably relate to the development for which permission is given, and be reasonable, (that is, be a condition which a reasonable planning authority, properly advised, might impose);
- seeking a contribution from the applicant for the upgrading of Leschenaultia Drive is not considered warranted for one truck which can operate as of right on local roads. The number of vehicle movements per day is also generally low. Additionally, the Council has no Local Planning Policy on developer contributions; and
- no professional evidence has been provided to verify the claim of the development having a detrimental impact on property values.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY IMPLICATIONS:

The Council is encouraged to consider the preparation of Local Planning Policy on developer contributions.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council approve the Planning Application for the parking of one truck, one bobcat and one excavator on Lot 47 Leschenaultia Drive, Jalbarragup subject to the following conditions:

1. Removal of the fuel storage tanks and fuel stands from the property by 21 December 2012.
2. No storage of fuel on the property.
3. No storage of gravel and mulch other than for domestic use on Lot 47 Leschenaultia Drive, Jalbarragup.
4. No clearing of native vegetation other than to comply with the Council's annual Fire Hazard Reduction Notice.
5. The vehicular crossover between the site and Leschenaultia Drive, is to be designed, constructed, sealed and drained at the proponent's expense to the satisfaction of the local government prior to 30 June 2013.

Advice

- A) In relation to Condition 3, the storage of mulch for domestic purposes should be undertaken in a way that minimises bushfire risk, odour and flies.
- B) The proponent is advised that the approved development must comply with the *Environmental Protection (Noise) Regulations 1997*. As part of this, the proponent should ensure the development is considerate of neighbours including ensuring activities are low in volume between 7.00pm and 7.00am. Measures should include:

- minimising the noise impact of required reversing beacons through the truck being reversed into place in the late afternoon or early evening;
 - not revving up the truck or machinery motors; and
 - not warming up machinery on Lot 47 Leschenaultia Drive, Jalbarragup.
- C) The proponent is encouraged to ensure that the truck is driven at a speed and manner which is safe and suitable for the local roads.
- D) The proponent is encouraged to install appropriate fire fighting measures to reduce the risks of the development to the property and the surrounding area.
- E) The parking of two or more trucks is not permitted in the Special Rural Zone by the *Shire of Nannup Local Planning Scheme No. 3* as this is defined as a "truck depot".
- F) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

8871 DEAN / GILBERT

That Council approve the Planning Application for the parking of one truck, one bobcat and one excavator on Lot 47 Leschenaultia Drive, Jalbarragup subject to the following conditions:

1. Removal of the fuel storage tanks and fuel stands from the property by 21 December 2012.
2. No storage of fuel on the property.
3. No storage of gravel and mulch other than for domestic use on Lot 47 Leschenaultia Drive, Jalbarragup.
4. No clearing of native vegetation other than to comply with the Council's annual Fire Hazard Reduction Notice.
5. The vehicular crossover between the site and Leschenaultia Drive, is to be designed, constructed, sealed and drained at the proponent's expense to the satisfaction of the local government prior to 30 June 2013.

Advice

- A) In relation to Condition 3, the storage of mulch for domestic purposes should be undertaken in a way that minimises bushfire risk, odour and flies.
- B) The proponent is advised that the approved development must comply with the *Environmental Protection (Noise) Regulations 1997*. As part of this, the proponent should ensure the development is considerate of neighbours including ensuring activities are low in volume between 7.00pm and 7.00am. Measures should include:
- minimising the noise impact of required reversing beacons through the truck being reversed into place in the late afternoon or early evening;
 - not revving up the truck or machinery motors; and
 - not warming up machinery on Lot 47 Leschenaultia Drive, Jalbarragup.
- C) The proponent is encouraged to ensure that the truck is driven at a speed and manner which is safe and suitable for the local roads.
- D) The proponent is encouraged to install appropriate fire fighting measures to reduce the risks of the development to the property and the surrounding area.
- E) The parking of two or more trucks is not permitted in the Special Rural Zone by the *Shire of Nannup Local Planning Scheme No. 3* as this is defined as a "truck depot".
- F) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

LOST 3 / 5

Voting for the motion: Dean, Dunnet & Camarri

Voting against the motion: Gilbert, Longmore, Lorkiewicz, Mellema & Steer.

Reason: It would be unreasonable not to allow the storage of fuel at this location.

8872 DUNNET / LONGMORE

That Council approve the Planning Application for the parking of one truck, one bobcat and one excavator on Lot 47 Leschenaultia Drive, Jalbarragup subject to the following conditions:

1. Removal of the fuel storage tanks and fuel stands from the property by 21 December 2012.
2. No storage of gravel and mulch other than for domestic use on Lot 47 Leschenaultia Drive, Jalbarragup.
3. No clearing of native vegetation other than to comply with the Council's annual Fire Hazard Reduction Notice.
4. The vehicular crossover between the site and Leschenaultia Drive, is to be designed constructed, sealed and drained at the proponent's expense to the satisfaction of the local government prior to 30 June 2013.

Advice

- A) In relation to Condition 2, the storage of mulch for domestic purposes should be undertaken in a way that minimises bushfire risk, odour and flies.
- B) The proponent is advised that the approved development must comply with the *Environmental Protection (Noise) Regulations 1997*. As part of this, the proponent should ensure the development is considerate of neighbours including ensuring activities are low in volume between 7.00pm and 7.00am. Measures should include:
 - minimising the noise impact of required reversing beacons through the truck being reversed into place in the late afternoon or early evening;
 - not revving up the truck or machinery motors; and
 - not warming up machinery on Lot 47 Leschenaultia Drive, Jalbarragup.
- C) The proponent is encouraged to ensure that the truck is driven at a speed and manner which is safe and suitable for the local roads.
- D) The proponent is encouraged to install appropriate fire fighting measures to reduce the risks of the development to the property and the surrounding area.
- E) The parking of two or more trucks is not permitted in the Special Rural Zone by the *Shire of Nannup Local Planning Scheme No. 3* as this is defined as a "truck depot".

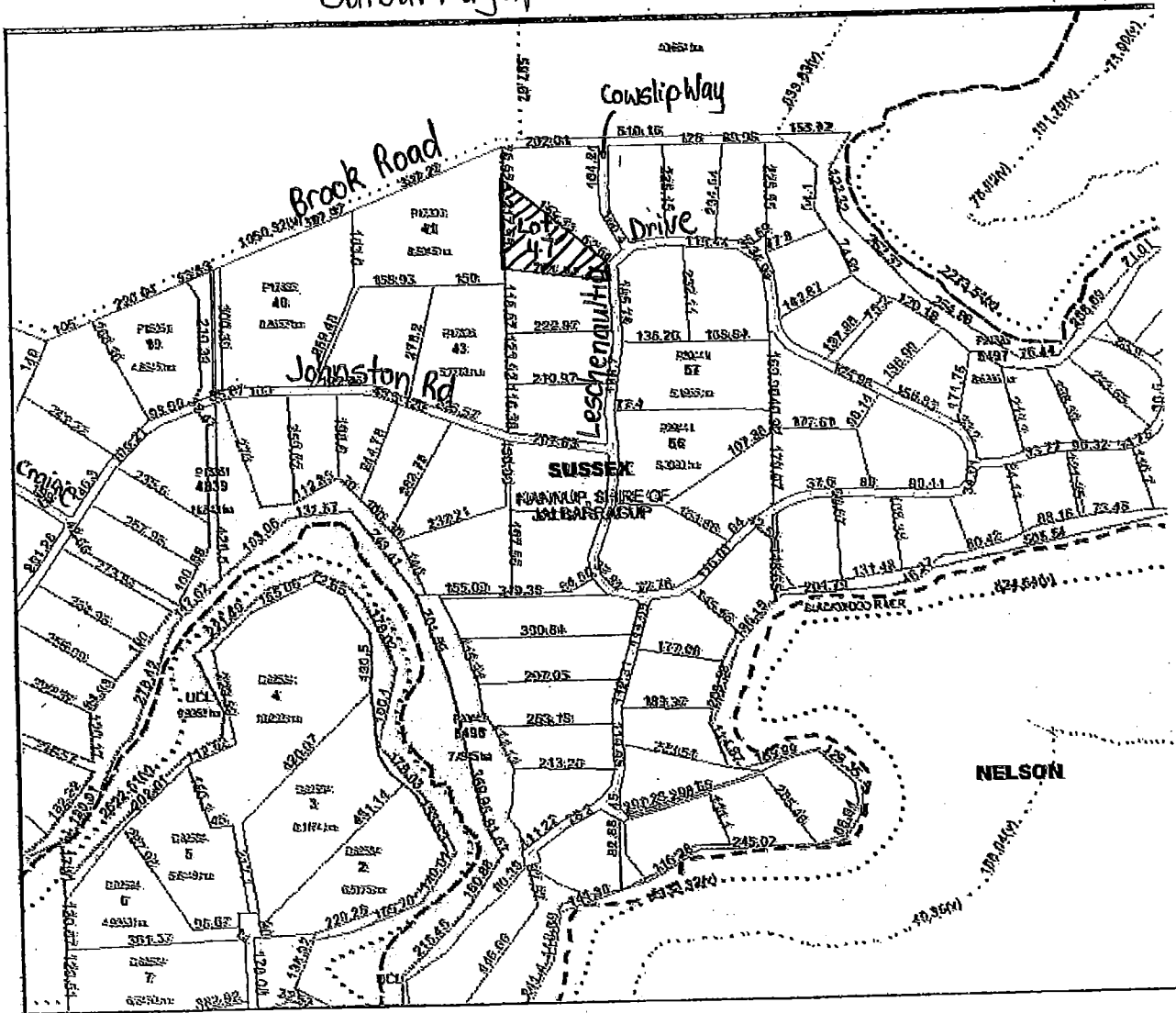
- F) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.


CARRIED 6 / 2

Voting for the motion: Dean, Camarri, Dunnet, Longmore, Lorkiewicz & Mellema.

Voting against the motion: Gilbert & Steer.

Jalbarragup




Melinda Moyle
PO Box 291
Nannup WA 6275
August 17, 2012

Robert Jennings
CEO
Shire of Nannup
Adam Street
Nannup WA 6275

Dear Robert:

It is our intention to apply for a development planning approval of a Garden Centre located at Lot 47 Leschenaultia Drive in Jalbarragup which is zoned special rural. In accordance to the zoning table it is required to submit a Planning Application.

In relation to the garden centre all soils, mulches and gravel supplies to prospective customers will be delivered straight from the supplier (B& J Catalano) to the customer so that there is no need for the customer to come to the property. All orders will be taken via phone or email requests.

To reduce noise we have removed all reversing beacons on the machinery. There will be no offending odours as materials are transported from supplier to customer. Visually there is low impact, you have to be on the property to see any machinery as the property is naturally screened by bush between neighbouring properties.

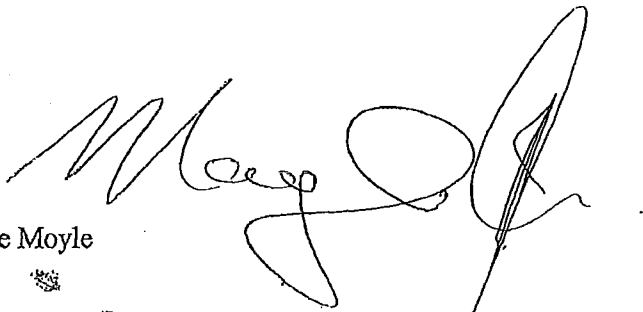
Henceforth we seek permission to park one truck, a bobcat and small excavator on the above property for personal use to landscape and develop our own property.

Any noise related to these activities is solely for personal use, for example, clearing firebreaks, clearing of bush, constructing a drive way, relocating our current water tank to another location. Please note the new location on the planning application.

We hope this meets your criteria and wish granted approval of our development application.

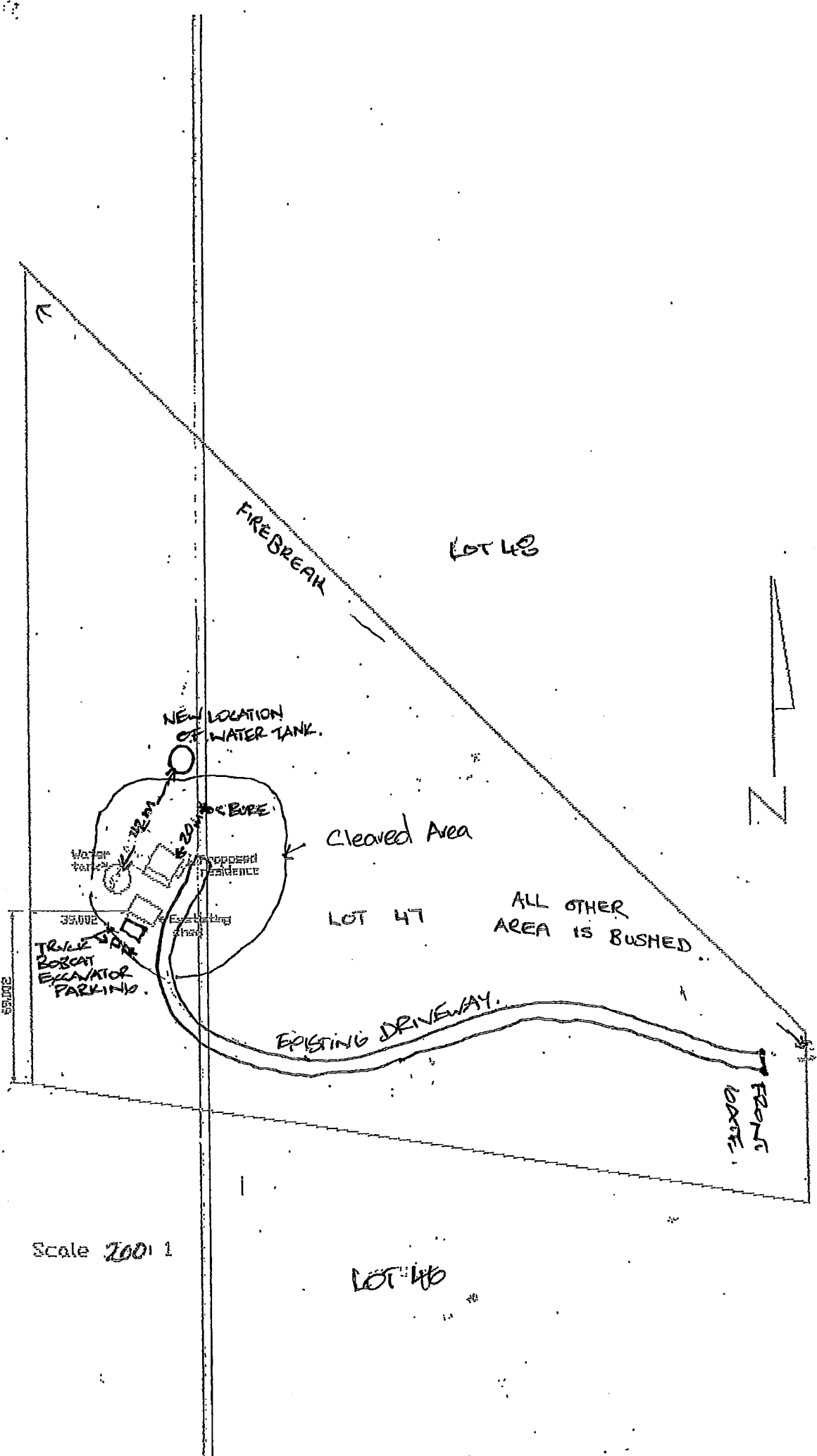
Sincerely,

Melinda and Jamie Moyle



11

13



FIREBREAK

LOT 48

NEW LOCATION OF WATER TANK.

PROPOSED RESIDENCE

Cleared Area

LOT 47

ALL OTHER AREA IS BUSHED.

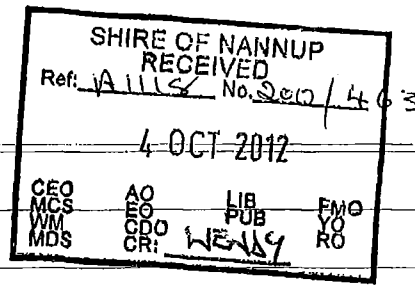
EXISTING DRIVEWAY.

FRONT DRIVE.

Leschenaultia Drive

Scale 200:1

LOT 46



Lot 2 Leschenaultia
Talbaragup
WA 6275
Ph. 97563093

To: Vic Smith
Acting Chief Executive Officer
Shire of Nannup
Admin St. 6275

Dear Sir

Thank you for the opportunity to comment on the proposed Garden Centre at Lot 47 Leschenaultia Drive Talbaragup?

After reading this letter several times I am at a loss as to what the activities at Lot 47 will be.

Why is a Garden Centre development planning approval needed, when at Lot 47 there will only be customer service via email and phone?

Why are they seeking permission to park 3 vehicles that are for personal use? The letter from the Shire dated 6/9/12 states, planning application - proposed Garden Centre and parking of one truck.

Why would they need to remove reversing beacons from machinery that is being used for personal use? Is this logical?

The clearing of the bush, construction of a firebreak, work on driveways & tank relocation are all activities all residents undertake, usually only once. There after what will be the main use of these vehicles?

In paragraph 3 of the application, in relation to noise, there is already a noticeable loud metal banging and rumbling of engine noise taking place late in the afternoons.

I object to the possibility of heavy vehicles using

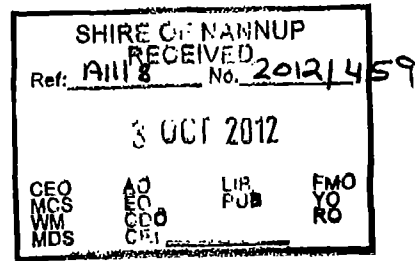
these local minor roads in Talbarragup. Particularly
on Johnston Road.

I would not like a Garden Centre to develop on
this site.

Yours sincerely
Robyn Mills.

27/09/2012

David Raill & Andrea Isaac
Lot 48 Leschenaultia Drv.
Nannup WA 6275



Robert Jennings
CEO Shire of Nannup

RE: Planning Application- Lot 47 Leschenaultia Drv- Proposed Garden Center

Dear Sir/Madam,

Thank you for the opportunity to put forward our views/comments on this matter. As you are aware from previous correspondence relating to the business operations from this address we as residents are all concerned with the impact to our lifestyle here. We chose this area to live in because of the peace and tranquillity as most other residents have as well.

We have read the current application submitted to you by the Moyle's and I have some ongoing concerns as well as new ones. There has been no cessation of trucking activities as requested by the Nannup Shire since the first complaints were tabled. We have noticed more and more vehicle movements which always include the loading of equipment (bobcat/excavator) at the premises. There is actually 2 trucks parked here full time which I outlined in an email with photos to Robert Jennings in June 2012, to no effect.

The current business (JMB Bobcats) has a website/gate sign and advertisement in the Nannup local paper advertising Earthworks and Soil supplies, while still having no approval to operate from the premises at Lot 47. We are in a special rural zoned development with only single lane roads and a shared access to Leschenaultia drive which is on a sharp corner, the constant truck movements have eroded our road access way and it is in a state of constant repair. The same applies to the corner of Johnston and Leschenaultia, gravel is build up on the corner, making it a very slippery surface to turn into due to local traffic but definitely worsened since the trucking operations. The operating hours are 7 days a week with no regard to noisy engines/loading activities which happen anytime from 5.00am to 8.00pm.

We decided to purchase properties in this quiet, tranquil part of the state, zoned as such, but this tranquillity has been taken away and I see any approvals for more business activities as a license to destroy the peaceful natural state of our estate. We would like to reiterate my total opposition to this planning application and also to ask the shire what they intend to do with the continued business activities which I'm sure will carry on regardless of approval/disapproval to the current owners open worded planning application letter. As we see it there is more of a transportation aspect to the stated proposal and anything involving a garden centre.

Approval would give rise to further issues with even more noise, bulk storage issues, odour and flies, not to mention extreme fire hazard from bulk fuel storage and mulch supplies and more vehicle movements and greater traffic hazard on our single roads.

Should approval be given, what guarantees and procedures are in place to monitor the activities on property?

We are also concerned about the negative implications on our properties value (and Brockwood Estate) by an adjoining Garden Centre business with heavy machinery. We are next door neighbours and certainly are already now directly affected.

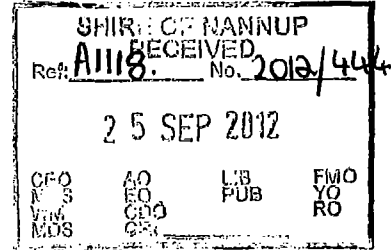
A garden centre is not only soil supplies, is there any further clarifications in the proposal on what other items the business is planning to sell? Special rural zoning does not allow sales from the premises we thought. This kind of operation would suit the Light Industrial area and would probably thrive being in proximity of other businesses.

Yours Sincerely,

David Raill & Andrea Isaac

Wendy Kennedy

From: Robert Jennings
Sent: Tuesday, 25 September 2012 4:33 PM
To: Wendy Kennedy
Subject: FW: Planning Application - Lot 47 Leschenaultia Drive, Jalbarragup



Hello Wendy

For your attention.

Regards Rob

From: Nancy Tang [mailto:nancy@earthwings.com.au]
Sent: Tuesday, 25 September 2012 4:20 PM
To: Robert Jennings
Subject: Planning Application - Lot 47 Leschenaultia Drive, Jalbarragup

Mr Robert Jennings
Chief Executive Officer
Shire of Nannup
Adam Street
Nannup WA 6275

Dear Robert

Planning Application - Lot 47 Leschenaultia Drive, Jalbarragup

We wish to lodge our objection to the above-referenced planning application for a garden centre and truck/machinery parking at Lot 47 Leschenaultia Drive in Brookwood Estate, Jalbarragup on the following grounds:

Road Safety - The main roads in and out of the property are Leschenaultia Drive and Johnston Road. Both of these roads, while sealed, are effectively single-lane carriageways, which necessitates vehicles having to move on to the road shoulder when passing in opposite directions. Regular passage of trucks and machinery along these narrow roads, especially through the inclined curve (a 40 km/hr curve) between lots 7 and 9 / 32 and 25 Johnston Road could constitute a traffic hazard and contribute to damage and degradation of the bitumen edges as well as the graded gravel shoulders. Along the aforementioned curve there are places where there is very little road shoulder and a steep drop. Any driver meeting a truck coming the other way, even at 40 km/hr, could find themselves at risk of an accident. Bear in mind that there are a significant number of "weekender" properties as well as holiday accommodation in the area, which means that many drivers may not be expecting to meet a truck coming the other way on Johnston Road. We have already been forced to pull completely off the road to avoid collisions with the Moyles' vehicles when they have been driven at speed along Johnston Road.

Noise - Despite reversing beacons having been removed on the machinery, Mr Moyle's vehicles are very noisy at pre-start, start and post-start. On many occasions we have heard the sounds of trucks and machinery being loaded and started on the property at Lot 47 from our own property at Lot 51. This often takes place before 7:00 am. At present, the noise is somewhat sporadic, however should it become a regular occurrence, early morning noise pollution will erode quality of life for residents and visitors in the area.

It is common knowledge that many Jalbarragup residents own and operate machinery such as small-to-medium sized tractors and loaders for private/personal use, but such equipment is used only on

occasion, and not on a regular, daily basis as may reasonably be expected to occur in a small business environment. Regular, on-going use of heavy and/or commercial machinery would be detrimental to the generally quiet environment which has been enjoyed by residents of Brookwood Estate in the past.

Visual Impact - Councillors and Shire staff will be aware that the regulations governing fire breaks in Brookwood Estate have recently been changed. Compliant firebreaks must be in place within the next couple of years. Once these firebreaks are in place there is every chance that Mr and Mrs Moyle's proposed development and activities could have more of an impact than it would in the absence of firebreaks.

Precedent - Jalbarragup is zoned Special Rural and the Brookwood Estate subdivision in particular is essentially residential and holiday accommodation. It is not rural with farm machinery being used on a regular basis, nor is it industrial. Allowing the operation of trucks and heavy machinery out of a special rural area would set a dangerous precedent for eroding the quality of life for property owners and ratepayers attracted to Brookwood Estate by the quiet bushland environment and the "tree change" lifestyle.

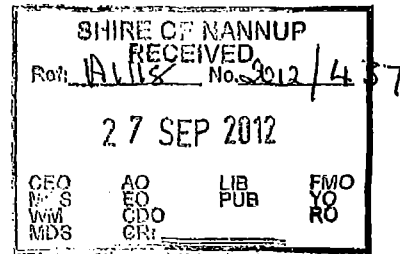
If Mr and Mrs Moyle wish to use a bobcat and excavator to landscape develop their own property and maintain firebreaks, we have no objection to them doing so provided they do not breach noise regulations or create traffic hazards. We see no reason why Mr and Mrs Moyle should not be allowed to have a limited amount of private, non-commercial machinery on their block for personal use in the same manner as other residents. Such machinery, however, should be operated in the same manner as that belonging to other residents, which is to say with due consideration for neighbours and visitors to the area. Given the history of activity on the property at Lot 47 to date, however, we have reason to believe that the proposal as it stands would have even more of a detrimental impact upon residents than that which already exists.

Yours sincerely

Brian Mawby-Brown and Nancy Tang
Lot 51, Leschenaultia Drive, Jalbarragup

Wendy Kennedy

From: Robert Jennings
Sent: Thursday, 27 September 2012 8:09 AM
To: Wendy Kennedy
Subject: FW: Application for Planning Approval - Moyle



Good morning Wendy

Another one for your attention.

Regards Rob

From: Nannup Hardware & Agencies WS82 [mailto:nannuphardware01@bigpond.com]
Sent: Thursday, 27 September 2012 6:58 AM
To: Robert Jennings
Subject: Application for Planning Approval - Moyle

Good Morning Robert,

The Public Consultation bit on the web site should probably indicate whom to direct submissions to. It might cut down on your email load.

With regards to the above Application, might I first say that I support appropriate economic land use. However, in this instance there is virtually no information in the Application as to what would be happening at the Garden Centre, either in physical layout or commercial activities. If, as asserted, there won't be any customers coming to the property and no storage or handling of materials on site, it is unclear as to what the application is for.

Notwithstanding the OHS concerns with disconnecting "reversing beacons" (& here I assume they mean reversing buzzers as the action is in relation to noise reduction), surely a Development Application is not required to park their own vehicles on their own property.

As to the landscaping & development of their property, it would seem that this would fall under Council Policies in relation to that particular Sub-Division (eg tree removal & firebreak requirements) not a Development Application.

On the basis of the information provided it is difficult to see that a Planning Application is appropriate for the circumstances, however, possibly the Applicants Submission doesn't do justice to their intention. Maybe a Council Officer could meet with them and assist them to develop a clearer plan (if appropriate & needed).

Cheers

Geoff Wishart

Nannup Hardware & Agencies
67 Warren Rd Nannup WA 6275
Ph: 08 9756 1154
Facs: 08 9756 1324
nannuphardware01@bigpond.com
geoff@nannuphardware.com

SHIRE OF NANNUP			
RECEIVED			
Ref: A1118	No. 2012/438		
24 SEP 2012			
CEO MFS WM MBG	AO FO GDO ERI	LIB PUB	FMO YO RS

24th September 2012

Phil Laird /Jean Petersen
Lot 7 Leschenaultia Drive
Jalbarragup

**Re: PLANNING APPLICATION – LOT 47 LESCHENAULTIA DRIVE JALBARRAGUP
PROPOSED GARDEN CENTRE & PARKING OF ONE TRUCK.**

Dear Sir

We would like to take this opportunity to lodge our objection to this proposal.

Although it would appear that the application itself is confusing and it remains vague as to the actual intentions of the proponents.

Our reasons for our objections are as follows.

- These are Special Rural blocks – or Lifestyle blocks, and as such preclude the running of business or industry.
- Allowing a bulk supply business, or business in general, to operate would set a precedent that might have undesirable implications in the future in regards to commercial enterprises in the area.
- The running of heavy traffic through the area is undesirable – and the roads are not designed for the constant and prolonged movement of heavy traffic.
- Noise from traffic movement is an issue – also the removal of warning beepers from heavy vehicles would appear to be illegal.
- This area is already under duress from random mass clearing of native bush, and the forced imposition of fire breaks is adding to the undermining of the environment and the quality and enjoyment of the area – the addition of further unsuitable practices by way of allowing invasive commercial enterprises is unacceptable.

We hope that you will take into account our objection to this proposal when it comes before the Council for consideration.

Yours Faithfully



For and on behalf of Phil Laird and Jean Petersen.

SHIRE OF NANNUP			
RECEIVED			
Ref: A 1115		No. 2012 / 43	
26 SEP 2012			
CEO	AO	LIB	FMO
M/S	EO	PUB	YO
VMI	CHO		RO
MDS	CR: <i>Planning</i>		

24/9/2012

AL & JA mailes
 Lot 40 Johnston Road
 Jalbarragup 6275

Robert Jennings CEO
 Shire of
 nannup W.A 6275

Dear Sir;

Please find enclosed our reply ,re planning application for lot 47 Leschenaulta Drive Jalbarragup.

First of all ,this area is special rural and not L I A area We feel this application should be rejected by Council .

There are 2 containers on the the property one has oils and fuel stored in it also there is a large fuel container full of Diesel which was not mentioned in his letter,

there was a delivery of fuel that arrived today at about 4 Pm .

plus there are two heavy duty vehicles; not the one he is claiming to have, and does he have an area where he can dump his oil from the trucks. He has claimed to have disconnected the beepers on his vehicles this is illegal isn't it ,my understanding of the law is for all heavy duty vehicles to have them connected at all times.

The roads in jalbarragup are not wide enough for two cars to pass without having to drive with two wheels on the gravel, so to try and pass a Tip truck would be impossible,especial as they drive up the middle of the road,whether it be in the tip truck or their Prado.Johnston road is not a speedway.Also the truck the prado and their ute driven by Mr & Mrs Moyle travel along Johnston Road as well with no regards to other road users.My Wife has had to head off the road to avoid an accident.

What about the E.P.A have they been notified of their intentions I'm sure they would object also and if there happenend to be a fire in the area the place could go off like a bomb.

My wife and I moved to Jalbarragup for the peace and quiet and the tranquillity of this place.

If we wanted to be near a LIA we would not have bought in this area. keep this area pristine just like it is.

AL & JA Mailes

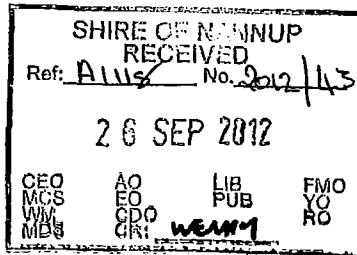
AL Mailes

Judith A Mailes



Government of Western Australia
Fire & Emergency Services Authority

Your Ref: A1118
Our Ref: BY01859-03



Fire & Emergency Services
Authority of Western Australia

South Western Highway
BUNBURY WA 6230
PO Box 1288 BUNBURY WA 6231
Telephone (08) 9780 1900
Facsimile (08) 9725 4230
Email fesa@fesa.wa.gov.au
www.fesa.wa.gov.au

24 September 2012

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Sir

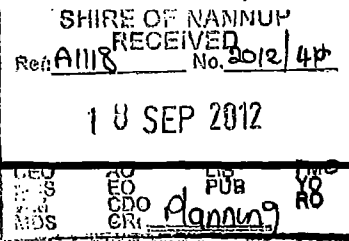
**REFERRAL RESPONSE – PLANNING APPLICATION – LOT 47
LESCHENULTIA DRIVE JALBARRAGUP – PROPOSED GARDEN CENTRE
& PARKING OF ONE TRUCK**

The proposal has been assessed by FESA against WAPC SPP 3.4 Natural hazards and disasters. As such, FESA raises no objection to the proposed subdivision providing all future development is in accordance with the 'Planning for Bush Fire Protection Guidelines' Edition 2 May 2010.

Should you require further information please contact our Regional office on 9780 1900.

Yours faithfully

DOUG VAN BAVEL
LAND USE PLANNING OFFICER



Wendy Kennedy

From: Robert Jennings
Sent: Tuesday, 18 September 2012 6:59 AM
To: Wendy Kennedy
Subject: FW: Objection to Planning Application at Lot 47 Leschenaultia Drive, Jalbarragup

Hello Wendy

For your attention.

Regards Rob

From: david patterson [mailto:david.deepatterson@hotmail.com]
Sent: Monday, 17 September 2012 6:37 PM
To: Robert Jennings
Subject: FW: Objection to Planning Application at Lot 47 Leschenaultia Drive, Jalbarragup

From: david.deepatterson@hotmail.com

Subject: FW: Objection to Planning Application at Lot 47 Leschenaultia Drive, Jalbarragup
Date: Mon, 17 Sep 2012 18:13:06 +0800

Dear Robert

We wish to object to the Planning Application from Melinda and Jamie Moyle in relation to the proposed garden centre and operation of machinery at Lot 47 Leschenaultia Drive, Jalbarragup.

Our property at Lot 41 Johnston Road shares a boundary with Lot 47 Leschenaultia Drive and we believe that the increase in activity will have a significant negative impact on us.

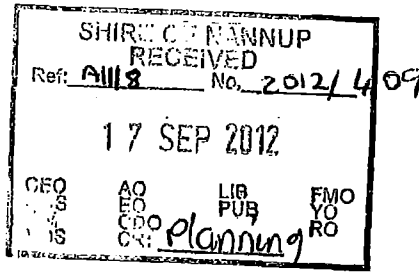
At present, activity on the property starts around 5:30 am with Jamie warming up his machinery. He then leaves the engines running for at least 30 minutes at a time before departing. During this time he loads or unloads the bobcat in or out of the truck, banging the steel ramps and slamming the tailgate. This is extremely loud with the noise reverberating through the bush. He also exits the block at what I would consider an inappropriate speed for the conditions, with the truck bouncing and making excessive noise all the way down the driveway. On one occasion our vehicle was forced off the road and into the bush in order to avoid being run down by one of his trucks. The statement that there is low visual impact is not correct. Jamie and Melinda have cleared most of the trees between their block and the fence, leaving us with a clear view of his machinery, two sea containers, a 2,000 litre diesel overhead storage tank, spare truck tyres and various pieces of construction equipment. The diesel tank is a fire risk and is only 10 metres from our boundary. It also has no wall constructed around it to prevent the spread of spilled fuel. Jamie has already spilled diesel and oil all over his block. This has the potential to pollute our bore which is used for the supply of drinking water.

The current type and level of activity at Lot 47 Leschenaultia Drive is already inappropriate to the area and creates disturbance for neighbours on surrounding properties. If Melinda and Jamie are permitted to increase the level of activity and the number of vehicles kept and operated on the property, conditions and relations between neighbours will deteriorate further. We believe the Moyles are already in breach of noise regulations and should not be allowed to expand the operation any further.

Jalbarragup is zoned Special Rural and as such, noisy and intrusive businesses such as that operated and proposed by Melinda and Jamie Moyle should not be permitted. That is what the Light Industrial Area is for.

Yours sincerely

David and Deirdre Patterson
Lot 41 Johnston Road, Jalbarragup



Mr R J Burgess
Lot 43 Johnson Road,
Jalbarragup
WA 6275
17 September 2012

Mr Robert Jennings
CEO
Shire of Nannup

re Planning Application – Lot 47 Leschenaultia Drive Jalbarragup

Proposed Garden Centre and Parking for one Truck

This application is ridiculous, A Garden Centre, 20km from town?

This area is zoned Special Rural and the thought of small industry in the area is totally not ON.

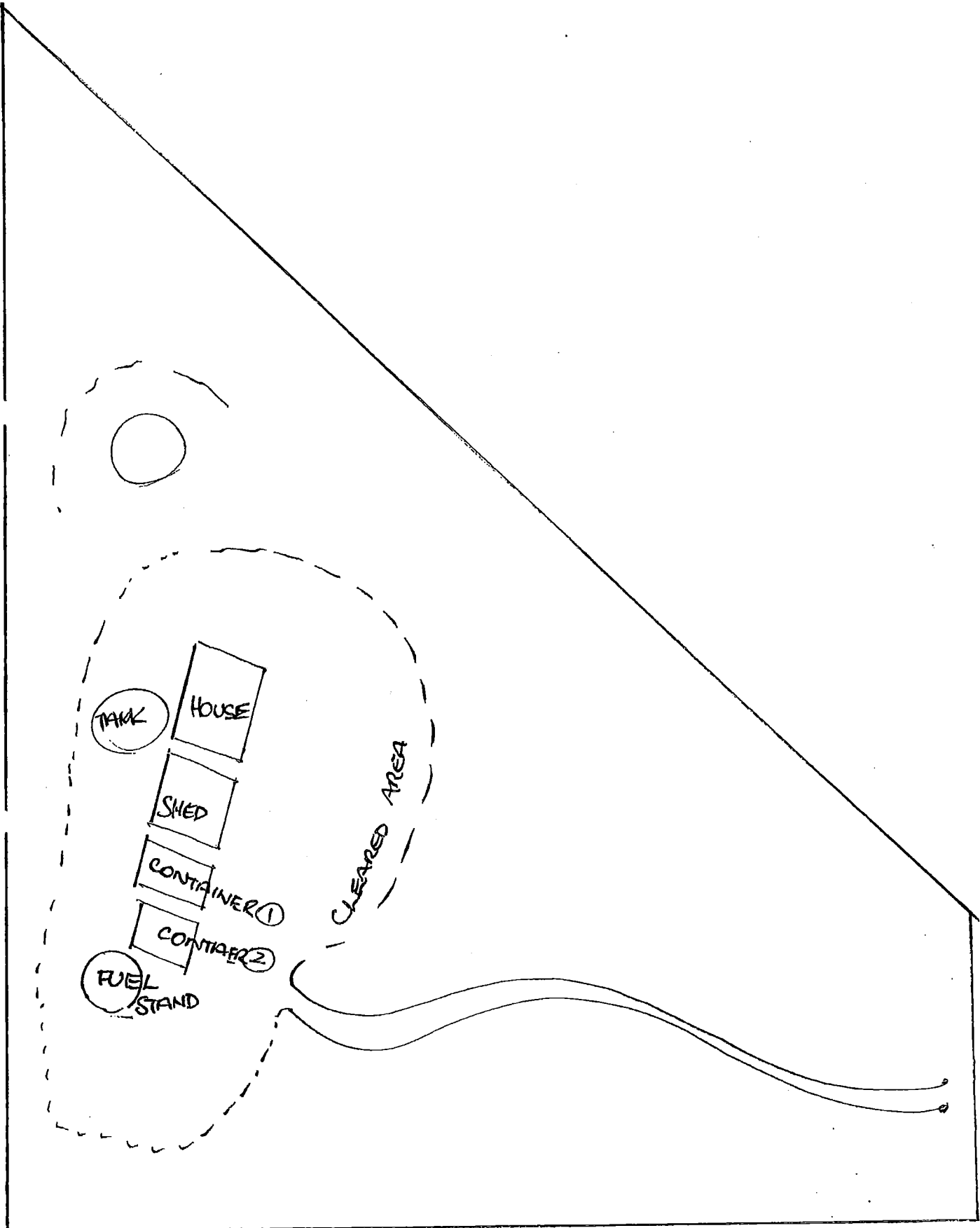
This application is in fact purely an excuse to operate and earth moving business.

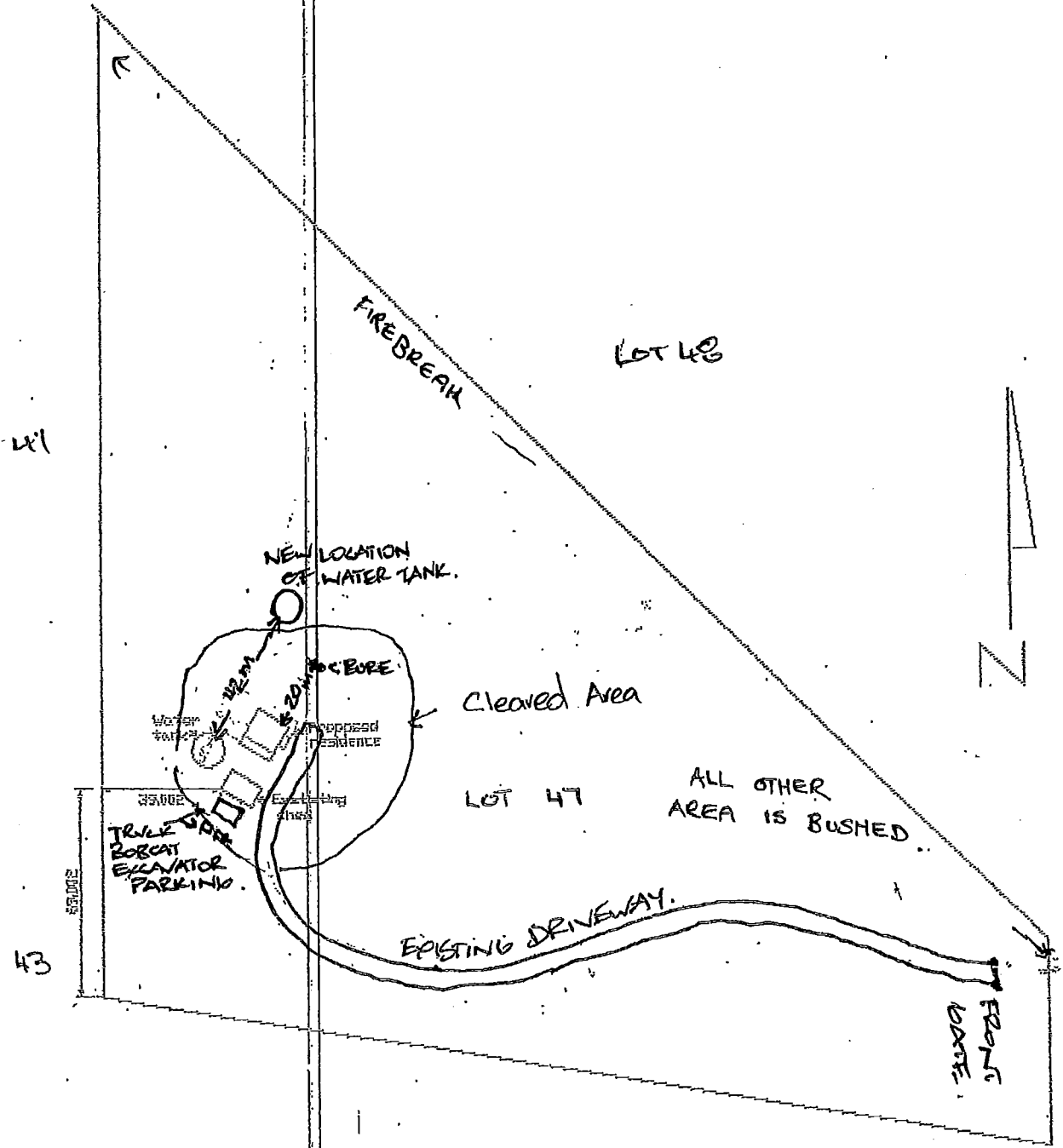
This area is intended for people who wanted to get away from this sort of thing, the road is not made for trucks and heavy equipment, I have, many times, been forced to move to the gravel verge to make way.

The drawing supplied with the application is not correct. It fails to show the second container which contains oils and lubricants, not to mention the 5000ltr fuel tank which is a potential fire and environmental disaster. This tank is filled by a fuel truck from Manjimup. Attached is a more accurate drawing of the site. Also parking, there are two trucks on this property, plus two 4WDs that are used daily.

The removal of reversing alarms may be illegal.

This application should be totally out of the question. The concern of local residents as to their property values, the noise factor, the inadequate construction of local roads leaves a lot to be considered for ratepayers.





44

43

FIREBREAK

LOT 46

NEW LOCATION OF WATER TANK.

Proposed Residence

Cleared Area

LOT 47

ALL OTHER AREA IS BUSHED..

EXISTING DRIVEWAY.

FRONT YARD.

Leschenault Drive

Scale 200:1

LOT 46

Wendy Kennedy

From: Chris Wade
Sent: Wednesday, 19 September 2012 8:13 AM
To: 'Steve Thompson'
Cc: Wendy Kennedy
Subject: Lot 47 Leschenaultia Road
Attachments: image001.jpg; image002.jpg

Hi Steve,

I have concerns about the planning application for the above location. The main point is the condition of Johnson Road, when it was sub divided all those years ago the developer only had to construct and seal the road to 4m. The road currently has been widened in the odd section to 4.5m but still has a couple of blind curves. It is really not suited to increasing traffic for a business or the running of trucks in and out without upgrading.

I understand from the application that there is not the intention to run heavy vehicles to and from the block but we now that is not the case as it happens already.

Thanks

CHRIS WADE
MANAGER INFRASTRUCTURE



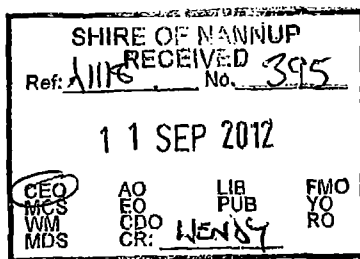
Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275. M:?
www.nannup.wa.gov.au

Wendy Kennedy

From: Matthew White [jokstrap5@bigpond.com]
Sent: Thursday, 13 September 2012 1:06 PM
To: ShireofNannup
Subject: REF: A1118

SHIRE OF NANNUP	
RECEIVED	
Ref: A1118	No. 402
13 SEP 2012	
CEO MACKAY IS	AO EEO C/O C
LIB PUB	FMO YO RO

Hi Vic.
My name is Matthew White and my wife, Betty and i own the property at lot 49 Leschenaultia Drive, Jalbarragup. Having Read the request from Melinda and Jamie Moyle, the only thing that would concern me is the amount of noise that would be heard from the property, but that said if it started at 7am and finished at say 4 or 5pm i would consider that a normal practice.
Also with the reversing beacons disabled i think the noise would be acceptable to us.
If they stick to the said conditions in the letter i have no problems with their application.
We are part timers ourselves, and on occasion have heard Jamie doing work on the property and the only real noise i heard was the reversing beacons, so again if they are disabled that is fine with us.
I think the boundary neighbours would hear a lot more noise than us but that is up to them to reply to yourself.
.egards Matthew White.



Mr B R Healey
Lot 46 Leschenaultia Drive,
Jalbarragup
WA 6275
11 September 2012

Mr Robert Jennings
CEO
Shire of Nannup
Adam Street
Nannup
WA 6275

Dear Sir,

re Planning Application – Lot 47 Leschenaultia Drive Jalbarragup
Proposed Garden Centre and Parking for one Truck

I am totally opposed to the above application.

My reasons are as follows.

Mr and Mrs Moyle display no consideration for regulations or neighbours. They continue to operate a trucking business even though they are well aware that this area is zoned Rural Special and that they should cease.

At 2am on Thursday 6 September a truck left there property after being noisily prepared. Trucks continually come and go at all times of the day and into the evenings.

They have a bulk fuel tank with no environmental or fire fighting provisions.

Approval to park one truck will be taken as tacit approval to continue their business. They do not have any approval to park any trucks at the property but there are two trucks continually parked.

The bobcat and excavator are purely an adjunct to the trucking business.

I do not believe that garden mulches and fertilizers will not be kept on their property as the temptation to bulk buy and store to sell at greater profit will be too great.

The operation of this business is impacting on the ambience of this area. People live here for the peace and tranquillity, this can only result in a drop in the value of these properties. It is totally inappropriate. If I wanted to live in an LIA I would not be living here.

These trucks are often driven at speeds unsuitable for the local roads. There have been many instances where local car drivers have been obliged to take evasive action.

Leschenaultia Drive, Johnson Road, Jalbarragup Road and Stacey Road are of a standard totally unsuitable for heavy traffic. It is only a matter of time before such vehicles cause damage and repairs will need to be made. There are already signs of road damage where their driveway joins Leschenaultia Drive and where Leschenaultia Drive joins Johnson Road also, the gravel and debris from the truck is causing a hazard to vehicles on that corner.. To be fair the gravel at the junction of Leschenaultia Drive and Johnson Road is added to by local cars

yours faithfully,

A handwritten signature in black ink, appearing to read 'B R Healey', with a large, stylized flourish at the end.

Bernard Healey

Wendy Kennedy

SHIRE OF NANNUP RECEIVED			
Ref: A1118	No. 2012/389		
11 SEP 2012			
CEO MCS WM MDS	AO EO CDO PR	LIB PUB	FMO YO KO

From: Mark Hainsworth [Mark.Hainsworth@cox.com.au]
Sent: Tuesday, 11 September 2012 8:46 AM
To: ShireofNannup
Subject: letter from Vic Smith A1118
Attachments: imagec6ee4f.GIF

RE : Planning Application – lot 47 Leschenaultia Drive

Following receipt of your letter with regard to comment on the application by Jamie and Melinda Moyle.

We confirm we have no objections to the Planning Application, the uses as detailed has no visual effect and noise associated with the truck and equipment, generates less noise than the chainsaws, and wood cutting on the surrounding blocks and estate.

All part and parcel with rural bush blocks.

We are happy and delighted that there is now a local contractor that has appropriate equipment to undertake earth works and upcoming fire breaks construction recently imposed, and hope to support this new business venture. Should you have any questions please do not hesitate to contact me.

Regards Mark Hainsworth

Land owner
Lot 45 Leschenaultia Drive
Jalbarragup

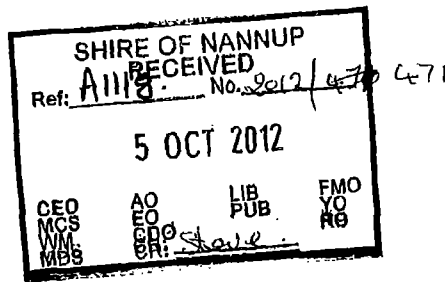
Mark Hainsworth - Associate



Cox Howlett & Bailey Woodland

360 Murray Street, Perth WA 6000 Australia

E: Mark.Hainsworth@cox.com.au | T: +61 8 9322 3644 | F: +61 8 9322 1664 | M: +61 408 956 532 | W: coxarchitecture.com.au | [Disclaimer](#)



Stephen Boak
6 Leschenaultia Drive,
Jalbarragup, WA 6275
Ph (08) 9756 0662

4th October 2012

Mr Robert Jennings
CEO, Shire of Nannup,
Adam St,
Nannup, WA 6275

Dear Robert,

Regarding the Planning Application – Lot 47 Leschenaultia Drive, Jalbarragup

I would like to state my objection to the application for a 'Garden Centre' and machinery parking at Lot 47 Leschenaultia Drive.

I purchased my property in Jalbarragup and live in the area because of its seclusion and peaceful nature. I have no objection to the sound of normal maintenance activities which go with the ownership of a rural block, but do not wish to be assaulted with the noises of an industrial operation.

I am already aware of machinery at number 47 being started, moved around, loaded etc very early some mornings, sometimes pre dawn, as I am only about 500m away round the corner at 6 Leschenaultia Drive and can hear the activity myself. It is obvious that there is already an earthmoving business being run from that property, authorised or not.

Safety of residents and visitors to the area is a primary consideration. Johnston Road is only a single lane sealed road, with two blind corners and a narrow section just north of the Darradup Fireshed. This section of road is barely adequate for the safe passing of two normal family size cars, and certainly not suitable for trucks. Regular truck traffic on this road would constitute an unacceptable danger for other road uses.

The granting of this application will effectively turn Lot 47 into an industrial area, which is completely incompatible with the aims of the Special Rural Zone as specified in the Nannup Local Planning Scheme #3: "To provide for a range of land uses compatible with the residential occupation of the land while providing for agricultural production on smaller lots where such production does not interfere with the amenity or rural residential character of the area"

The granting of this application would also set a precedent for other commercial operations to be approved in this, and presumably any other, Special Rural Zone in the Nannup Shire.

There is already space provided for this sort of activity – the Nannup Light Industrial Area. **Not** next to residential and holiday accommodation.

I am a little confused as to why this application has been submitted, as Mr and Mrs Moyle are in effect saying that the truck, bobcat and excavator will be only for 'personal use' on their property, which would not need approval anyway. The alternative view is that this application is a back-door way to legitimise and expand an unauthorised business which is already being run from that address.

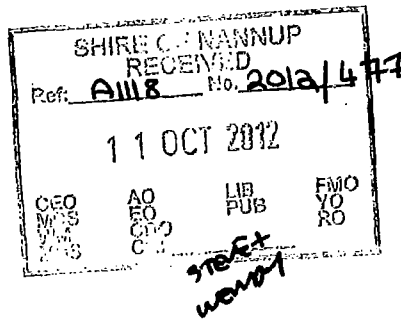
Yours Sincerely,

Steve Boak



Government of Western Australia
Department of Environment and Conservation

Your ref: A1118
Our ref: PRS 32983 2006/003775
Enquiries: Tracy Teede
Phone: 9725 4300
Fax: 9725 4351
Email: swlanduseplanning@dec.wa.gov.au



Acting Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

E-MAILED
9/10/2012

ATTN : Vic Smith

**PROPOSED GARDEN CENTRE & PARKING OF ONE TRUCK -
LOT 47 LESCHENULTIA DRIVE JALBARRAGUP**

I refer to your letter of 6 September 2012 forwarding an development application for the above property for the Department of Environment and Conservation's (DEC) consideration and comment.

The following comments are provided on the proposal.

Lot 47 contains remnant vegetation. Remnant vegetation is important as a wildlife refuge and provides a corridor with nearby areas of remnant vegetation. The remnant vegetation on the property is identified in *Molloy et al, 2009*, as being part of and contributing to a core regional ecological linkage i.e. the vegetation is part of a linkage axis line and has a 1a proximity value. Any development within a 1a category should aim to minimise impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas.

DEC datasets indicate that Lot 47 is likely to contain remnant vegetation which is potential habitat for the Black Cockatoo. Black Cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950*. Major threats to Black Cockatoos include habitat loss and fragmentation.

The proposal did not provide any information in relation to potential impacts on remnant native vegetation and the quantity and composition of potential Black Cockatoo habitat on Lot 47. DEC's preference is for development, access ways and fire protection areas to be located within existing cleared areas to avoid impacts on potential Black Cockatoo habitat.

Advice Note

The WRP and Black Cockatoos are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950*.

It is not clear from the application if any clearing of vegetation will be required. If the proposal does require the removal of vegetation then a clearing permit may be required. Further information on clearing permits can be found on the DEC website <http://www.dec.wa.gov.au>. Follow the links to *management-and-protection* then *plants* then *native vegetation*. Guidelines for clearing can also be found in Guidance Statement No. 33, Chapter B2 on the Environmental Protection Authority website.

South West Region
South West Highway, Bunbury WA 6230
Phone: 08 97254300 / Fax: 08 97254351
PO Box 1693, Bunbury, WA 6230
www.dec.wa.gov.au

Advice Note

Clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from DEC, or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) under the *Environmental Protection Act 1986*. Exemptions under Regulation 5 do not apply in Environmentally Sensitive Areas.

Compost manufacturing and soil blending may be prescribed, under *Category 67A – Compost manufacture and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils (1 000 tonnes or more per year)* and as such, require a Works Approval, License or Registration under Part V of the *Environmental Protection Act 1986*.

DEC notes that the proponent has indicated that soils, mulches and gravel supplies will not be stored on site. Given this, an *Environmental Protection Act 1986* Works Approval, License or Registration will not be required.

The Environmental Protection Authority's (EPA) *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* (June 2005) identifies separation distances for different types of industry to protect sensitive land uses from emissions such as noise, gases, dust and odour. Land uses considered to be potentially sensitive from emissions include residential development or dwellings, shopping centres, some public buildings, retail outlets, offices and training centres and some types of storage and manufacturing facilities.

The EPA *Guidance Statement No. 3* provides advice and guidance for decision makers to consider when making decisions on proposals, town planning schemes etc. EPA *Guidance Statement No. 3* is there as a tool for decision makers to assist with avoiding land use conflicts. Where the generic buffers are provided for, impacts from emissions are considered unlikely.

DEC recommends that the separation distances between Industrial and Sensitive Land Uses, as listed in the EPA *Guidance Statement No. 3*, be considered as part of this development application.

It is the expectation of DEC that environmental planning issues including those not specifically referred to in this letter will be appropriately managed through the planning system.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the DEC South West Region office if you have any queries regarding this advice.



For Regional Manager

9 October 2012

Att.

References

Molloy, S., Wood, J., Hall, S., Walldrodt, S and Whisson, G. (2009). *South West Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation.

Molloy, S., O'Connor, T., Wood, J. and Walldrodt, S. (2007) *Addendum for the South West Biodiversity Project Area*, Western Australian Local Government Association, West Perth.

COPY

Category number	Description of category	Production or design capacity
67	Fuel burning: premises on which gaseous, liquid or solid fuel is burnt in a boiler for the supply of steam or in power generation equipment.	In aggregate 500 kilograms or more per hour (fuel with a sulphur content of 0.25% or more) or In aggregate 2 000 kilograms or more per hour (fuel with a sulphur content of less than 0.25%)
67A	Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	1 000 tonnes or more per year

[Part 1 amended in Gazette 22 Jun 2007 p. 2843, 30 Oct 2007 p. 5877; 23 Jul 2010 p. 3401.]

Part 2

Category number	Description of category	Production or design capacity
68	Cattle feedlot: premises on which the watering and feeding of cattle occurs, being premises — (a) situated 100 metres or more from a watercourse; and (b) on which the number of cattle per hectare exceeds 50.	500 animals or more

A1118

Wendy Kennedy

From: Steve Thompson [steve@edgeplanning.com.au]
Sent: Wednesday, 31 October 2012 7:52 PM
To: Wendy Kennedy; Robert Jennings
Subject: FW: Lot 47 Leschenaultia Drive
Attachments: image001.jpg

Hi Wendy & Rob and fyi

Wendy, can you also file this?

Regards

Steve Thompson
PARTNER



From: Steve Thompson [mailto:steve@edgeplanning.com.au]
Sent: Wednesday, 31 October 2012 7:51 PM
To: 'Matthew White'
Subject: RE: Lot 47 Leschenaultia Drive

Hi Matthew

Your updated advice is noted.

Regards

Steve Thompson
PARTNER



From: Matthew White [mailto:jokstrap5@bigpond.com]
Sent: Wednesday, 31 October 2012 7:17 PM
To: steve@edgeplanning.com.au
Subject: Lot 47 Leschenaultia Drive

Hi Steve.

Further to our conversation i wish to withdraw my letter of approval for the proposed garden centre at the above address and put a vote of in its place.

Regards Matt White.

Please respond as received and also this is confidential and no names will be given out.

Wendy Kennedy

From: steve@edgeplanning.com.au
Sent: Wednesday, 31 October 2012 10:39 AM
To: Wendy Kennedy
Subject: Re: Lot 47 Lescheneltia Drive- Submitter rescinds his comment
Attachments: image003.jpg

Hi Wendy + please place on file. I've left a message with Matthew seeking him to put this in writing.
Sent via BlackBerry® from Telstra

From: "Wendy Kennedy" <wendy@nannup.wa.gov.au>
Date: Tue, 30 Oct 2012 09:19:20 +0800
To: <steve@edgeplanning.com.au>
Subject: FW: Lot 47 Lescheneltia Drive- Submitter rescinds his comment

Hi Steve,

Please see below. I'll put this on file unless you tell me otherwise.

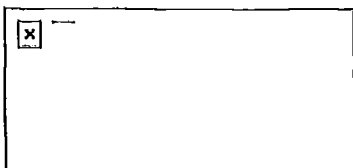
Regards, Wendy.

From: Kirsten Whitehead
Sent: Tuesday, 30 October 2012 9:06 AM
To: Wendy Kennedy
Subject: Lot 47 Lescheneltia Drive

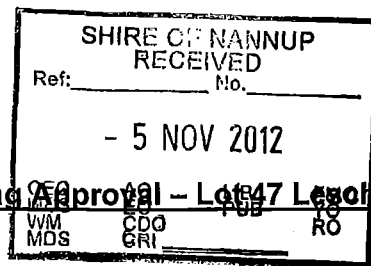
Hi Wendy
Matthew White rang to say he would like to withdraw his "go ahead" ^{submission} application for above address.
He spent a week on the property next door (No. 49) and was taken back by the amount of noise there was coming from the property including motor bikes being started up very early in the morning and is not happy with the fuel tank and the repercussions that will entail.
Matthew can be contacted on 0412 210 193.

Thanks Wendy

Kirsten Whitehead
Temporary Executive Officer



Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275
www.nannup.wa.gov.au



Application for Planning Approval – Lot 47 Leschenaultia Drive Jalbarragup

Thank you for giving us the opportunity to respond to the submissions in relation to our application for a 'Garden Centre' at Lot 47 Leschenaultia Road Jalbarragup.

We would like to withdraw our application for planning approval. We no longer wish to progress with the application for a 'Garden Centre' because some of the land uses proposed including the storage of soils, mulches and gravel supplies on the site was contingent on JMB Bobcats winning the Nannup Waste Management Facility Tender. JMB Bobcats were not successful with the Tender.

What we intend to do is park our vehicles (that we use as part of a landscaping service) at our place of residence where we drive the vehicles to the place of work where the operations for our services occurs.

This is not dissimilar to other persons who park their work vehicle at their residence in the Nannup Shire who drive their 'work vehicles' from their place of residence to their place of work. This may include vehicles that are used by other trades/businesses including electricians, plumbers and other businesses using larger vehicles for their work.

Vehicles to be Parked at Lot 47 Leschenaultia Drive Jalbarragup

The following vehicles will be parked at the premises:

- 1 × 6 wheeler tipper
- 1 × Bob Cat
- 1 × Excavator
- 2 × 4 Wheel Drives

Expected Traffic Movements and Impact on the Local Roads

Typically the amount truck movements to and from our property for our service operations is 2 truck movements per day – that is leaving for work in the morning and returning home in the evening. The truck may cart the Excavator or the Bobcat depending on the work requirements of the destination. This will mainly occur on week days and possibly Saturdays.

The truck is a 6 wheeler tipper and this has 'as of right vehicle' status on the local roads. When assessing the amount of truck movements per day, we argue that this is a very low impact for the local roads and is aligned with other residents going about their business who travel to work from their home.

Noise

From analysing the submissions it appears that the noise issues that are raised as part of the submissions is attributed from the reversing beepers.

Regulation 3 of the *Environmental (Noise) Regulations 1997* exempts noise from reversing beepers from vehicles that are required under law to be fitted with such a device.

Notwithstanding the above we have stated that we would control the use of the reversing beepers in an attempt to appease the objectors at the time, but acknowledge that this cannot be undertaken without separate approvals from Work Safe WA.

Notwithstanding the above we will endeavour to minimise the impacts from the reversing beepers by modifying our parking area such that reversing of vehicles is minimised at the property during times that the vehicles are parked at the property.

Aesthetics and Ambiance

The perception that what we do is affecting the 'aesthetics and ambiance' of the area is very difficult for us to measure. We suggest that this is a subjective matter that is formed on the views, perceptions and ideals that some land owners have for living and 'using land' in the Jalbarragup area.

We reaffirm that we are mindful of the perceptions from some residents in the Jalbarragup area and we will take every practical precaution to minimise any impacts on people in the area.

Yours faithfully

JR & MK Moyle

FINANCE AND ADMINISTRATION

AGENDA ITEM: 11.5
SUBJECT: Accounts for Payment
LOCATION/ADDRESS: Nannup Shire
FILE REFERENCE: FNC 8
AUTHOR: Tracie Bishop – Finance Officer
AUTHORISING OFFICER: Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8 November 2012

Attachment: Schedule of Accounts for Payment.

BACKGROUND:

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

COMMENT:

If councillors have questions about individual payments prior notice of these questions enable officers to provide properly researched responses at the Council meetings

Municipal Account

Accounts paid by EFT EFT 4064 - 4191	\$459,602.37
---	--------------

Accounts paid by cheque Vouchers 18981 - 19016	\$42,036.64
---	-------------

Trust Account

Accounts Paid by Cheque Voucher – 22764 - 22765	\$250.00
--	----------

Accounts paid by EFT EFT 4190	\$200.00
----------------------------------	----------

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund of \$502,089.01 in the attached schedule be endorsed.

8873 LORKIEWICZ / MELLEMA

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund of \$502,089.01 in the attached schedule be endorsed.

CARRIED 8 / 0

SHIRE OF NANNUP			
ACCOUNTS FOR PAYMENT - OCTOBER 2012			
Chq/EFT	Name	Description	Amount
Municipal Fund Payments			
EFT4008	LGIS RISK MANAGEMENT	LGISWA SW REGIONAL RISK CO-ORD PROG	\$2,409.00
EFT4009	BLACKWOOD VALLEY BUS SERVICE	NANNUP CONNECT TO BRIDGETOWN 11/9/12	\$355.00
EFT4010	EDGE PLANNING & PROPERTY	PLANNING SVCS	\$4,009.50
EFT4011	ALS LIBRARY SERVICES P/L	LIBRARY SUPPLIES	\$65.34
EFT4012	COVS PARTS	SLIMLINE TRAILER BEARING KIT	\$41.56
EFT4013	THERAPY FOCUS	SET OF 3 BOOKS	\$28.45
EFT4014	MARGARET RIVER PRINT	100 X A3 POSTERS - YEAR OF THE FARMER	\$220.00
EFT4015	CATHERINE SCOTT	REIMBURSEMENT OF EXPENSES	\$176.34
EFT4016	FIRE RESCUE SAFETY AUSTRALIA	AC HOTSTICK 240V HIGH SENSITIVITY AC DETECTOR	\$522.50
EFT4017	LANDGATE	MINING TENEMENTS CHARGEABLE	\$34.00
EFT4018	FIRE AND EMERGENCY SERVICES AUTHORITY	2012/13 ESL - 1ST QUARTER CONTRIBUTION	\$18,858.00
EFT4019	FTE ENGINEERING	2 X HYDRAULIC HOSES	\$180.71
EFT4020	THE GOOD FOOD SHOP	SUPPLY OF AFTERNOON TEA	\$35.50
EFT4021	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM JSM	\$230.09
EFT4022	INSIGHT CCS PTY LTD	OVERCALLS FEE FOR AUGUST 2012	\$47.19
EFT4023	JASON SIGNMAKERS	VARIOUS SIGNAGE	\$3,573.90
EFT4024	METAL ARTWORK CREATIONS	WHITE ALUMINIUM STAFF BADGES - MAGNETIC	\$152.02
EFT4025	METROCOURT	6 V BATTERY PACKS X 2	\$63.80
EFT4026	NANNUP NEWSAGENCY	POSTAGE AND STATIONERY CHARGES	\$423.58
EFT4027	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$53.90
EFT4028	SW PRECISION PRINT	FIRE BREAK 12PG SELF COVER BOOKLETS	\$1,219.00
EFT4029	ROD'S AUTO ELECTRICS	SUPPLY BATTERY - CESH VEHICLE	\$155.00
EFT4030	R & R TAPE & SAFETY SUPPLIES	UVEX CLEANING TOWLETTES, SUNSCREEN & GLOVES	\$335.94
EFT4031	SOUTH WEST FIRE	SUPPLY BIC'S & THROTTLE CABLE	\$326.41
EFT4032	SYNERGY	ELECTRICITY CHARGES FOR STREET LIGHTS	\$1,930.15
EFT4033	SUGAR MOUNTAIN ELECTRICAL SERVICES	INSTALL POWER OUTLET ON CEILING	\$1,276.11
EFT4034	LOUISE STOKES	TRAVEL REIMBURSEMENT	\$359.00
EFT4035	B.J. & F.H. TOMAS	SUPPLY, FABRICATE & ERECT PERGOLAS	\$10,000.00
EFT4036	TOTAL TELEPHONE	NOKIA BLUETOOTH CARKIT & CRADLE	\$378.95
EFT4037	VOGUE FURNITURE	10 FOLDING TABLES & 2 FILING CABINETS	\$3,978.00
EFT4038	WALGA	MARKETFORCE ADVERTISING - AMENDMENT 12	\$292.70
EFT4039	NANNUP SURVEYS	SURVEY OF WARREN RD FOR STREETScape DESIGN	\$3,300.00
EFT4040	BAILEYS FERTILISERS	SOIL ANALYSIS FOR OVAL	\$176.00
EFT4041	ROBERT LONGMORE	REIMBURSEMENT OF EXPENSES	\$160.00
EFT4042	PJ & VL LAMERS	NANNUP CONNECT TO MANJIMUP & RETURN	\$350.00
EFT4043	NORMAN STEER	REIMBURSEMENT OF EXPENSES	\$416.79
EFT4044	VIC SMITH	REIMBURSEMENT OF EXPENSES	\$78.89
EFT4045	DEAN GUJA	EH WORK & TRAVEL	\$2,400.00
EFT4046	FIRE RESCUE SAFETY AUSTRALIA	FIRE FIGHTING GLOVES - NANNUP BROOK BRIGADE	\$522.52
EFT4047	NEWTOWN HOUSE	10% DEPOSIT FOR GALA DINNER - SW FOOD BOWL	\$5,000.00
EFT4048	IAN PILLAGE	REIMBURSEMENT OF EXPENSES	\$307.00
EFT4049	VERSATECH ENGINEERING SERVICES	SUPPLY PARTS - TRANSDUCER FOR LOADER	\$2,131.14
EFT4050	BUSSELTON PEST & WEED CONTROL	ANNUAL MAINTENANCE PEST CONTROL	\$1,760.00
EFT4051	CORPORATE EXPRESS	STATIONARY ORDER	\$112.42
EFT4052	FTE ENGINEERING	1 HYDRAULIC HOSE MADE UP	\$230.79
EFT4053	GEOGRAPHE TIMBER AND HARDWARE SUPPLIES	TIMBER & GALVANIZED BOLTS	\$262.00
EFT4054	HOLBERRY HOUSE	ACCOMMODATION - STEVE THOMPSON	\$115.00
EFT4055	METAL ARTWORK CREATIONS	WHITE COUNCILLOR & STAFF NAME BADGES	\$59.40
EFT4056	NANNUP COMMUNITY RESOURCE CENTRE	TELEGRAPH ADVERT 2012 - OCTOBER	\$242.00
EFT4057	NANNUP LIQUOR STORE	REFRESHMENTS	\$101.94
EFT4058	PRESTIGE PRODUCTS	ROUND BLUE MOP	\$24.20
EFT4059	ROD'S AUTO ELECTRICS	SUNDRY VEHICLE REPAIRS	\$1,941.65
EFT4060	STEWART & HEATON CLOTHING CO. PTY LTD	TROUSERS & JACKETS - NORTH NANNUP VBFB	\$923.30
EFT4061	WML CONSULTANTS	MOWEN ROAD DESIGN 1000 SVCS RENDERED	\$1,412.51
EFT4062	WORTHY CONTRACTING	WASTE MANAGEMENT FACILITY - SEPTEMBER 2012	\$9,863.33
EFT4063	WORK CLOBBER	1 X OLIVER BOOTS SIZE 10	\$311.00
		TOTAL EFT PAYMENTS:	\$83,933.52

SHIRE OF NANNUP

ACCOUNTS FOR PAYMENT - OCTOBER 2012

18972	SOUTH WEST ISUZU	FILTERS ON FZV 1400 (OIL, AIR & FUEL) & 1 HUB SEAL	\$1,065.13
18973	GRUB HUB	DIESEL (NP3014 & RIDE ON MOWER)	\$72.00
18974	MD & LL COLE	SPRAY TOWN OVAL FOR BROADLEAF WEED	\$200.00
18975	SHIRE OF NANNUP	VEHICLE REGISTRATION	\$245.80
18976	WATER CORPORATION	INDUSTRIAL WASTE CHARGES ANNUAL CHARGE	\$220.25
18978	SHIRE OF NANNUP	FLOAT FOR CARAVAN PARK	\$100.00
18979	ANTHONY DEAN	REIMBURSEMENT OF EXPENSES	\$790.00
18980	EDWARD GENONI	RE-ALIGN GATE POSTS WITH TRACTOR & RE-COMPACT	\$48.00
		TOTAL CHEQUE PAYMENTS:	\$2,741.18
Trust Account Payments			
22762	RYAN KING	REFUND BOND RECREATION CENTRE	\$110.00
		TOTAL MUNICIPAL PAYMENTS FOR PERIOD	\$86,674.70
		TOTAL TRUST PAYMENTS FOR PERIOD	\$110.00
		TOTAL PAYMENTS FOR PERIOD:	\$86,784.70

COMMUNITY AND **ECONOMIC DEV.** **SERVICES**

AGENDA NUMBER: 11.6
SUBJECT: Ellis Creek Trail
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: FNC60
AUTHOR: Louise Stokes - Community Development Officer
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: None
DATE OF REPORT: 14 November 2012

Attachment: Ellis Creek Feasibility Study – previously supplied

BACKGROUND

At the September 2011 meeting Council approved the route for the proposed Ellis Creek Trail which has been developed through a grant received from the Department of Sport and Recreation. Since this date, further consultation and work has been undertaken on the trail development and the grant for the purpose of planning is ready to be acquitted.

COMMENT

Traditionally Council has not established trails as core business; however this trend is changing with surrounding Shires constructing trails as part of their networks. The Shire of Bridgetown is currently upgrading all of their existing trails, located on Shire and on DEC land with a Council budget of \$5000 and utilising community volunteers. In addition they are currently developing a regional bridle trail. The Shire of Manjimup has recently opened their Heritage trail which is on Shire and DEC land, funded by Council and matching grants. Currently the Shire of Nannup has no budget for trail maintenance on Shire land.

The proposed Ellis Creek Walk Trail starts at the Bibbulmun Track turning, just off Wetherley Rd (also known as Buffa Rd), approximately 20 km north east of Nannup. The trail would link Nannup to Balingup and Greenbushes via the Bibbulmun Track.

The trail has been designated as "walk only" as it links to the Bibbulmun Track and DEC policy is to try to avoid linking walk and cycle trails. It is approximately 25 km long and primarily runs along existing DEC roads. There are three sections that will require a new trail to be constructed. These sections follow either an old firebreak or logging road; therefore the area has already been disturbed: Specifically these are:

- 2100 metres - Bibbulmun Track to Stallard Road;
- 1000 metres – Jarrah Trees to Stallard Road;
- 250 metres – Tan Road.

Comprehensive community and stakeholder consultation has been undertaken including:

- The Munda Bidji Foundation,
- The Bibbulmun Track Foundation,
- The Water Corporation,
- The Land and Sea Council,
- Forest Products Commission,
- The Nannup Historical Society,
- Alumina Bauxite Mining company,
- The Recreation Trail Bike Riders Association and
- The Department of Environment and Conservation and subsequently their Recreation and Trails unit.

The Shire of Nannup contracted Howson Management to undertake a Risk Analysis of the trail whilst the Department of Environment and Conservation undertook a Risk Analysis of the trail on their land. The next phase would be to collate the two Risk Analysis documents and determine the risks with proposed mitigating actions.

Estimated costs to mitigate the risks identified by Howson Management are \$26,500. Of this, some actions have already been undertaken and several of the costs are incorporated into the construction costs, reducing the overall estimated financial cost of addressing the risks to approximately \$8,200.

Construction of the trail would be undertaken by a project manager working with Corrective Services personnel. The indicative cost, including purchase and installation of signage, information bays, marker posts, design of interpretive and promotional material, concrete and materials would be approximately \$86,000.

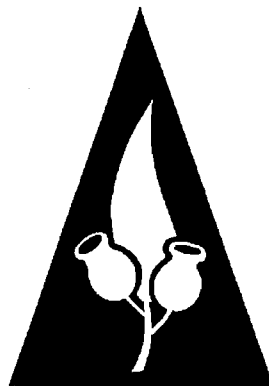
Costs associated with construction by Corrective Services personnel has not yet been received, however would also include gravel, transport and machinery.

It is estimated that the overall construction would be around \$140,000.

Preliminary discussions with the Department of Environment and Conservation indicate that there is an opportunity to include the proposed Ellis Creek trail in their 'Long Trails Network', which will incorporate marketing and ongoing maintenance of the trail on DEC land. This will all be covered in a Memorandum Of Understanding that will be developed

between the Department of Environment and Conservation and the Shire of Nannup. The Shire of Nannup would be responsible for ongoing maintenance of the trail on non-DEC land. Currently this is along gazette roads and therefore the maintenance would be limited to ensuring the trail marker posts are replaced if damaged or vandalized. When the Folly development plan is submitted to Council negotiation with the developer would see the proposed trail re-aligned to pass through this area and be incorporated into the development management plan as Public Open Space. Maintenance of the trail would then be incorporated into the development plan specifications in consultation with the Shire.

In conjunction with the Department for Environment and Conservation and the Nannup Historical Society the trail marker for the proposed Ellis Creek trail has been developed. The icon represents the gumnut and is designed to multi-fit any directional sign.



Future work to be undertaken on this project includes:

- Council approves the Ellis Creek trail feasibility study and the planning grant is acquitted.
- Feasibility study is forwarded to DEC and MOU is developed, including maintenance and inspection responsibilities.
- Quotes for trail interpretation, marker posts, trail construction, forward warning and directional signs sought and
- Funding is sought to construct the trail.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None

STRATEGIC IMPLICATIONS:

The Shire of Nannup Forward Plan 2011/12- 2015/16

Program 13 Economic Services and Tourism. 13.2G: Support the key regional trails initiatives of the Bibbulmun Track and the Munda Biddi Mountain Bike Trail

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council endorses the Ellis Creek trail feasibility study.

8874 GILBERT / DUNNET

That Council endorses the Ellis Creek trail feasibility study.

CARRIED 8 / 0

AGENDA NUMBER: 11.7
SUBJECT: Drift Public Artwork
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: ASS17
AUTHOR: Louise Stokes - Community Development Officer
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: None
DATE OF REPORT: 14 November 2012

Attachments: Concept drawings Drift Public Artwork

BACKGROUND

In 2011 Nannup was the location for the filming of the 'Drift' film. It is anticipated that the film will be launched in Australia in 2013. The film was screened at the Cannes Film Festival and the rights have been secured by Europe, Australia, USA, Mexico, Japan and Indonesia.

COMMENT

It is proposed to design and construct a piece of public artwork in each Shire in which the Drift filming has taken place. This will form the basis of a 'Drift Trail', encouraging visitors to see where the filming took place throughout the south west and as a celebration of the film to the community.

A proposed site of the Uniting Church land next to Grub Hub has been chosen as the first choice for the installation of a public artwork.

Two concept designs of a combi van have been developed (refer Attachments) and initial discussion has been held with the management of Grub Hub, and Yvonne Robinson, Chair, Parish of Busselton Uniting Church in WA.

This report is presented to Council on behalf of the DRIFT stakeholder promotions committee to commence a public consultation process on the proposed art work. There are a number of items for consideration:

- The Nannup townsite features heavily in the film and it is anticipated that with a world wide release that there are ongoing promotional opportunities for the film, along the lines of that realized from the film 'Red Dog'. Many Nannup residents are featured in the film as 'extras' and the installation of the public artwork is a celebration of the communities involvement in this film.
- The existing character appeal of the main street was one of the reasons for the Drift Movie producers and new residents choosing Nannup. The Heritage Precinct Design Guidelines and general heritage character of the street will be impacted should the proposal be realised.

- The northern end of the commercial strip of the main street has a number of public artworks installed and this presents an opportunity to develop social and community spaces at the southern end of the commercial area of the main street.
- A Main Street Upgrade process is currently underway and this project needs to be integrated with the overall aims and outcome of the upgrade.

The South West Development Commission has offered funding support to design and construct a public artwork and the idea has been discussed with the Marketing and Branding reference group. Drift International have viewed the concept designs and have provided their support for this initiative and would like to be involved in the project.

Planning application is currently being sought for this project. Along with seeking planning approval, to progress this project the timeline would be:

November

- Concept designs advertised for public comment.

December

- Council accepts the public comment.
- Expressions of Interest are sought for an artist to produce the artwork
- Quotes are received for the production and installation of artwork.

February

- Council considers the design, selected artist and quotation for the artwork.
- Balance of funding is sought
- Artist is contracted
- MOU developed between Uniting Church and Shire.

April

- Installation of artwork
- Official launch of public artwork.

Further consultation would be undertaken with the parish of the Uniting Church and an alternative location found if this site is deemed inappropriate.

Funding of this project would be through the South West Development Commission and the Cultural Plan budget allocation.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

All funds would be met through grants and current budget allocation.

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2011/12-2015/16 Program 13.2E – Economic Services and Tourism. *That Council implement the Cultural Plan as resources and funding become available.*

VOTING REQUIREMENTS: Simple Majority.

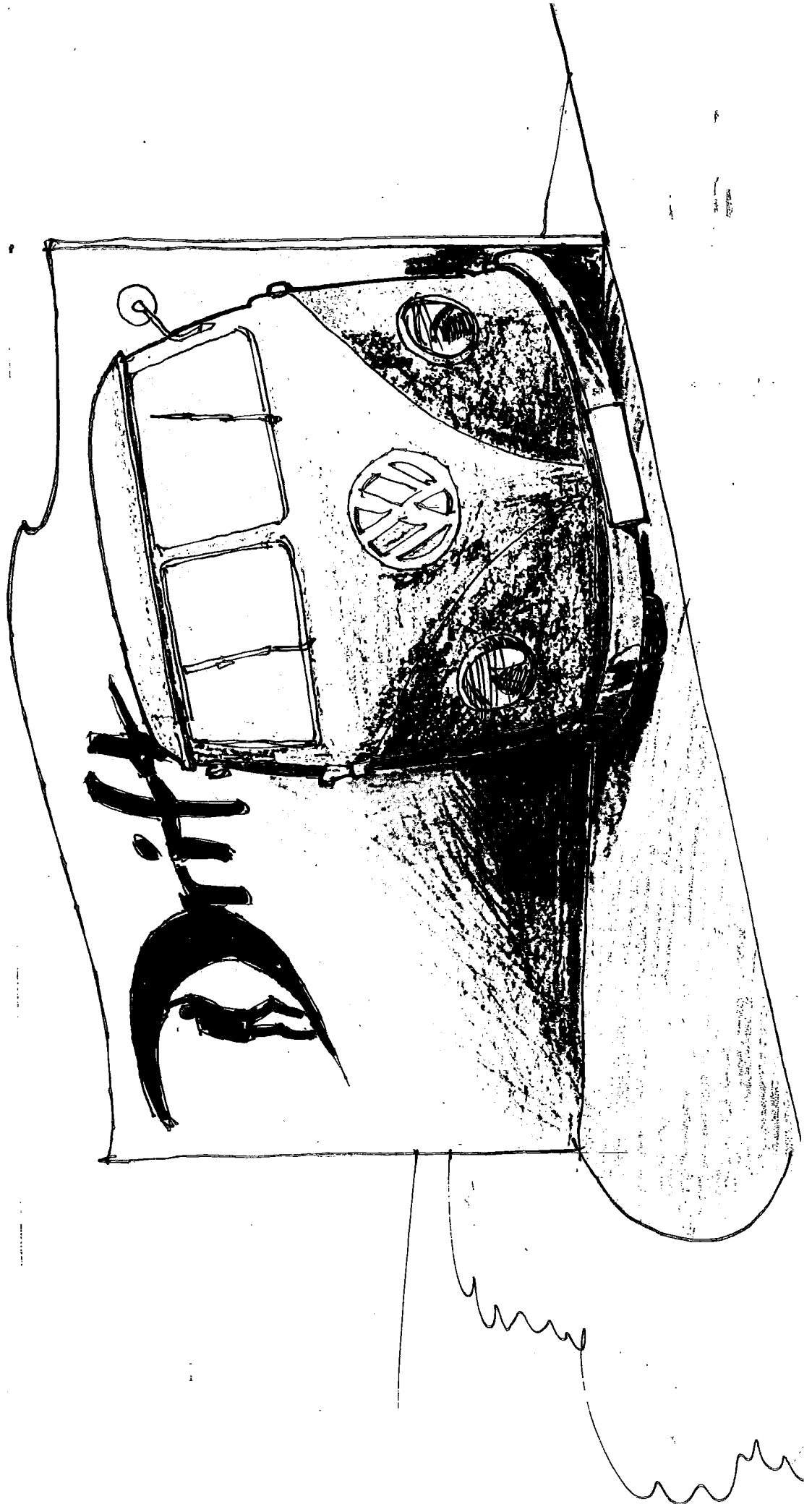
RECOMMENDATION:

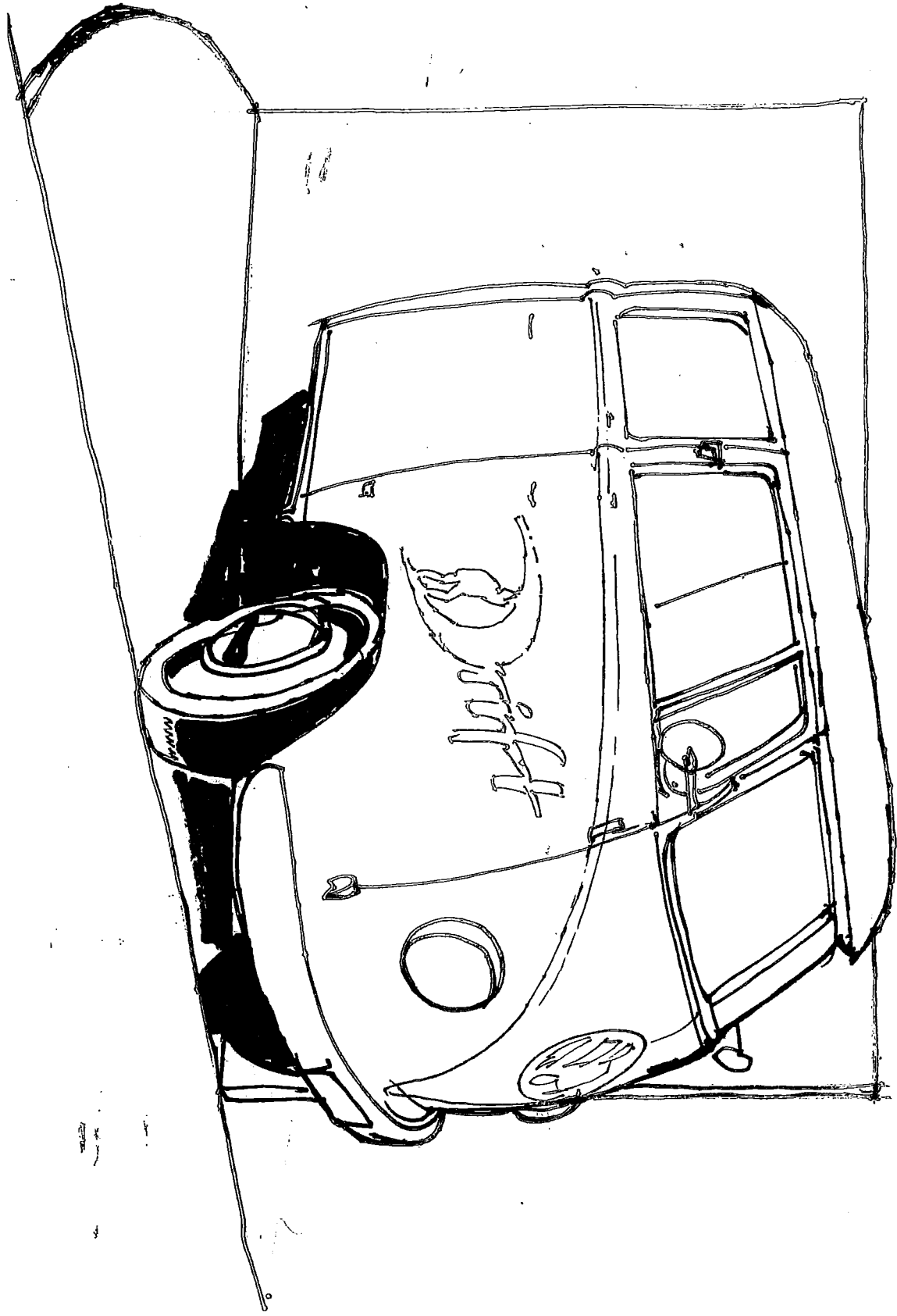
Along with planning approval, Council advertise the two concept designs for public comment for a period of fourteen days.

8875 DUNNET / STEER

Along with planning approval, Council advertise the two concept designs for public comment for a period of fourteen days.

CARRIED 8 / 0

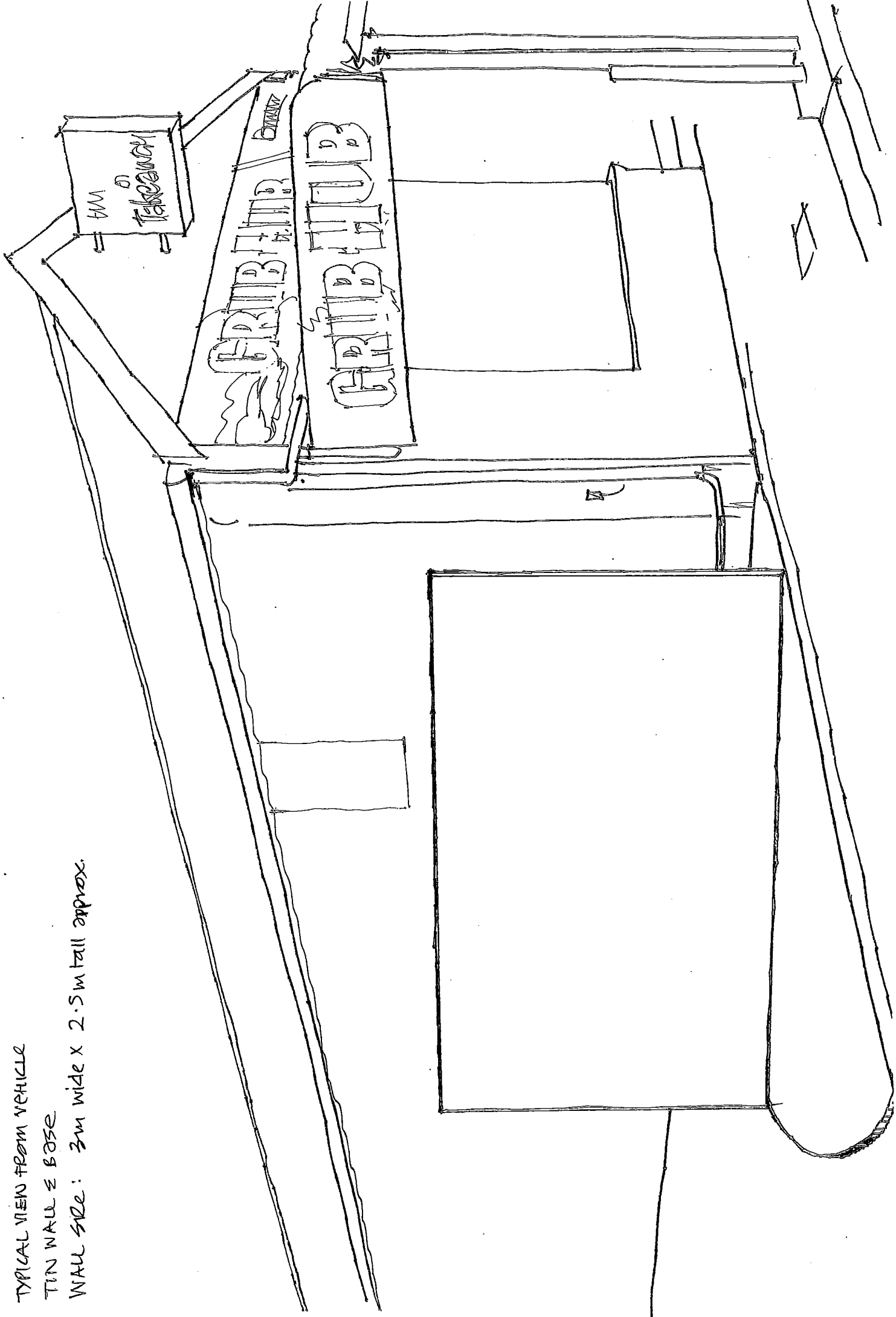




TYPICAL VIEW FROM VEHICLE

TIN WALL & BASE

WALL SIZE: 3m wide x 2.5m tall approx.



CALTEX PROPERTY NORTH WALL

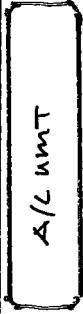
SHOP CANOPY

PAVEMENT

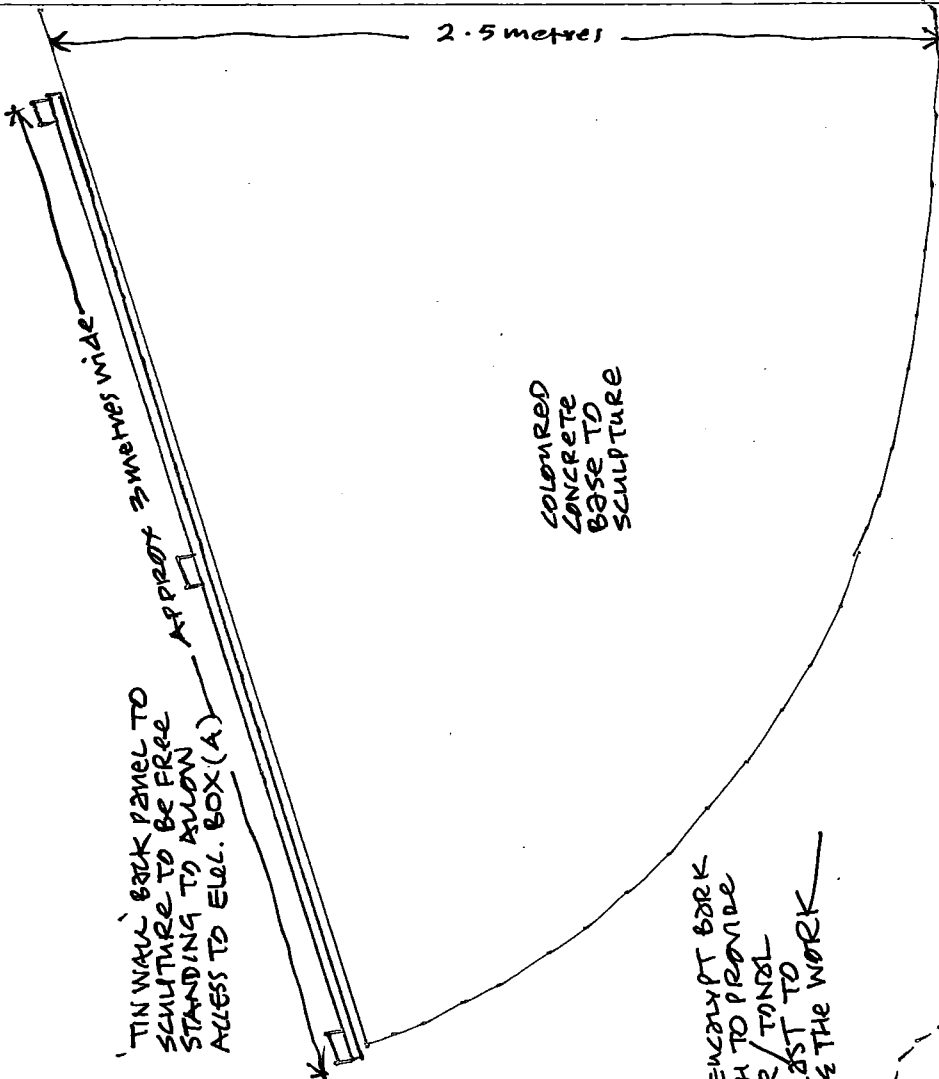
2.5 metres



W/POWER JUNCTION BOX



A/C UNIT



APPROX 3 METRES WIDE

TIN WALL BACK PANEL TO SCULPTURE TO BE FREE STANDING TO ALLOW ACCESS TO ELEC. BOX (A)

COLORRED CONCRETE BASE TO SCULPTURE

PIKE/ENGLYPT BARK MULCH TO PROVIDE CONTRAST TO BOX & THE WORK

AGENDA NUMBER: 11.8
SUBJECT: Shire of Nannup Review of Health Needs and Services
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: HLT 15
AUTHOR: Louise Stokes - Community Development Officer
REPORTING OFFICER: Robert Jennings – Chief Executive Officer
DISCLOSURE OF INTEREST: None
DATE OF REPORT: 14 November 2012

Attachments: Draft Shire of Nannup Review of Health Needs and Services - previously supplied

BACKGROUND

The Shire of Nannup has identified through a number of community projects that the health and allied health needs of residents in the Shire are not being met. In July 2012 the Shire commissioned an independent consultant to provide a report on current health needs and services.

COMMENT

Comprehensive consultation with the Department of Health, Nannup Health Service, Southern Inland Health Service, Medicare Local, Bridgetown, Busselton and Bunbury GP's, Nannup Community Care, South West Mental Health Services, Community Organisations and individuals has been undertaken. A full list of agencies and people consulted are listed in the attachments.

The critical gaps identified include:

- No resident doctor or full-time General Practitioner (GP) service. Visiting service provided by Bridgetown Medical Practice scheduled for 3 days each week but usually less due to other commitments.
- No purpose-built aged care facilities (high care and low care beds available at the Hospital) despite very high proportion of residents 55+ and increasing.
- Hospital facilities and nursing services are good but are limited by the lack of a full-time doctor and access to allied health services on site. Emergency patients are often transferred twice (first to Bridgetown, then on to Bunbury).
- Limited availability of mental and allied health services, particularly publicly funded services.

Recommendations for advocating and implementing solutions to these issues include:

1. Shire to facilitate, in association with others including the Bridgetown Medical Practice and West Australian Country Health Service (WACHS), an increase in

- the GP service to Nannup (with admitting rights to the Hospital).(Highest priority)
2. Nannup Hospital to raise public awareness of its community services including HACC support through Nannup Community Care and home nursing visits, and to advocate for increased capacity including an extended care nurse, particularly in view of the lack of a dedicated aged care facility.
 3. WACHS to be asked to explore alternatives to improve the living arrangements for Nannup Hospital residents, with particular regard to residents' social and emotional well-being.
 4. WACHS to be asked to review its procedures to determine the best way to provide a quality Emergency Department (ED) service for Nannup.
 5. WACHs to be requested to provide an increase in, and more flexible approach to, the provision of allied health services in Nannup (podiatry, physiotherapy and mental health in particular).
 6. WACHS to be asked to review whether coordination of allied health services through the Busselton Community Health Centre would provide better care to Nannup residents than through coordination through the Warren Blackwood Primary Health Unit in Manjimup where services are severely stretched.
 7. Shire to advocate to the Mental Health Commission(MHC)and WACHS:
 - an increase in the mental health services provided by the South West Mental Health team;
 - more publicity to the Nannup community about the range of mental health support services (both public and private) available in the South West;
 - exploration of appropriate and relevant opportunities for funding to address community mental health issues, including opportunities for support agencies to work together
 8. WACHS to encourage residents to make use of the Healthdirect help line system.
 9. Shire to continue to support programs and activities which promote health and well-being and make them self-sustaining.
 10. The Hospital and CRC to develop a co-ordinated approach to maximise the use of videoconferencing as a way of providing access to a broader range of health services for Nannup residents.

11. The Shire to consider ways of transporting patients to health service locations providing a source of funding can be identified.
12. Shire and WACHS to promote effective on-going discussion and communication between WACHS and the community on health issues and services.
13. Shire to set up a working party for improving Nannup's health services in conjunction with WACHS, SWDC, and MHC including consideration of a comprehensive primary health care centre.

Since the Health Needs Analysis project has commenced there have been some service improvements. The Duchess Medical Practice in Busselton now provides a doctor to Nannup each Thursday for a three month period. Evaluation and discussion continues to determine if this service will be continued and upgraded in the next financial year.

Discussion with Mary Wood, Area Manager of Medicare Local indicates that establishing a regional working party to action identified priorities would be a positive step forward.

The draft Shire of Nannup Review of Health Needs and Services has been reviewed by each of the stakeholders.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2011/12-2015/16 Program 13.2E – Economic Services and Tourism. *That Council implement the Cultural Plan as resources and funding become available.*

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council accept and adopt the draft Shire of Nannup Review of Health Needs and Services report and implement recommendations as grant funding and resources become available.

8876 DUNNET / LORKIEWICZ

That Council accept and adopt the draft Shire of Nannup Review of Health Needs and Services report and implement recommendations as grant funding and resources become available.

CARRIED 6 / 2

Voting for the motion: Dean, Dunnet, Gilbert, Longmore, Mellema & Steer

Voting against the motion: Camarri & Lorkiewicz

RECOMMENDATION:

Moved that meeting be closed to the public – 17.48.

8877 LORKIEWICZ / STEER

.CARRIED 8 / 0