



Shire of  
**Nannup**  
rest • connect • grow

# Agenda Attachments

Ordinary Meeting of Council to be held  
on Thursday 16 December 2021  
Commencing at 5.30pm  
in Council Chambers

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of Nannup. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.



# Minutes

**Council Meeting held Thursday 25 November 2021**

UNCONFIRMED COPY

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of Nannup. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.



## Contents

<b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:</b>	3
<b>2. ATTENDANCE/APOLOGIES:</b>	3
<b>2.1 ATTENDANCE</b>	3
<b>2.2 APOLOGIES</b>	3
<b>3. PUBLIC QUESTION TIME:</b>	3
<b>3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	3
<b>3.2 PUBLIC QUESTION TIME</b>	3
<b>4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:</b>	4
<b>4.1 APPROVED LEAVE OF ABSENCE</b>	4
<b>4.2 APPLICATION FOR A LEAVE OF ABSENCE</b>	4
<b>5. CONFIRMATION OF MINUTES:</b>	4
<b>5.1 and 5.2 were passed by en bloc resolution.</b>	4
<b>COUNCIL RESOLUTION 21140</b>	4
<b>5.1 Special Council Meeting – 19 October 2021</b>	4
<b>5.2 Ordinary Council Meeting – 28 October 2021</b>	4
<b>5.3 Local Drug Action Group Committee – 11 November 2021</b>	4
<b>COUNCIL RESOLUTION 21141</b>	4
<b>6. ANNOUNCEMENTS FROM PRESIDING MEMBER:</b>	4
<b>7. DISCLOSURE OF INTEREST:</b>	5
<b>8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:</b>	5
<b>9. PRESENTATIONS:</b>	5
<b>9.1 PETITIONS</b>	5
<b>9.2 PRESENTATIONS</b>	5
<b>9.3 DEPUTATIONS</b>	5
<b>10. REPORTS BY MEMBERS ATTENDING COMMITTEES:</b>	6
<b>11. REPORTS OF OFFICERS:</b>	6
11.1 – Delegated Planning Decisions for October 2021	6
<b>COUNCIL RESOLUTION 21142</b>	8
11.2 – Development Application for chalet	9
<b>COUNCIL RESOLUTION 21143</b>	17
11.3 - Proposed Ordinary Council Meeting Dates for 2022	20
<b>COUNCIL RESOLUTION 21144</b>	22
<b>COUNCIL RESOLUTION 21145</b>	22
<b>COUNCIL RESOLUTION 21146</b>	22

11.4 - Acceptance of Shire of Nannup Cultural Plan 2021 - 2026.....	23
<b>COUNCIL RESOLUTION 21147</b> .....	25
11.5 - Mitigation Activity Grants Program 2021/22 Round 2 .....	26
<b>COUNCIL RESOLUTION 21148</b> .....	28
11.6 - Rates Exemption Policy.....	29
<b>COUNCIL RESOLUTION 21149</b> .....	31
11.7 - Financial Activity Statement - October 2021 .....	32
<b>COUNCIL RESOLUTION 21150</b> .....	33
11.8 - Payment of Accounts – October 2021 .....	34
<b>COUNCIL RESOLUTION 21151</b> .....	35
<b>12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:</b> .....	36
<b>13. URGENT BUSINESS:</b> .....	36
<b>14. MEETING MAY BE CLOSED:</b> .....	36
<b>15. CLOSURE OF MEETING:</b> .....	36

## MINUTES – ORDINARY COUNCIL MEETING 25 NOVEMBER 2021

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:

---

The Shire President declared the meeting open at 5.31 pm and welcomed the public gallery.

The Shire President acknowledged the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

### 2. ATTENDANCE/APOLOGIES:

---

#### 2.1 ATTENDANCE

<i><b>Councillors</b></i>	<i><b>Staff</b></i>
Cr Tony Dean (Shire President)	David Taylor – Chief Executive Officer
Cr Vicki Hansen (Deputy Shire President)	Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer
Cr Cheryle Brown	Jonathan Jones – Manager Infrastructure
Cr Chris Buckland	Jane Buckland – Development Services Officer
Cr Patricia Fraser	Sarah Dean – Governance Officer (Minute Taker)
Cr Ian Gibb	
Cr Charles Gilbert	

#### ***Public Gallery***

Wayne Leece, Isabel Green, Jim Green.

#### 2.2 APOLOGIES

Nil.

### 3. PUBLIC QUESTION TIME:

---

#### 3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

#### 3.2 PUBLIC QUESTION TIME

Nil.

#### 4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:

---

##### 4.1 APPROVED LEAVE OF ABSENCE

Nil.

##### 4.2 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

#### 5. CONFIRMATION OF MINUTES:

---

**5.1 and 5.2 were passed by en bloc resolution.**

##### **COUNCIL RESOLUTION 21140**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR GILBERT</b>
--------------------------	----------------------------

##### **5.1 Special Council Meeting – 19 October 2021**

***That the Minutes from the Special Meeting of Council held 19 October 2021 be confirmed as a true and accurate record (attachment 5.1).***

##### **5.2 Ordinary Council Meeting – 28 October 2021**

***That the Minutes of the Ordinary Council Meeting held 28 October 2021 be confirmed as a true and correct record (attachment 5.2).***

**CARRIED (7/0)**

##### **5.3 Local Drug Action Group Committee – 11 November 2021**

##### **COUNCIL RESOLUTION 21141**

<b>MOVED CR HANSEN</b>	<b>SECONDED CR BROWN</b>
------------------------	--------------------------

***That the Minutes of the Local Drug Action Group committee meeting held 11 November 2021 be received (attachment 5.3).***

**CARRIED (7/0)**

#### 6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

---

Nil.

## **7. DISCLOSURE OF INTEREST:**

---

*Division 6: Sub-Division 1 of the Local Government Act 1995. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.*

*Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.*

*Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.*

- Cr Hansen declared an impartiality and financial interest in item 11.6 – Rates Exemption Policy. The declared impartiality interest is due to her being the secretary of the RSL Nannup Sub Branch, which is currently an exempt organisation as a charitable organisation, and she is a volunteer for Servite College who may be a future exempt organisation.
- Cr Brown declared an indirect financial interest in item 11.6 – Rates Exemption Policy, as she is an employee of an organisation that may be financially impacted by the decision.

## **8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:**

---

Nil.

## **9. PRESENTATIONS:**

---

### **9.1 PETITIONS**

Nil.

### **9.2 PRESENTATIONS**

Nil.

### **9.3 DEPUTATIONS**

Nil.



## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Councillor	Date	Meeting
Hansen, Brown	11 November 2021	Local Drug Action Group Committee
Dean, Hansen	10 November 2021	Warren Blackwood Alliance of Councils
Gibb	3 November 2021	Nannup Chamber Commerce & Industry
Fraser	22 November 2021	Bush Fire Advisory Committee
Dean	19 November	WALGA South West Zone - AGM

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for October 2021
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 November 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – Register of Delegated Development Approvals

### BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in October 2021 is presented in Attachment 11.1.1.

### COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During October 2021, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for October 2021 compared to October 2020:

	<b>October 2020</b>	<b>October 2021</b>
<b>Delegated Decisions</b>	4 (\$248,000)	5 (\$583,700)
<b>Council Decisions</b>	1 (\$500,000)	1 (\$1,050,000)
<b>Total</b>	<b>5 (\$748,000)</b>	<b>6 (\$1,633,700)</b>

100% of all approvals issued in the month of October were completed within the statutory timeframes of either 60 or 90 days.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995 and LPS3.*

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

#### **POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

#### **FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

#### **STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for October 2021 as per Attachment 11.1.1.

***COUNCIL RESOLUTION 21142******MOVED CR BROWN******SECONDED CR GILBERT***

***That Council receives the report on Delegated Development Approvals for October 2021 as per Attachment 11.1.1.***

***CARRIED (7/0)***

AGENDA NUMBER & SUBJECT:	11.2 – Development Application for chalet
LOCATION/ADDRESS:	Lot 4030 (No. 5644) on DP137861 Brockman Highway, Darradup
NAME OF APPLICANT:	Royal Enfield Pty Ltd
FILE REFERENCE:	A543
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 November 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 - Location map 11.2.2 - Original information from applicant 11.2.3 - Submissions 11.2.4 - Response from applicant 11.2.5 - Planning framework: extracts from key documents 11.2.6 - Email from DBCA confirming access arrangements

### **BACKGROUND:**

Royal Enfield Pty Ltd has lodged a Development Application for the development of a chalet at Lot 4030 (No. 5644) Brockman Highway, Darradup. The proposal is to convert an existing wheelhouse structure to a chalet.

The site, as shown in Attachment 11.2.1, is approximately 19 kilometres south west of Nannup and is 63.1 hectares in area and contains a dwelling, sheds and marron ponds. The site is bordered by State Forest to the north, east, south, and Brockman Highway to the west. The property currently operates as True Blue Marron and has been operating in this capacity for approximately 20 years.

The property has direct legal access to Brockman Highway however practical vehicle access is via an Western Power maintenance track/forestry track through State Forest.

Attachment 11.2.2 outlines the original details provided by the applicant, which were the plans subject to public consultation. This includes a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) prepared by Fireguard Western Australia. The original plans proposed a change of use of the single dwelling to a holiday house, and a separate chalet.

### Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 8 nearby landowners, Department of Fire and Emergency Services (DFES), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER), Main Roads WA (MRWA), Western Power and Nannup Chamber of Commerce and Industry (NCCI), placing details on the Shire website and having details available at the Shire office.

The Shire received 7 submissions on the Development Application as outlined in Attachment 11.2.3. In summary:

- Three submissions from neighbours and the NCCI raise no issues with the proposal.
- The submission from MRWA does not support the location of the proposed emergency access driveway/crossover to Brockman Highway but otherwise raise no other issues.
- The submission from DWER identifies that the proposal has the potential for impact on the environment and water resource management and highlights areas requiring further approvals.
- The submission from DBCA raises no issues with the proposed chalet however does not support the change of use from a single dwelling to a holiday house due to the proposed clearance and ongoing maintenance of portions of the adjoining State Forest to reduce bushfire risk.
- The submission from DFES does not support the proposal due to non-compliance with the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

### Revised plans

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the issues raised, the applicant has modified the proposal as shown in Attachment 11.2.4. In summary, the modified proposal is to continue with the chalet only and to remove the proposed holiday home from the application, retaining it as the owner's dwelling instead.

**The revised plans replace the original plans. The revised plans, set out in Attachment 11.2.4 are the plans being assessed in this report by the Shire administration and the Council.**

### Planning framework

The property is zoned "Agriculture" in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. Other key planning documents related to the proposal include the draft *Local Planning Scheme No.4 (LPS4)*, *Local Planning Policy LPP12 Tourist Accommodation in Rural Areas*, and *Local Planning Policy LPP13 Car Parking and Vehicular Access*.

'Chalet Development' is an 'A' use in the Agriculture Zone as set out in the LPS3 Zoning Table meaning the Council has the legal power under LPS3 to approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions. While "chalet development" is not listed as a use in the Zoning Table of draft LPS4, "holiday accommodation" is an "A" use in the Rural Zone.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)*, *Guidelines for Planning in Bushfire Prone Areas* and the *Shire of Nannup Local Planning Strategy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed use would be considered a "vulnerable land use". This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

Attachment 11.2.5 sets out the relevant planning framework which are extracts from LPS3, Draft LPS4, the Local Planning Strategy, LPP12 and LPP13.

## **COMMENT:**

### *A) Overview*

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS3, strategies and policies.

It is recommended that Council conditionally approve the Development Application (based on the revised plans outlined in Attachment 11.2.4) given:

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, supporting job creation and supports tourism;
- the wheelhouse is unique and provides a point of difference in local accommodation;
- it is a modest increase in development and traffic;
- limited clearing of native vegetation is proposed;

- there are expected to be manageable environmental impacts given the land is substantially cleared around the development site and wastewater disposal is required to comply with Shire and Department of Health requirements;
- there are no objections from other Shire officers/units;
- the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas*;
- the landowner will be living on the property which will assist in effective management, including assisting with evacuation; and
- development conditions can assist to control the use and management of the development.

### *B) Key issues*

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

#### Bushfire & Emergency Management

Tourist development is a vulnerable land use and there are significant risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. The landowner will be living on the property which will assist in effective management, including assisting with evacuation of visitors if required.

It is recommended that the BMP and BEEP are updated by Fireguard Western Australia prior to the development commencing to address the changes to the proposal and the comments made by DFES.

#### Vehicle access and safety

Brockman Highway is a major road under the control of MRWA. The current crossover to the property is unsealed and is not used by the property owner. Primary access to the property is through State Forest to the south of the property, along a Western Power maintenance track. The property owner has an agreement with DBCA to use this track for access purposes as outlines in Attachment 11.2.6.

The main issue raised by MRWA relates to vehicle sight distances for traffic entering and exiting the property at the proposed emergency access way and their suggestion is that the secondary access be removed from the proposal altogether.

In response to the MRWA submission, it is recommended that the BMP and BEEP are updated by Fireguard Western Australia to remove the secondary emergency access way prior to the development commencing.

The Shire administration would generally include a condition requiring the applicant to drain and seal the crossover to the property to a length of 10 metres to provide a safer vehicle entry and exit point. However, in this instance as the crossover is located between Brockman Highway and State Forest and the proposed revised development will not substantially

increase traffic volumes and impacts in the immediate area, this condition has not been included in the recommendation.

### Servicing

The development is not connected to a reticulated sewerage system and therefore the proposed effluent disposal system will need to be located and designed to minimise environmental impacts, particularly in relation to the adjacent marron ponds.

As there is also no reticulated water supply, the applicant will need to ensure a potable water supply is available at all times in accordance with Australian drinking water standards.

### On-going Management

The responsibility for appropriate on-going management rests with the operator/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise and trespass, to nearby properties. The chalet is well separated from off-site sensitive uses however various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan.

### *C) Conclusion*

Based on the above and the information provided by the applicant, it is recommended that Council approve the Development Application subject to conditions. The Council could alternatively choose to defer making a decision on the matter and seek additional information or it may determine to refuse the Development Application.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, LPS3 and draft LPS4.*

Subject to the Council's decision, the applicant separately needs to obtain a Building Approval Certificate, On-site Wastewater Approval, and meet additional requirements.

### **POLICY IMPLICATIONS:**

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP 3.7 Planning in Bushfire Prone Areas*.



**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The proposed chalet development is consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2017-2027*.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council approve the Development Application for a chalet on Lot 4030 on Deposited Plan 137861 (No. 5644) Brockman Highway, Darradup, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. No person, other than the landowner/caretaker or their families, is permitted to stay on the property for a period of more than 3 months in any 12 month period.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
6. A smoke alarm must be installed in the chalet on or near the ceiling:

- (i) in every bedroom; and
  - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
7. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
  8. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
  9. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
  10. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
  11. The chalet is to be constructed in accordance with BAL-12.5 standards, as set out in the Bushfire Management Plan, pursuant to *Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas*.

#### Advice

- A) The proponent is advised that this Development Approval is not a Building Approval Certificate. A Building Approval Certificate must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 4, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the landowner/operator.
- C) In relation to Conditions 7 and 8, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 9, the Management Plan will address matters including:
  - address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;

- outline the approach to maximise the safety and security of guest and visitors including to the adjacent marron ponds;
  - seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
  - not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
  - adhering to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season; and
  - acknowledge that the development is located adjacent to Department of Biodiversity, Conservations and Attractions land and ongoing forest management activities should be expected and tolerated.
- E) In relation to Condition 10, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- F) The proponent is advised that should further intensification of the development be proposed for overnight accommodation and/or visitors during the day, there will be a need to suitably address legal and practical vehicle access to Brockman Highway which is supported by Main Roads WA and as relevant by Department of Biodiversity, Conservation and Attractions. Should this access be identified and approved, the Shire is likely to require the crossover to be suitably sealed and drained.
- G) The proponent is advised that the approved development must comply with all relevant provisions of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- H) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- I) The applicant is advised that the approved development must comply with all relevant provisions of the *National Construction Code* (Building Code of Australia) including for access for people with disabilities.
- J) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- K) 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.

**COUNCIL RESOLUTION 21143****MOVED CR HANSEN****SECONDED CR BUCKLAND**

***That Council approve the Development Application for a chalet on Lot 4030 on Deposited Plan 137861 (No. 5644) Brockman Highway, Darradup, subject to the following conditions:***

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.***
- 2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 3. No person, other than the landowner/caretaker or their families, is permitted to stay on the property for a period of more than 3 months in any 12 month period.***
- 4. An adequate on-site potable water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to occupation.***
- 5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.***
- 6. A smoke alarm must be installed in the chalet on or near the ceiling:***
  - (i) in every bedroom; and***
  - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.***
- 7. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.***
- 8. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.***
- 9. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for***

*the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.*

**10. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.**

**11. The chalet is to be constructed in accordance with BAL-12.5 standards, as set out in the Bushfire Management Plan, pursuant to Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas.**

**Advice**

**A) The proponent is advised that this Development Approval is not a Building Approval Certificate. A Building Approval Certificate must be formally applied for and obtained before the commencement of any site and/or development works.**

**B) In relation to Condition 4, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the landowner/operator.**

**C) In relation to Conditions 7 and 8, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.**

**D) In relation to Condition 9, the Management Plan will address matters including:**

- **address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;**
- **outline the approach to maximise the safety and security of guest and visitors including to the adjacent marron ponds;**
- **seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;**
- **not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;**
- **adhering to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season; and**
- **acknowledge that the development is located adjacent to Department of Biodiversity, Conservations and Attractions land and ongoing forest management activities should be expected and tolerated.**

**E) In relation to Condition 10, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.**

**F) The proponent is advised that should further intensification of the development be proposed for overnight accommodation and/or visitors during the day, there will be a need to suitably address legal and practical vehicle access to Brockman Highway which is**

*supported by Main Roads WA and as relevant by Department of Biodiversity, Conservation and Attractions. Should this access be identified and approved, the Shire is likely to require the crossover to be suitably sealed and drained.*

*G) The proponent is advised that the approved development must comply with all relevant provisions of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

*H) The applicant is advised that the approved development must comply with other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Nannup Health Local Laws.*

*I) The applicant is advised that the approved development must comply with all relevant provisions of the National Construction Code (Building Code of Australia) including for access for people with disabilities.*

*J) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.*

*K) 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.*

**CARRIED (7/0)**

AGENDA NUMBER & SUBJECT:	11.3 - Proposed Ordinary Council Meeting Dates for 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 18
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 November 2021
ATTACHMENTS:	Nil

### BACKGROUND:

Section 12 of the *Local Government (Administration) Regulations 1996* requires that the dates, times and place where the ordinary council meetings are to be held must be published on the website by the Chief Executive Officer; before the beginning of the year in which the meetings are to be held.

Committee meetings that are required under the *Local Government Act 1995* to be open to members of the public are also required to have the meeting details published on the website.

### COMMENT:

The proposed dates for the Ordinary Council meetings of the Shire of Nannup for 2022 are:

- Thursday 20 January
- Thursday 24 February
- Thursday 24 March
- Thursday 28 April
- Thursday 26 May
- Thursday 23 June
- Thursday 28 July
- Thursday 25 August
- Thursday 22 September
- Thursday 27 October
- Thursday 24 November
- Thursday 22 December

### STATUTORY ENVIRONMENT:

#### 12. Publication of meeting details (Act s. 5.25(1)(g))

(1) In this regulation —

*meeting details*, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.

#### **POLICY IMPLICATIONS:**

*ADM 10 – Councillor Fees & Reimbursements*

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017 – 2027 – Our Council Leadership – Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

#### **VOTING REQUIREMENTS:**

Simple majority.

#### **OFFICER RECOMMENDATION:**

That in accordance with Section 12 of the *Local Government (Administration) Regulations 1996*, the following schedule of meeting time and dates for the 2022 calendar year be endorsed by Council resolution, and then advertised as per the requirements of Section 12 of the *Local Government (Administration) Regulations 1996*.

Monthly ordinary council meetings to commence at 5.30 pm on the following dates:

- Thursday 20 January
- Thursday 24 February
- Thursday 24 March
- Thursday 28 April
- Thursday 26 May
- Thursday 23 June
- Thursday 28 July
- Thursday 25 August
- Thursday 22 September
- Thursday 27 October
- Thursday 24 November
- Thursday 22 December



*Cr Buckland moved an amended motion.*

*Procedural Motion:*

**COUNCIL RESOLUTION 21144**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR BROWN</b>
--------------------------	--------------------------

*That standing orders be suspended.*

**CARRIED (7/0)**

*Procedural Motion:*

**COUNCIL RESOLUTION 21145**

<b>MOVED CR BROWN</b>	<b>SECONDED CR FRASER</b>
-----------------------	---------------------------

*That standing orders be resumed.*

**CARRIED (7/0)**

**COUNCIL RESOLUTION 21146**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR BROWN</b>
--------------------------	--------------------------

*That in accordance with Section 12 of the Local Government (Administration) Regulations 1996, the following schedule of meeting time and dates for the 2022 calendar year be endorsed by Council resolution, and then advertised as per the requirements of Section 12 of the Local Government (Administration) Regulations 1996.*

*Monthly ordinary council meetings to commence at 4.30 pm on the following dates:*

- |                               |                                |
|-------------------------------|--------------------------------|
| • <i>Thursday 20 January</i>  | • <i>Thursday 28 July</i>      |
| • <i>Thursday 24 February</i> | • <i>Thursday 25 August</i>    |
| • <i>Thursday 24 March</i>    | • <i>Thursday 22 September</i> |
| • <i>Thursday 28 April</i>    | • <i>Thursday 27 October</i>   |
| • <i>Thursday 26 May</i>      | • <i>Thursday 24 November</i>  |
| • <i>Thursday 23 June</i>     | • <i>Thursday 15 December</i>  |

**CARRIED (7/0)**

AGENDA NUMBER & SUBJECT:	11.4 - Acceptance of Shire of Nannup Cultural Plan 2021 - 2026
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WLF 5
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	20 November 2021
ATTACHMENT:	11.4.1 - Shire of Nannup Cultural Plan

### **BACKGROUND:**

The previous Cultural Plan has been reviewed through a process of community consultation. This was advertised for public comment for a period of one month and letters inviting comment were sent to Nannup Arts Inc., Nannup Music Club, Nannup CWA, Nannup Historical Society, Nannup Chamber of Commerce and Industry, Nannup Community Resource Centre and the Nannup Lions Club. Public comments closed on 26 July 2019.

The Nannup Shire Council reviewed the Plan in August 2019 and requested that a priority action plan be included in the plan. This has been workshopped with the Shire Councillors to identify priority areas and informed the Cultural Plan Implementation Strategy.

Cultural planning supports local economic development and encourages municipalities to integrate cultural planning into their daily business; to emphasize local arts, cultural industries, heritage and libraries as we plan for the future of our communities. Culture adds to the wealth of a community in many ways, such as attracting tourists, creating jobs, revitalizing neighbourhoods and attracting new businesses.

### **COMMENT:**

A high number of the key recommendations in the previous Cultural Plan were achieved by Council and community groups. This demonstrates the value of the plan and that it has remained active and current to the community needs.

While completing the Cultural Plan, consultation has been undertaken with numerous groups, these include:

- Community organisations,
- Artists,
- Creative Corner (who are based in Margaret River),
- Southern Forests Arts Network
- Engaging with residents within the shire, and

- A drop in day and invitation to complete a written survey.

The recommendations collated through this process now form part of an informing document to Council's Strategic Community Plan 2021- 2026.

The requested amendments have been made since the item was laid on the table at the October 2021 Ordinary Council Meeting.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

\$20,000 annual operational budget to implement activities and leverage further funding.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2021 -2026

***1.1 All of us/who we are:***

*We will retain pride in being a small but friendly town that is a welcoming place to live and is full of wonderful people.*

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

- Endorse the Shire of Nannup Cultural Plan 2021 -2026 and the implementation strategy as detailed in attachment 11.4.1.
- Council acknowledge that the success of the implementation strategy is reliant on adequate budget allocations and successful external funding applications being made throughout the implementation period.

**COUNCIL RESOLUTION 21147**

<b>MOVED CR HANSEN</b>	<b>SECONDED CR BROWN</b>
------------------------	--------------------------

***That Council:***

***a. Endorse the Shire of Nannup Cultural Plan 2021 -2026 and the implementation strategy as detailed in attachment 11.4.1.***

***b. Council acknowledge that the success of the implementation strategy is reliant on adequate budget allocations and successful external funding applications being made throughout the implementation period.***

***c. Add to Recommendation 4 on page 6 of the attached document - Prepare and display panels of the background of the prior indigenous occupation of the area.***

***CARRIED (7/0)***

AGENDA NUMBER & SUBJECT:	11.5 - Mitigation Activity Grants Program 2021/22 Round 2
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Leigh Fletcher – Community Emergency Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	18 November 2021
ATTACHMENTS:	11.5.1 – Mitigation Activity Fund (MAF) Grants Program 2021-22 Round 2 – Shire of Nannup Grant Agreement

### **BACKGROUND:**

The Shire of Nannup and the Department of Fire and Emergency Services engage annually to establish the Mitigation Activity Fund (MAF) Grants Program. The purpose of the program is to reduce the risk of bushfire and mitigate and control fuel levels on Shire Reserves.

The program, in conjunction with Bushfire Risk Management (BRM), allows for future planning and identification of hazardous and bushfire risk areas to ensure that these risks are systematically assessed, prioritised and mitigated.

The Shire responsibility through the provisions of the *Local Government Act 1995* to manage Crown land under the Shire's control (vesting order) presents significant risk to the community. By utilising the designated funds allocated through the Mitigation Activity Fund will significantly reduce this risk.

### **COMMENT:**

The Shire of Nannup was successful in its application for the Mitigation Activity Fund Grants Program 2021/22 Round 2, receiving funds for 14 mitigation activities as detailed in the attachment 11.5.1, for a total sum of \$202,450.00 (exclusive of GST). A report on Mitigation Activities is required by the Department of Fire and Emergency Services in May 2022 to track progress of treatments and fund allocations. A Bushfire Risk Management Officer endorsed by Council, in conjunction with an authorised Officer of the Shire will facilitate the management of these treatments according to treatment, associated Acts and Agency requirements.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

*Local Government Regulations 1995*

*Bushfires Act 1954*

*Bushfires regulations 1954*

**POLICY IMPLICATIONS:**

*LPP 21 – Bush Fire Management*

*BFC 2 - Roadside Burning*

*RM 1 – Risk Management*

**FINANCIAL IMPLICATIONS:**

Nil – the projects contained within the program are all external funds and do not require any municipal funding.

**STRATEGIC IMPLICATIONS:**

Nannup Strategic Community Plan 2017 -2027

Our Natural Environment – We are surrounded by amazing nature, from our magnificent forests and bush land to our pristine coastlines.

General Community Preparedness relating to the bushfire risk management and safety.

- Mitigation is an essential ongoing operation within the Shire to maintain moderate and manageable fuel levels creating a safer community.
- Conducted correctly mitigation encourages bush regeneration for native species.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council endorse the Chief Executive Officer to sign and execute the Mitigation Activity Fund (MAF) Grant Agreement included as attachment 11.5.1.

**COUNCIL RESOLUTION 21148**

<b>MOVED CR BUCKLAND</b>
--------------------------

<b>SECONDED CR BROWN</b>
--------------------------

***That Council endorse the Chief Executive Officer to sign and execute the Mitigation Activity Fund (MAF) Grant Agreement included as attachment 11.5.1.***

***CARRIED (7/0)***

AGENDA NUMBER & SUBJECT:	11.6 - Rates Exemption Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	RAT 9
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	8 November 2021
ATTACHMENTS:	11.6.1 – Proposed Rates Exemption Policy

### **BACKGROUND:**

Section 6.26 of the *Local Government Act 1995* provides that all land within a district is rateable land and provides a number of exemptions.

The Shire of Nannup has recently received applications requesting exemption from the payment of rates. At present, the Shire does not have a policy in place to address these applications.

Land is considered not rateable land pursuant to section 6.26(2) of the *Local Government Act 1995* (referred to as a rate exemption). The proposed Rates Exemption Policy (Attachment 11.6.1) sets out a process for ratepayers to apply for a rate exemption, including information and documentation requirements, and the Shire's obligations for assessment of the application.

### **COMMENT:**

Adopting this policy is the first step in providing Council a strong framework around rating exemptions. The Shire will develop an appropriate procedure and form to implement this policy and to comply with our obligations under the *Local Government Act 1995*.

A claimant is required to evidence their right to an exemption under Section 6.26 of the *Local Government Act 1995*, by providing information upon which the Shire of Nannup can make an object assessment as to their eligibility.



**STATUTORY ENVIRONMENT:*****Local Government Act 1995 Section 6.26(2)***

*(2) The following land is not rateable land —*

*(a) land which is the property of the Crown and —*

*(i) is being used or held for a public purpose; or*

*(ii) is unoccupied, except —*

*(I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*

*(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*

*(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*

*(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*

*(e) land used exclusively by a religious body as a school for the religious instruction of children; and*

*(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*

*(g) land used exclusively for charitable purposes; and*

*(h) land vested in trustees for agricultural or horticultural show purposes; and*

*(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*

*(j) land which is exempt from rates under any other written law; and*

*(k) land which is declared by the Minister to be exempt from rates.*

**POLICY IMPLICATIONS:**

Adoption of the draft policy will create a new policy for Council for inclusion in the policy manual.

**FINANCIAL IMPLICATIONS:**

The implementation of this policy does not require a specific budget allocation. Implementation will involve additional administrative processes that can be met with existing resources of the Shire.

The Shire has a number of properties with a rate exemption. These properties eligibility for rate exemption will be reviewed each financial year. When an exemption is applied there will be a reduction in rates receivable.

**STRATEGIC IMPLICATIONS:****Our Economy - Sustainability is the key to Nannup's future**

We will have a sustainable, innovative and equitable economy Working together to attract people to our amazing Shire.

**VOTING REQUIREMENTS:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council adopts the Rates Exemption Policy as per attachment 11.6.1.

***COUNCIL RESOLUTION 21149***

<b><i>MOVED CR HANSEN</i></b>	<b><i>SECONDED CR BUCKLAND</i></b>
-------------------------------	------------------------------------

***That Council adopts the Rates Exemption Policy as per attachment 11.6.1.***

***CARRIED (7/0)***

AGENDA NUMBER & SUBJECT:	11.7 - Financial Activity Statement - October 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Co-ordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	19 November 2021
ATTACHMENT:	11.7.1 – Financial Activity Statement for the month of October 2021

#### **BACKGROUND:**

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the following reports are contained in the Financial Activity Statement Report:

- Statement of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- Rate Setting Statement
- Material variance report
- Detailed Statement of Comprehensive Income by Program
- Capital Expenditure
- Plant Replacement Program
- Statement of Reserves
- Borrowings
- Trust Funds

#### **COMMENT:**

The Financial Activity Statement for the month of October 2021 is attached as Attachment 11.7.1.

#### **STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*, Regulation 34.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the month of October 2021, attached as Attachment 11.7.1.

**COUNCIL RESOLUTION 21150**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR FRASER</b>
--------------------------	---------------------------

***That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Financial Activity Statement for the month of October 2021, attached as Attachment 11.7.1.***

**CARRIED (7/0)**

**Cr Brown left the room at 6.02pm and returned to the room at the conclusion of voting at 6.04pm.**

AGENDA NUMBER & SUBJECT:	11.8 - Payment of Accounts – October 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	17 November 2021
ATTACHMENT:	11.8.1 – Payment of Accounts – October 2021

#### **BACKGROUND:**

To advise Council of payments made from the municipal fund or trust fund for the period 1 October to 31 October 2021.

#### **COMMENT:**

If Council would like to ask questions about the payment of accounts, prior notice of these questions will enable officers to provide detailed explanation in response at the Council meeting.

The Shire has two corporate credit cards. A breakdown of this expenditure is included within the attachment.

<b>Municipal Account</b>		
Accounts paid by EFT	14057 to 14196	\$373,378.63
Accounts paid by cheque	20521 to 20525	\$11,663.34
Accounts paid by Direct Debit	11346.1 to 11381.15	\$61,545.79
<i>Sub Total Municipal Account</i>		<u>\$446,587.76</u>
<b>Trust Account</b>		
Accounts paid by EFT	14161 & 14162	\$2,480.60
<i>Sub Total Trust Account</i>		<u>\$2,480.60</u>
<b>Total Payments</b>		<u><b>\$449,068.36</b></u>

**STATUTORY ENVIRONMENT:**

Regulation 13(2) of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the meeting of the Council to which the list is to be presented.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority

**OFFICE RECOMMENDATION:**

That Council endorse the payment of accounts totalling \$449,068.36 for the period 1 October to 31 October 2021, as in the attached schedule(s).

**COUNCIL RESOLUTION 21151**

<b>MOVED CR FRASE</b>	<b>SECONDED CR BROWN</b>
-----------------------	--------------------------

***That Council endorse the payment of accounts totalling \$449,068.36 for the period 1 October to 31 October 2021, as in the attached schedule(s).***

***CARRIED (7/0)***

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

---

Nil.

**13. URGENT BUSINESS:**

---

Nil.

**14. MEETING MAY BE CLOSED:**

---

Nil.

**15. CLOSURE OF MEETING:**

---

The Shire President declared the meeting closed at 6.11pm.



## Special Council Meeting

# MINUTES

2 December 2021

Held in the Council Chambers, 15 Adam Street, Nannup on  
Thursday, 2 December 2021 at 5.00pm.

---

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of Nannup. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.



## Contents

<b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY</b>	<b>2</b>
<b>2. ATTENDANCE/APOLOGIES</b>	<b>2</b>
<b>2.1 ATTENDANCE</b>	<b>2</b>
<b>2.2 APOLOGIES</b>	<b>2</b>
<b>3. PUBLIC QUESTION TIME</b>	<b>2</b>
<b>3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>2</b>
<b>3.2 PUBLIC QUESTION TIME</b>	<b>2</b>
<b>4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>2</b>
<b>4.1 APPROVED LEAVE OF ABSENCE</b>	<b>2</b>
<b>4.2 APPLICATION FOR A LEAVE OF ABSENCE</b>	<b>3</b>
<b>5. CONFIRMATION OF MINUTES</b>	<b>3</b>
<b>6. ANNOUNCEMENTS FROM PRESIDING MEMBER</b>	<b>3</b>
<b>7. DISCLOSURE OF INTEREST</b>	<b>3</b>
<b>8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>	<b>3</b>
<b>9. PRESENTATIONS</b>	<b>3</b>
<b>9.1 PETITIONS</b>	<b>3</b>
<b>9.2 PRESENTATIONS</b>	<b>3</b>
<b>9.3 DEPUTATIONS</b>	<b>3</b>
<b>10. REPORTS BY MEMBERS ATTENDING COMMITTEES</b>	<b>3</b>
<b>11. REPORTS BY OFFICERS</b>	<b>4</b>
11.1 - Tender Acceptance - RFT No: TEN PO4_21 Nannup Recreational Centre Sports Hall Roof Modification and Recladding	4
COUNCIL RESOLUTION 21152	6
COUNCIL RESOLUTION 21153	6
COUNCIL RESOLUTION 21154	7
11.2 - Tender Acceptance - RFT No: TEN PO2_21 Brockman Highway Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking	8
Tender Acceptance - RFT No: TEN PO3_21 Mowen Road Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking	8
COUNCIL RESOLUTION 21155	10
<b>12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>11</b>
Nil	11
<b>13. URGENT BUSINESS</b>	<b>11</b>
<b>14. ITEMS THAT THE MEETING MAY BE CLOSED FOR:</b>	<b>11</b>
<b>15. CLOSURE OF MEETING</b>	<b>11</b>

## SHIRE OF NANNUP

### SPECIAL COUNCIL MEETING

#### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY

---

The Shire President declared the meeting open at 5.00pm and welcomed the public gallery.

The Shire President acknowledged the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

#### 2. ATTENDANCE/APOLOGIES

---

##### 2.1 ATTENDANCE

<i>Councillors</i>	<i>Staff</i>
Cr Tony Dean (Shire President)	David Taylor – Chief Executive Officer
Cr Vicki Hansen (Deputy Shire President)	Jonathan Jones – Manager Infrastructure
Cr Cheryle Brown	
Cr Chris Buckland	
Cr Patricia Fraser	
Cr Ian Gibb	
Cr Charles Gilbert	

##### 2.2 APOLOGIES

Nil.

#### 3. PUBLIC QUESTION TIME

---

##### 3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

##### 3.2 PUBLIC QUESTION TIME

Nil.

#### 4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE

---

##### 4.1 APPROVED LEAVE OF ABSENCE

Nil.

**4.2 APPLICATION FOR A LEAVE OF ABSENCE**

Nil.

**5. CONFIRMATION OF MINUTES**

---

Nil.

**6. ANNOUNCEMENTS FROM PRESIDING MEMBER**

---

Nil.

**7. DISCLOSURE OF INTEREST**

---

Nil.

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

---

Nil.

**9. PRESENTATIONS**

---

**9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

**10. REPORTS BY MEMBERS ATTENDING COMMITTEES**

---

Nil.

## 11. REPORTS BY OFFICERS

AGENDA NUMBER & SUBJECT:	11.1 - Tender Acceptance - RFT No: TEN PO4_21 Nannup Recreational Centre Sports Hall Roof Modification and Recladding
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TEN 1
AUTHOR:	Jonathon Jones – Manager Infrastructure
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 November 2021
ATTACHMENTS:	Nil

### BACKGROUND:

To advise Council of submission received in relation to Tender PO4\_21 Nannup Recreational Centre Sports Hall Roof Modification and Recladding and recommend the most advantageous tender for the purpose of awarding a contract.

Works were required to be undertaken on the Nannup Recreational Centre due to recurrent water incursion occurring as a result of poor design in the shape and guttering system.

### COMMENT:

Tenders were advertised in the Western Australian Newspaper and via the Shires Website for Nannup Recreational Centre Sports Hall Roof Modification closing 2:00pm Friday 22 October 2021.

Two tenders were received;

1. Safeway Buildings and Renovations \$ 252,770.00 + GST
2. Air Roofing Co. Pty Ltd \$ 806,981.82 + GST

Officers undertook a panel assessment of each tender and applied a scoring matrix to assist in determining a preferred tenderer. The following table details the panels assessment of the tenders received against qualitative evaluation criteria.

Tenderer	Organisational Capacity	Demonstrated Experience	Methodology	Value for Money
Weighting	30%	20%	20%	30%
Air Roofing Co. Pty Ltd	7	1	0	7
Safeway Buildings & Renovations	27	19	17	27

The submission received from Safeway Building & Renovations was determined as the preferred tender and adequately addressed the evaluation criteria.

Recreational Centre Sports Hall Roof Modification and Recladding Project Funding Breakdown

**Component 1 Works – Roof Modification and Recladding**

Preferred Tendered Price – Safeway Building and Renovations	-\$ 172,770 + GST
Local Road Community Infrastructure Program – Phase 1	\$ 62,000 + GST
Drought Funding Program	\$ 120,000 + GST*

**Component 2 Works – Sports Hall Wall Sheeting Replacement**

*Drought Funding Program – Carryover Funding Component 1	\$ 9,230 + GST
Preferred Tendered Price – Safeway Building and Renovations	-\$ 80,000 + GST
Local Road Community Infrastructure Program – Phase 3	\$ 70,770 + GST

Once fixed construction dates are known Sports Hall user groups will be contacted to relay works to be undertaken and potential disruption to affected parties.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995

*Part 6 - Financial Management*

*Division 4. General Financial provisions*

Local Government (Functions and General) Regulations 1996

*Part 4 - Provision of goods and services*

*Division 1. Purchasing Policies*

*Division 2. Tenders for providing goods or services*

**POLICY IMPLICATIONS:**

ADM 4 - Administration Policy - Purchasing

**FINANCIAL IMPLICATIONS:**

As part of the 2021/22 Annual Budget, Council adopted a budget allocation of \$182,000 to this project which was made of the following;

Local Roads and Community Infrastructure – Phase 1	\$62,000
<u>Drought Communities Program</u>	<u>\$120,000</u>
Total	\$182,000

The recommended tendered price is \$252,770 indicating a shortfall of \$70,770. The recommendation includes that this shortfall portion is funded from the Local Roads and Community Infrastructure Program – Phase 3 available funds.

Please note all figures are exclusive of GST.

#### **STRATEGIC IMPLICATIONS:**

*Extract from Shire of Nannup Strategic Community Plan 2017 - 2027*

Our Built Environment

- Keep charm and fabric of our shire and upgrade amenity.
- Providing a quality-planning outcome for community benefit through good consultation.

#### **VOTING REQUIREMENTS:**

Absolute majority.

#### **OFFICER RECOMMENDATION:**

That Council –

1. Awards Tender PO4\_21 Nannup Recreational Centre Sports Hall Roof Modification and Recladding to Safeway Building and Renovations for \$252,770 plus GST.
2. Approve the additional funds of \$70,770 plus GST required be allocated from the Local Roads and Community Infrastructure Program – Phase 3.

#### **COUNCIL RESOLUTION 21152**

<b>MOVED CR BROWN</b>	<b>SECONDED CR BUCKLAND</b>
-----------------------	-----------------------------

***That Standing Orders be suspended.***

***CARRIED (7/0)***

#### **COUNCIL RESOLUTION 21153**

<b>MOVED CR BROWN</b>	<b>SECONDED CR FRASER</b>
-----------------------	---------------------------

***That Standing Orders be resumed.***

***CARRIED (7/0)***

**COUNCIL RESOLUTION 21154**

<b>MOVED CR HANSEN</b>
------------------------

<b>SECONDED CR BROWN</b>
--------------------------

***That Council –***

***1. Awards Tender PO4\_21 Nannup Recreational Centre Sports Hall Roof Modification and Recladding to Safeway Building and Renovations for \$252,770 plus GST.***

***2. Approve the additional funds of \$70,770 plus GST required be allocated from the Local Roads and Community Infrastructure Program – Phase 3.***

***CARRIED BY ABSOLUTE MAJORITY(7/0)***

AGENDA NUMBER & SUBJECT:	11.2 - Tender Acceptance - RFT No: TEN PO2_21 Brockman Highway Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking Tender Acceptance - RFT No: TEN PO3_21 Mowen Road Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TEN 1
AUTHOR:	Jonathon Jones – Manager Infrastructure
REPORTING OFFICER:	David Taylor –Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	29 November 2021
ATTACHMENTS:	None

#### **BACKGROUND:**

To advise Council of submissions received in relation to Tender PO2\_21 Brockman Highway and Tender PO3\_21 Mowen Road Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking

Both Mowen Road and Brockman Highway are pre - determined eligible and qualifying roads for the Regional Road Safety Program – Local Government Roads (RRSP – LGR) managed by Main Roads WA.

Main Roads WA advises both road projects are to be fully completed within the Tranche 3 timeframe 1<sup>st</sup> January 2022 and 30<sup>th</sup> June 2022.

#### **COMMENT:**

Tenders were advertised in the Western Australian Newspaper and via the Shires Website for both Brockman Highway and Mowen Road closing 2:00pm Friday 29 October 2021.

Fulton Hogan Industries PTY LTD submitted initial tenders for both Brockman Highway and Mowen Road that were priced well above that acceptable by Main Road WA.

The Manager Infrastructure and Chief Executive Officer worked with Main Roads WA and Fulton Hogan reviewing project scope and revising cost to meet MRWA predetermined maximum costs.

One revised tender for each road was received from Fulton Hogan Industries PTY LTD

1. TEN PO2\_21 Brockman Highway \$1,993,935.41
2. TEN PO3\_21 Mowen Road \$1,344,311.55



Officers undertook a panel assessment of the revised tenders and applied a scoring matrix to determine the tenderer met the scope. The following table details the panels assessment of the tenders received against qualitative evaluation criteria.

### 1. TEN PO2\_21 Brockman Highway

Tenderer	Organisational Capacity	Demonstrated Experience	Methodology	Value for Money
Weighting	30%	20%	20%	30%
Fulton Hogan Industries PTY LTD	26	19	12	23

### 2. TEN PO3\_21 Mowen Road

Tenderer	Organisational Capacity	Demonstrated Experience	Methodology	Value for Money
Weighting	30%	20%	20%	30%
Fulton Hogan Industries PTY LTD	26	19	12	23

The submission received from Fulton Hogan Industries PTY LTD was determined as the preferred tender and adequately addressed the evaluation criteria.

#### STATUTORY ENVIRONMENT:

##### **Local Government Act 1995**

*Part 6 - Financial Management*

*Division 4. General Financial provisions*

##### **Local Government (Functions and General) Regulations 1996**

*Part 4 - Provision of goods and services*

*Division 1. Purchasing Policies*

*Division 2. Tenders for providing goods or services*

#### POLICY IMPLICATIONS:

ADM 4, Administration Policy; Purchasing

**FINANCIAL IMPLICATIONS:**

The Regional Road Safety Program – Local Government Roads (RRSP – LGR) is 100% fully funded however funding does not cover vegetation clearing or drainage which will be completed by the Shire.

\$253,446 has already been committed to Vegetation clearing under Roads To Recovery program with an estimated further contract tree removal at \$71'000 + Shire Works department staff time.

**STRATEGIC IMPLICATIONS:**

Our Built Environment

- Keep charm and fabric of our shire and upgrade amenity.

**VOTING REQUIREMENTS:**

Absolute majority.

**OFFICER RECOMMENDATION:**

That Council:

1. Awards Tender PO2\_21 Brockman Highway Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking at \$1,993,935.41 and;
2. Awards Tender PO3\_21 Mowen Road Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking at \$1,344,311.55 to Fulton Hogan Industries PTY LTD.

**COUNCIL RESOLUTION 21155**

<b>MOVED CR BUCKLAND</b>	<b>SECONDED CR FRASER</b>
--------------------------	---------------------------

***That Council:***

- 1. Awards Tender PO2\_21 Brockman Highway Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking at \$1,993,935.41 and;***

**2. Awards Tender PO3\_21 Mowen Road Prepare Rework and Seal Existing Unsealed Shoulders and Install Audible Edge Line Marking at \$1,344,311.55 to Fulton Hogan Industries PTY LTD.**

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

---

Nil.

**13. URGENT BUSINESS**

---

Nil.

**14. ITEMS THAT THE MEETING MAY BE CLOSED FOR:**

---

Nil.

**15. CLOSURE OF MEETING**

---

The Shire President declared the meeting closed at 5.26pm.



Shire of  
**Nannup**  
rest • connect • grow

# Minutes

## Bush Fire Advisory Committee Meeting

Monday 22 November 2021

7.00pm

Shire of Nannup Council Chambers  
15 Adam Street

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY

John Patman declared the Bushfire Advisory Committee (BFAC) meeting open at 7:15pm.

John Patman acknowledged the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

## 2. ATTENDANCE/APOLOGIES

### 2.4 Attendance

- Patricia Fraser – Shire of Nannup Councillor
- Mark Scott– Deputy Chief Deputy Bushfire Control Officer (DBFCO)
- John Patman – Deputy Chief Deputy Bushfire Control Officer (DBFCO)
- Peter Hastie – Carlotta Fire Control Officer (FCO)
- Vik Lorkiewicz – East Nannup Fire Control Officer (FCO)
- Andrew McNab – Scott River Fire Control Officer (FCO)
- Mike Vasey – North Nannup fire Control Officer (FCO)
- Andy Thompson – Department of Fire & Emergency Services (DFES) Area Officer
- Greg Hodgson – Manager Fire Protection Forest Productions Commission (FPC)
- Leigh Fletcher – Acting Community Emergency Services Manager (CESM)
- Roz Edwards – Shire of Nannup Ranger.

### 2.5 Apologies

- Ed Hatherly – Department of Biodiversity Conservation & Attractions (DBCA) Blackwood
- Kellie Jenkins – Shire of Nannup Deputy Chief Financial Officer

## 3. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

## 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### Motion

“The Minutes of the Shire of Nannup Bushfire Advisory Committee Meeting held in the Council Chambers on 3 May 2021 be confirmed as a true and correct record”. The Chair noted that the February BFAC minutes were considered and endorsed by council in March 2021 not 3 April 2021.

**Moved: Mark Scott**  
**Seconded: Mike Vasey**

**CARRIED**

## **5. BUSINESS ARISING FROM THE PREVIOUS MINUTES**

John Patman questioned if the FCO endorsement of Steve Mulvaney from the Darradup Volunteer Bush Fire Brigade (VBFB) was passed at the September 2021 Council meeting.

Leigh (CESM) confirmed that the motion for Steve Mulvaney as FCO was carried by Council at the August 2021 Ordinary Council meeting.

## **6. REPORTS**

### **6.1 Chief Bush Fire Control Officer**

Nil.

### **6.2 Deputy Chief Bush Fire Control Officer**

Mark Scott mentioned the Cundinup Mitigation Activities that were undertaken.

### **6.3 Deputy Chief Bush Fire Control Officer**

John Patman attended the November Regional Operations Advisory Committee (ROAC) and provided a report on behalf of the Chief.

### **6.4 Fire Control Officer Reports**

#### **6.4.1 Balingup Road - Mark Scott**

Balingup Road VBFB Annual General Meeting was held 15 November.

Mitigation works for Balingup Road verge.

Recommended truck turn a rounds along Balingup Road. Shire to lobby Telstra, concerns on tower battery life.

#### **6.4.2 Carlotta - Peter Hastie**

Unreliable communications within the Carlotta area and concerns of towers battery capacity. It was suggested communication booster be installed for the Carlotta VBFB.

#### **6.4.3 East Nannup – Vik Lorkiewicz**

Attended a Fire at Sheoak Place North Nannup. East Nannup VBFB Annual General Meeting to be held on the 26 November.

#### **6.4.4 Darradup - John Patman**

Darradup VBFB tanks were raised to accommodate appliance. 2 hazard reduction burns conducted.

27 burn permits issued.

8 property fire break variations issued.

Darradup VBFB Annual General Meeting to be held on the 27 November.

#### **6.4.5 North Nannup - Mike Vasey**

Attended a Fire at Sheoak Place North Nannup.

Cundinup Mitigation Activity progress.

- 6.4.6 Scott River - Andrew McNab  
Scott River VBFB Annual General Meeting was held on the 18 September with no changes.
- 6.5 **Councillor**  
Nil.
- 6.6 **Forest Products Commission (FPC) Greg Hodgson**  
Refer to Attached.  
Vik Lorkiewicz questioned when logging in the Shire does the Shire receive notification of where the operations are taking place. Greg Hodgson responded that contact can be made with FPC to confirm.
- Vik Lorkiewicz questioned are trucks manned in Nannup for fire season. Greg Hodgson responded 8 people rostered on depending on risk as to where resources will turnout.
- 6.7 **Community Emergency Services Manager (CESM) Leigh Fletcher**  
Refer to Attached.
- 6.8 **Department of Fire and Emergency Services (DFES) Andy Thompson**  
Refer to Attached.  
Andy Thompson thanked Mike Vasey for his efforts as Trainer Assessor.
- 6.9 **Department of Biodiversity Conservation and Attractions (DBCA) Blackwood Ed Hatherly**  
Refer to Attached.

**Motion**

**BFAC seeks Council representation for Telstra Tower upgrades within the Shire of Nannup.**

***Moved: Peter Hastie***  
***Seconded Mark Scott***

**CARRIED**

**Motion**

**“The reports are accepted as read”**

***Moved: Mark Scott***  
***Seconded: Peter Hastie***

**CARRIED**

## 7. STANDING ITEMS

- 7.1 Emergency Services Levy (ESL) 2021/22 Expenditure – November Year to Date (YTD) \$23,504.43.
- 7.2 Resolution tracker operational and updated.
- 7.3 2020/21 Mitigation Activity Fund (MAF) acquittal will be completed by 24 November.

## 8. GENERAL BUSINESS

- 8.1 Leigh Fletcher - Cundinup BFB Shed Build – Contractor consultation stage with proposed completion being late December 2021.
- 8.2 Leigh Fletcher - SMS Broadcast platform is operational. Andrew McNab questioned the scope of SMS Broadcast. Leigh Fletcher responded that it is currently focused on FCOs, Contractors, Forestry and Industry concerning Total Fire Bans and Harvest Vehicle Movement Bans. Will look to extend the platform to circulate various messages for emergency events.
- 8.3 Leigh Fletcher WHS Act 2020 – WALGA and Shire meeting 3rd December.
- 8.4 VBFB Operational Procedures Review.
- 8.5 Proposed review of the Fuel Hazard Reduction and Fire Break Notice.  
Roz Edwards made a request for legal representation, support and guidance. Focus on property variations, public education and advice.  
Andy Thompson mentioned Linda Ashton from Department of Fire and Emergency Services can offer community awareness and support.  
Greg Hodgson mentioned that the Office of Bushfire Risk Management (OBRM) Fire break Notice requirements and legalities documentation is available.  
Peter Hastie has some confusion with the Fire Break Notice concerning public education.  
Andy Thompson suggested the Department of Fire and Emergencies legal team may assist.  
Roz Edwards mentioned the commencement of property inspections, also requested for FCOs to contact Shire regarding problem properties.  
Roz Edwards thanked everyone for their support.

***Motion:***

**BFAC seeks from Council for a review of the 2020/21 Fuel Hazard Reduction and Fire Break Notice with a strong focus on Public Education.**

***Moved: Mark Scott***  
***Seconded: Peter Hastie***

***CARRIED***



- 8.6 Mitigation program for Balingup Road - A letter from the Balingup Road residents was presented to the Bush Fire Advisory Committee with concerns for excessive fuel loads accumulating within the road verge.  
Request for the Shire to reduce fuel loads and improve safe access of vehicles from properties onto Balingup Road.  
Leigh Fletcher to include the Balingup Road verge as a Mitigation Activity Fund treatment for the 2022/23 program.
- 8.7 DBCA Mitigation Program for Balingup Road – ongoing
- 8.8 Nannup Airstrip Update – Some progress has been made to the Nannup Airstrip to improve safety and conditions.- ongoing
- 8.9 2021/22 Training Calendar – not published
- 8.10 Appointment of Joe Ducasse as Carlotta Captain.
- 8.11 Andy Thompson – Briefed on the importance of reporting appliance damage and the Brigades appliance care and maintenance records.
- 9. PROPOSED DATE FOR NEXT MEETING**  
Thursday 3 February 2022 commencing at 5:30pm
- 10. CLOSURE OF MEETING**  
The meeting closed at 9:10pm.



**LOCAL EMERGENCY MANAGEMENT COMMITTEE  
MINUTES – 17 November 2021**

**UNCONFIRMED COPY**

# SHIRE OF NANNUP

## Local Emergency Management Advisory Committee

**Wednesday 17 November 2021**

**Held at the Nannup SES/ICC**

# MINUTES

## 1. OPENING

Tony Dean chaired the meeting and declared the meeting open at 3:00pm.

## 2. ATTENDANCE & APOLOGIES

### **Attendance:**

(TD) Mr Tony Dean – Shire of Nannup President

(LS) Mrs Louise Stokes – Recovery Co-ordinator

(MD) Ms Michele Duxbury – Department of Communities

(VC) Mr Vik Cheema – District Emergency Management Advisor.

(PT) Mr Peter Thomas – Duty Officer Department of Fire and Emergency Services (DFES)

(WS) Mr Warren Smith – St John Ambulance

(KS) Ms Kym Sandilands – WA Country Health Service

(IG) Mr Ian Guthridge – Dept of Primary Industries & Regional Development

(JJ) Mr Jonathan Jones – Nannup Manager Infrastructure

(DT) Mr David Taylor – Shire of Nannup Chief Executive Officer

(DP) Mr Duncan Palmer – District Manager Department of Biodiversity and Attractions (DBCA)

(LF) Mr Leigh Fletcher – Nannup Acting Community Emergency Services Manager

(KJ) Mrs Kellie Jenkins – Shire of Nannup Deputy Chief Executive Officer

(SP) Ms Sarah Perrett – Principal Nannup District High School

### **Apologies were received from:**

(JB) Mr Jeffery Bennett – District Fire Co-ordinator

(AM) Mr Al McNevin – Police Sargeant Nannup

(GM) Mrs Gloria Millward – Country Women's Association

(DH) Mr Dane Hendry – St Johns Ambulance

(PT) Mrs Pat Twiss – Country Women's Association

(JK) Mrs Judy Kemp – Country Women's Association

## 2. PETITIONS/DEPUTATIONS/PRESENTATIONS

No petitions/deputations or presentations.

### **3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

*Unconfirmed*

### **4. BUSINESS ARISING FROM THE PREVIOUS MINUTES**

5.1 (LS) Covid19 update

### **6. REPORTS**

- 6.1 (MD) – Southwest District Emergency Officers Report Attached.  
Action item: Local Emergency Management Committee members to review and send through changes to Michele Duxbury by 31/01/21.
- 6.2 (PT) – Department of Fire & Emergency Services.
- 6.3 (VC) – District Emergency Management Advisor. Attached

### **7. GENERAL BUSINESS**

- 7.1 (LS) - Covid19 Recovery and update and the training of Red Cross and education of members. Contact register updates. Local Emergency Management Arrangements for endorsement at meeting to be held February 2022.
- 7.2 (MD) - Shire of Nannup Welfare tubs and appropriate location for storage of the tubs.
- 7.3 (VC) - Covid19 at pandemic stage, LEMC involvement and potential impacts on the Local government and Shire.
- 7.4 (TD) - Two large school camps, evacuation plans are available and current.  
(DT) - Management plans were confirmed and in place.  
(WS) - Confirmed Hale evacuation plans were in place.  
CESO to follow up and check.
- 7.5 (IG) - Telstra tower issues, concerns with outages and tower battery life.  
(DT) potential for portable communication trailers as backup alternative.  
(IG) Shires capacity to contact for Telstra for upgrade.  
(LS) DFES in a position to request upgrade.  
(PT) appropriate channels will need to be followed.
- 7.6 (TD) DBCA to provide a water tank and bore for the Nannup Airstrip.  
(DP) to follow up.

**8. NEXT MEETING**

Wednesday 2 February 2022 commencing at 3:00pm.  
To be held at the Shire of Nannup State Emergency Services/Incident Control Centre (SES/ICC), Sexton Way Nannup.

**9. CLOSURE OF MEETING**

Meeting closed at 3:35pm.

---

## Register of Delegated Development Approvals

Application Number	Owner's Name	Applicant's Name	Assessment Number	Property Address	Type of Development	Works or Use	Proposed cost of development	Date Received	Advertised	Issue Date	Authority
2021/53	Brett Fowler, Wenke Maehler, Stephen de Gruchy & Michelle	Brett Fowler	A1581 & A1582	Lots 88 (9844) & 89 (9842) Vasse Hwy, Peerabeelup	Nature-based caravan park	Works & Use	\$100,000.00	13/10/2021	Yes - 2 weeks	17/11/2021	Delegated - CEO
2021/54	Joanna Feeney & Mervyn Mitchell	Joanna Feeney & Mervyn Mitchell	A1657	Lot 700 Higgins St, Nannup	Oversize outbuilding on a vacant Residential lot	Works	\$12,000.00	28/10/2021	Yes - 2 weeks	23/11/2021	Delegated - CEO
2021/58	Paul & Lillian Robbshaw	Bethany Prichodko	A1668	Lot 1 (24) Warren Rd, Nannup	Solar panels in a Heritage Area	Works	\$4,000.00	10/11/2021	No - retrospective, no affected neighbours	23/11/2021	Delegated - CEO
2021/59	RSL Nannup	Vicki Hansen	A428	Lot 230 (7) Cross St, Nannup	Solar panels on a Heritage-listed building	Works	\$7,490.00	10/11/2021	Yes - 14 days	26/11/2021	Delegated - CEO
2021/61	Ampersand Estate Pty Ltd	Ampersand Estates Pty Ltd	A1481	Lot 159 (9883) Vasse Hwy, Peerabeelup	Sign application	Works	\$1,030.00	23/11/2021	No - not required for temporary sign	24/11/2021	Delegated - CEO

# Grant Agreement: Australia Day Community Grants Program


Date: 6 December 2021

## Background

- A The NADC has agreed to provide the Funds to the Grantee for the purpose of the Event, subject to the terms and conditions of this Agreement.
- B The Grantee accepts and agrees to use the Funds for the purpose of the Event, subject to the terms and conditions of this Agreement.
- C Once completed and signed by the Parties, the Agreement Details and the Terms and Conditions form an Agreement between NADC and the Grantee.

## Agreement Details

Item number	Description	Clause Reference	Details																
1.	NADC	1.1	National Australia Day Council Limited ABN 76 050 300 626 NADC representative: Karlie Brand, Chief Executive Officer  Old Parliament House, King George Terrace, Parkes ACT 2600 Grants@australiaday.org.au																
2.	Grantee	1.1	Shire of Nannup ABN: 43038160786 Grantee representative: Miss Annie Crutchlow, Community Development Officer 15 Adam St, Nannup, Western Australia 6275 PO Box 11, Nannup, WA 6275 ldag@nannup.wa.gov.au																
3.	Commencement Date	1.1	The date this Agreement is executed by the last party to do so.																
4.	Purpose	1.1 and 2	The purpose of the grant is to help the Grantee deliver the Event in a COVID Safe environment whilst supporting local businesses and communities.																
5.	Event	1.1 and 3	<p><b>Primary Events:</b> Foreshore Park</p> <p><b>Optional Plan B Event:</b> Yes - Facebook Live of the Ceremonies of the Nannup Citizen of the Year Awards</p> <table border="1"> <thead> <tr> <th>Cost Category</th> <th>Planned Expenditure</th> </tr> </thead> <tbody> <tr> <td>Artist / Talent fees</td> <td>\$2,500.00</td> </tr> <tr> <td>Catering</td> <td>\$2,250.00</td> </tr> <tr> <td>Contact identifying staff and/or technology</td> <td>\$4,000.00</td> </tr> <tr> <td>Modified layouts, seating set up</td> <td>\$4,000.00</td> </tr> <tr> <td>Other: Event Coordinator</td> <td>\$5,000.00</td> </tr> <tr> <td>Australia Day Designs</td> <td>\$1,550.00</td> </tr> <tr> <td>Professional Photographer / Videographer Fees</td> <td>\$700.00</td> </tr> </tbody> </table>	Cost Category	Planned Expenditure	Artist / Talent fees	\$2,500.00	Catering	\$2,250.00	Contact identifying staff and/or technology	\$4,000.00	Modified layouts, seating set up	\$4,000.00	Other: Event Coordinator	\$5,000.00	Australia Day Designs	\$1,550.00	Professional Photographer / Videographer Fees	\$700.00
Cost Category	Planned Expenditure																		
Artist / Talent fees	\$2,500.00																		
Catering	\$2,250.00																		
Contact identifying staff and/or technology	\$4,000.00																		
Modified layouts, seating set up	\$4,000.00																		
Other: Event Coordinator	\$5,000.00																		
Australia Day Designs	\$1,550.00																		
Professional Photographer / Videographer Fees	\$700.00																		

6.	Funds	4	<p>The total amount of the grant is \$22,000.00 (Incl GST).</p> <p>The Funds are payable in instalments as set out in the table below:</p> <table border="1"> <thead> <tr> <th>Milestone</th> <th>Due Date</th> <th>Amount (excl GST)</th> <th>GST</th> <th>Total (incl GST)</th> </tr> </thead> <tbody> <tr> <td>Commencement Date</td> <td>N/A</td> <td>\$16,000.00</td> <td>\$1,600.00</td> <td>\$17,600.00</td> </tr> <tr> <td>Completion of online reporting form (refer item 9) to the satisfaction of the NADC</td> <td>30 May 2022</td> <td>\$4,000.00</td> <td>\$400.00</td> <td>\$4,400.00</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td>\$20,000.00</td> <td>\$2,000.00</td> <td>\$22,000.00</td> </tr> </tbody> </table> <p>The Grantee may submit an invoice for payment of each instalment following completion of the relevant milestone but no earlier than the 'Due Date' in the above table.</p> <p>The Grantee's bank account for payment is specified in item 7 of the Agreement Details.</p>	Milestone	Due Date	Amount (excl GST)	GST	Total (incl GST)	Commencement Date	N/A	\$16,000.00	\$1,600.00	\$17,600.00	Completion of online reporting form (refer item 9) to the satisfaction of the NADC	30 May 2022	\$4,000.00	\$400.00	\$4,400.00	<b>Total</b>		\$20,000.00	\$2,000.00	\$22,000.00
Milestone	Due Date	Amount (excl GST)	GST	Total (incl GST)																			
Commencement Date	N/A	\$16,000.00	\$1,600.00	\$17,600.00																			
Completion of online reporting form (refer item 9) to the satisfaction of the NADC	30 May 2022	\$4,000.00	\$400.00	\$4,400.00																			
<b>Total</b>		\$20,000.00	\$2,000.00	\$22,000.00																			
7.	Grantee's Bank Account	4	<p>The Grantee's nominated bank account into which the Funds are to be paid is:</p> <p>Account Name: Municipal Account</p> <p>Account Number: 10185718</p> <p>BSB Number: 066508</p> <p>Bank Name: Commonwealth</p>																				
8.	Other Contributions		\$4,000.00																				
9.	Reporting	9	<p>By no later than 30 May 2022, the Grantee must complete and submit the online reporting form available on the applicant portal which requires:</p> <ul style="list-style-type: none"> <li>a final report verifying the Funds have been spent in accordance with this Agreement; and</li> <li>the Grantee to provide copies of photographs of the showing the Australia Day Designs in a public place or at the Event.</li> </ul>																				
10.	Insurance	17	<p><b>Public Liability Insurance</b> \$10,000,000 or more per claim and in the aggregate.</p> <p><b>Workers Compensation</b> Amount as required by the relevant state or territory legislation.</p>																				
11.	Acknowledgment of support	5	<p>The Grantee must acknowledge the support received from the NADC by including the following statement:</p> <p><i>'Assisted by the Australian Government through the National Australia Day Council', and using the Australia Day Logo in accordance with the branding guidelines set out in Annexures 1 and 2 to this Agreement, as updated by notice from the NADC to the Grantee.</i></p>																				
12.	Australia Day Logo	1.1, 12																					



# Terms and Conditions

## 1. Defined terms & interpretation

### 1.1 Defined terms

In this Agreement:

**Agreement** means this Agreement between the NADC and the Grantee, including any attachments.

**Agreement Material** means any Material created by, for and on behalf of the Grantee on or following the Commencement Date, for the purpose of or as a result of performing its obligations under this Agreement.

**Australia Day Designs** means the branding and design assets for Australia Day 2022 that follow the message of *Reflect. Respect. Celebrate. We're all part of the story* as approved by the NADC.

**Australia Day Logo** means the 'Australia Day logo' set out in item 11 of the Agreement Details.

**Commencement Date** means the date specified in item 3 of the Agreement Details.

**Event** means the event or series of events set out in item 5 of the Agreement Details, whether held in-person or online/virtually to celebrate Australia Day 2022.

**Existing Material** means Material developed independently of this Agreement that is incorporated in or supplied as part of the Agreement Material, but excludes the Australia Day Designs and the Australia Day Logo.

**Funds** means the money, or any part of it, paid by the NADC to the Grantee under this Agreement in the amount specified in item 6 of the Agreement Details.

**Grantee** means the legal entity specified in item 2 of the Agreement Details.

**Intellectual Property Rights** means all intellectual property rights, including:

(a) copyright, patents, trademarks (including goodwill in those marks), designs, trade secrets, know how, rights in circuit layouts, domain names and any right to have confidential information kept confidential;

(b) any application or right to apply for registration of any of the rights referred to in paragraph (a); and

(c) all rights of a similar nature to any of the rights in paragraphs (a) and (b) which may subsist in Australia or elsewhere,

whether or not such rights are registered or capable of being registered.

**Material** includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.

**Other Contribution** means the financial or in-kind contributions other than the Funds to be provided by the Grantee as set out in item 8 of the Agreement Details.

**Party** means the Grantee or the NADC.

**Personal Information** has the same meaning as in the *Privacy Act 1988* (Cth).

**Program** means the Australia Day Community Events 2022 Grants Program.

**Purpose** means the purpose as described in item 4 of the Agreement Details.

**Reports** means the reports that the Grantee is required to produce and provide to the NADC in accordance with clause 9.

**Terms and Conditions** means clauses 1 to 23 of this Agreement.

**WHS Law** means all applicable Laws relating to work health and safety, including the *Work Health and Safety Act 2011* (Cth) and any corresponding WHS law as defined in that Act.

### 1.1 Interpretation

(a) In this Agreement, unless the context requires otherwise: a reference to **A\$, \$A, dollar** or **\$** is to Australian currency, a reference to time is to Canberra, Australia time, and the meaning of general words is not limited by specific examples introduced by **including, for example** or similar expressions.

(b) If there is any inconsistency between any of the documents forming part of this Agreement, those documents will be interpreted in the following order of priority to the extent of the inconsistency:

(i) Terms and Conditions;

(ii) Agreement Details; and

(iii) any documents incorporated by reference in this Agreement.

## 2. Program and Purpose

(a) The Funds are made available under the Program for the Purpose.

(b) The Grantee is fully responsible for the Event and for ensuring the performance of all its obligations under this Agreement in accordance with all relevant laws. The Grantee will not be relieved of that responsibility because of:

(i) the grant or withholding of any approval or the exercise or non-exercise of any right by the NADC; or

(ii) any payment to, or withholding of any payment from, the Grantee under this Agreement.

(c) For clarity:

(i) any holding of the Event by the Grantee is at its own risk; and

(ii) any and all decisions relating to the delivery, management or otherwise of the Event are the sole responsibility of the Grantee.

## 3. Event

(a) The Grantee agrees to:

(i) spend the Funds in a manner that is consistent with the objectives of the Program including the Purpose;

(ii) ensure that the Event is carried out in accordance with all applicable laws (including the WHS Law, legislative requirements regarding child safety and working with vulnerable people and COVID-19 public health restrictions and rules (however described));

(iii) ensure that personnel performing work in relation to the Event are appropriately qualified to perform the tasks and have the relevant skills and qualifications;

(iv) promote the message of *Reflect. Respect. Celebrate. We're all part of the story* through NADC available collateral and use of the Australia Day Designs in equal proportion to other branding and marketing used on the day of the Event; including displaying the Australia Day Designs at the Event or in a public place, and using the Australia Day Designs up to and on Australia Day 2022;

(v) provide and use the Other Contribution for the Event; and

(vi) obtain the NADC's prior written approval before spending the Funds in a manner other than as set out in clause 7(a).

(b) If the Grantee is unable to hold or deliver the Event in-person due to COVID public health restrictions, the Grantee must, as soon as is reasonably practicable, notify the NADC that it intends to hold or deliver the Event online.

(c) The Grantee represents and warrants that in performing the Event, it will comply with all applicable laws (including the WHS Law, child safety and working with vulnerable persons laws and regulations).

(d) The Grantee agrees to list the Event on the NADC's event register website <https://www.australiaday.org.au/events/>.

#### 4. Payment of Funds

(a) Subject to this Agreement, the NADC agrees to pay the Funds to the Grantee in accordance with item 6 of the Agreement Details.

(b) Notwithstanding any other provision of this Agreement, the NADC may by notice withhold payment of any amount of the Funds if it reasonably believes that:

(i) the Grantee has not complied with this Agreement;

(ii) the Grantee is unlikely to be able to perform the Event or manage the Funds in accordance with this Agreement; or

(iii) there is a serious concern relating to the Grantee or this Agreement that requires investigation.

(c) Payment will be made following submission by the Grantee of an invoice. The invoice must meet the requirements of a tax invoice as set out in the GST Law and be in a form approved by the NADC which sets out:

(i) the amount of the Funds to be paid by the NADC together with any substantiating material required; and

(ii) such other information as the NADC requires.

(d) Invoices should be submitted to the address specified in item 1 of the Agreement Details.

#### 5. Acknowledgements

The Grantee agrees to acknowledge the NADC's support in all Material, publications, promotional and advertising materials published in connection with the Event or this Agreement, using the form of acknowledgment specified in item 11 of the Agreement Details.

#### 6. GST

(a) In this clause 6, words and expressions which are not defined in this Agreement but which have a defined meaning in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST Law**) have the same meaning as in the GST Law.

(b) Unless otherwise expressly stated, all amounts set out in this Agreement are exclusive of GST.

(c) If GST is payable by a supplier (**Supplier**) on any supply made under this Agreement, except where the amount is expressly stated to include GST, the payment for that supply will be increased by, and the recipient of the supply (**Recipient**), will pay to the Supplier, an amount equal to the GST payable on the supply (**GST Amount**), provided that no GST Amount is payable under this clause until the Supplier has issued a valid tax invoice to the Recipient for that supply.

(d) If a payment to a Party under this Agreement is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that Party, then the payment will be reduced by the amount of any input tax credit to which that Party, or the representative member of the GST group that Party is a member of (as the case may be), is entitled for that loss, cost or expense.

#### 7. Spending the Funds

(a) The Grantee agrees to spend the Funds (and any interest the Grantee earns on the Funds) only for the purpose of performing the Event and otherwise in accordance with this Agreement.

(b) If any of the Funds have been spent other than in accordance with this Agreement, or any amount of the Funds is additional to the requirements of the Event (including where the Grantee is unable to hold or deliver the Event at all), the Grantee must repay that amount to the NADC unless the NADC agrees otherwise.

(c) If the NADC issues a notice under this Agreement requiring the Grantee to repay any of the Funds:

(i) the Grantee must do so within the time period specified in the notice;

(ii) the Grantee must pay interest on any part of the amount that is outstanding at the end of the time period specified in the notice until the outstanding amount is repaid in full; and

(iii) the NADC may recover the amount and any interest under this Agreement as a debt due to the NADC without further proof of the debt being required.

#### 8. Record keeping

(a) The Grantee agrees to keep financial accounts and other records that identify the receipt and expenditure of the Funds and any Other Contributions separately within the Grantee's accounts and records so that at all times the Funds are identifiable.

(b) The Grantee agrees to exercise and maintain proper accounting standards and controls in respect of the Funds.

(c) If requested by the NADC, the Grantee agrees to provide the NADC or any persons authorised by the NADC, with access to the Grantee's premises, personnel, documents and other records, and all assistance reasonably requested, to enable the NADC or those persons to verify that Funds have been spent only for the purposes of undertaking the Event.

#### 9. Reporting

(a) The Grantee agrees to provide the reports and other material specified in item 9 of the Agreement Details to the NADC.

(b) If the NADC acting reasonably has concerns regarding the performance of the Event or the management of the Funds, the NADC may by written notice require the Grantee to provide one or more additional reports, containing the information and by the date(s), specified in the notice.

#### 10. Relationship between the Parties

A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

#### 11. Subcontracting

(a) The Grantee is responsible for the performance of its obligations under this Agreement, including in relation to any tasks undertaken by subcontractors.

(b) The Grantee agrees to make available to the NADC the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

#### 12. Intellectual Property

(a) This Agreement does not affect the ownership of Intellectual Property Rights in Existing Material, the Australia Day Logo, or the Australia Day Designs.

(b) Intellectual Property Rights in the Agreement Material vest in the Grantee on creation.

(c) The Grantee grants to, and must ensure all third parties holding Intellectual Property Rights in the Reports grant to the NADC, a perpetual, non-exclusive, irrevocable, royalty-free and licence fee-free licence (including a right of sub-licence) to use, reproduce, adapt, modify, communicate, broadcast, distribute, publish and disseminate the Reports for the purposes of the NADC or Commonwealth purposes.

(d) The Grantee grants to, and must ensure all third parties holding Intellectual Property Rights in the Agreement Material (other than the Reports) grant to the NADC, a perpetual, non-exclusive, irrevocable, royalty-free and licence fee-free licence (including a right of sub-licence) to use, reproduce, adapt, modify, communicate, broadcast, distribute, publish and disseminate that Agreement Material for the purpose of the Program and any other purpose connected with the operation of this Agreement.

(e) Subject to the Grantee's compliance with this Agreement, the NADC grants to the Grantee a non-exclusive, royalty-free licence (including the right to sublicense to subcontractors) to use, reproduce and distribute the Australia Day Designs and the Australia Day Logo for the purpose of the Event.

### 13. Privacy

(a) When dealing with Personal Information in carrying out the Event, the Grantee agrees:

(i) to comply with the requirements of the *Privacy Act 1988* (Cth); and

(ii) not to do anything which, if done by the NADC, would be a breach of an Australian Privacy Principle under the *Privacy Act 1988* (Cth).

(b) The Grantee must notify the NADC in writing of any breach or possible breach of this clause 13.

### 14. Confidentiality

(a) Confidential Information means:

(i) information that the Grantee knows, or ought to know is confidential; or

(ii) is notified by the NADC to the Grantee in writing.

(b) The Grantee agrees not to disclose the Confidential Information without prior written consent from the NADC unless required by law or Parliament.

### 15. Conflict of interest

Other than those which have already been disclosed to the NADC, the Grantee warrants that, to the best of its knowledge, at the date of this Agreement neither it nor its officers have any actual, perceived or potential conflicts of interest in relation to the Event.

### 16. Fraud

(a) In this Agreement, **Fraud** means dishonestly obtaining a benefit, or causing a loss, by deception or other means, and includes alleged, attempted, suspected or detected fraud.

(b) The Grantee must ensure its personnel and subcontractors do not engage in any Fraud in relation to the Event.

(c) If the Grantee becomes aware of:

(i) any Fraud in relation to the performance of the Event; or

(ii) any other Fraud that has had or may have an effect on the performance of the Event;

then it must report the matter to the NADC and all appropriate law enforcement and regulatory agencies within 5 business days.

(d) The Grantee must, at its own cost, investigate any Fraud referred to in clause 16(c) in accordance with the Australian Government Investigations Standards available at [www.ag.gov.au](http://www.ag.gov.au).

(e) The NADC may, at its discretion, investigate any Fraud in relation to the Event. The Grantee agrees to co-operate and provide all reasonable assistance at its own cost with any such investigation.

### 17. Insurance

The Grantee agrees to have and maintain:

(a) the insurances specified in item 10 of the Agreement Details for the duration of this Agreement and to provide the NADC with proof, to the satisfaction of the NADC, on request; and

(b) public liability insurance, in the amount set out at item 10 of the Agreement Details for a period of at least 7 years following the Event.

### 18. Indemnities

The Grantee indemnifies the NADC, its officers, employees and contractors against any claim, loss or damage arising in connection with the Event.

### 19. Notices

(a) The Grantee agrees to promptly notify the NADC of anything reasonably likely to adversely affect the undertaking of the Event, management of the Funds or its performance of any of its other requirements under this Agreement.

(b) A notice under this Agreement must be in writing and addressed to the other Party's representative as specified in item 1 or 2 (as applicable) of the Agreement Details or as most recently updated by notice given in accordance with this clause.

(c) A notice is deemed to be effected:

(i) if delivered by hand - upon delivery to the relevant address;

(ii) if sent by post - upon delivery to the relevant address; or

(iii) if transmitted electronically - upon actual receipt by the addressee.

(d) A notice received after 5.00 pm, or on a day that is a Saturday, Sunday or public holiday, in the place of receipt, is deemed to be effected on the next day that is not a Saturday, Sunday or public holiday in that place.

### 20. Dispute Resolution

(a) The Parties agree not to initiate legal proceedings in relation to a dispute unless they have tried and failed to resolve the dispute by negotiation.

(b) The Grantee agrees to continue to perform its obligations under this Agreement where a dispute exists.

(c) The procedure for dispute resolution does not apply to action relating to termination or urgent interlocutory relief.

### 21. Termination for default

(a) The NADC may terminate this Agreement by notice where the Grantee has:

(i) breached this Agreement and the NADC considers the breach cannot be rectified;

(ii) breached this Agreement and the Grantee does not rectify the breach within 10 business days after the NADC gives notice;

(iii) provided false or misleading statements in relation to the Funds; or

(iv) becomes bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

(b) The Grantee agrees, on receipt of a notice under this clause to report on, and return any part of, the Funds to the NADC, or otherwise deal with the Funds, as directed by the NADC.

## **22. Termination for convenience**

(a) Without limiting the NADC's rights or remedies under or in connection with this Agreement, the NADC may terminate or reduce the scope of this Agreement by written notice.

(b) The Grantee agrees on receipt of a notice of termination or reduction under this clause to:

(i) take all available steps to minimise loss resulting from that termination or reduction; and

(ii) in the case of a reduction in scope, continue to undertake any part of the Event not affected by the notice; and

(c) If this Agreement is terminated under this clause 22, the NADC is liable only for:

(i) payment of any part of the Funds due and owing to the Grantee under this Agreement at the date of the notice; and

(ii) reimbursement of reasonable expenses the Grantee unavoidably incurs that relate directly to the termination and are not covered by clause 22(c)(i),

provided the Grantee has otherwise complied with this Agreement.

(d) The NADC is not liable to pay any amount under this clause 22 which would, in addition to any amounts paid or due, or becoming due, exceed the total amount of the Funds specified in item 6 of the Agreement Details.

## **23. General**

(a) This Agreement represents the Parties' entire agreement in relation to the Funds provided under it and the Event and supersedes all prior representations, communications, agreements, statements and understandings, whether oral or in writing.

(b) This Agreement may be only be varied in writing, signed by both Parties.

# Signing page

**EXECUTED** as an agreement.

**Signed** for and on behalf of the **National Australia Day Council Limited** by its duly authorised delegate in the presence of

  
\_\_\_\_\_  
Signature of witness

Karen Wilson  
Name of witness (print)

6 December 2021  
Date

  
\_\_\_\_\_  
Signature of delegate

Karlie Brand  
Name of delegate (print)

Chief Executive Officer  
Position of delegate (print)

**Signed** for and on behalf of **Shire of Nannup**, ABN 43038160786, by its duly authorised representative/delegate in the presence of

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Name of witness (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of delegate

\_\_\_\_\_  
Name of delegate (print)

\_\_\_\_\_  
Position of delegate (print)

## Annexure 1 – Australia Day Branding Guidelines

### A brief guide to using the Australian Day brand.



# Australia Day

Reflect. Respect. Celebrate.

#### The logo – stacked version

In April/May 2020 the tagline 'Reflect. Respect. Celebrate.' is included in the main logo, and all versions of the logo. The font has also been updated to ITC Avant Garde for consistency.

The stacked version of the main logo is as shown on the right, as well as the mono version and the reversed version of the stacked logo.

Main logo



## Australia Day

Reflect. Respect. Celebrate.

Mono logo



## Australia Day

Reflect. Respect. Celebrate.

Reversed logo



**The logo – inline version**

The inline version of the logo is as shown on the right.

Also the mono version of the inline logo, and the reversed version of the inline logo.

Inline logo



Mono logo



Reversed logo



**Clear space around the logo**

It is very important to isolate both versions of the logo properly to increase legibility.

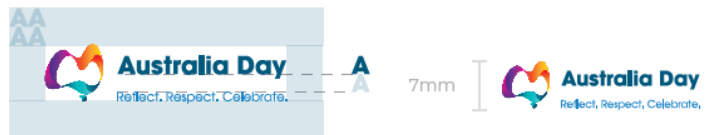
Always maintain the clear space, even when proportionally scaling the logo. Use the width of 2 capital As, proportionate to the A in Australia Day, all the way around the logo.

**Space between the logo and tagline**

The correct distance between the logo and tagline is equal to the height of the capital A in Australia Day.

**Minimum size**

In order to maintain its visual impact, please refer to the minimum sizes on







**Colour palette**





When it comes to using the colour palette in mediums and channels such as print and digital, it is very important to follow the provided values.

Here are the gradients used in the Australia Day logo, including selected colour points that can be used in campaign collateral, for headings and design elements.







	C 0 M 14 Y 100 K 0	R 255 G 214 B 0		C 0 M 45 Y 91 K 0	R 249 G 157 B 49		C 0 M 83 Y 100 K 0	R 240 G 83 B 35		C 0 M 97 Y 34 K 0	R 238 G 35 B 108
---	-----------------------------	-----------------------	---	----------------------------	------------------------	---	-----------------------------	-----------------------	---	----------------------------	------------------------



	C 0 M 100 Y 0 K 0	R 236 G 0 B 140		C 15 M 100 Y 0 K 0	R 207 G 18 B 140		C 86 M 96 Y 0 K 10	R 71 G 47 B 136		PANTONE 305 CP C 100 M 31 Y 0 K 3 R 0 G 136 B 206 #0088CE
---	----------------------------	-----------------------	---	-----------------------------	------------------------	---	-----------------------------	-----------------------	---	--



	C 61 M 0 Y 22 K 0	R 83 G 196 B 204		C 83 M 0 Y 31 K 0	R 0 G 180 B 188		C 100 M 74 Y 30 K 27	R 0 G 65 B 105		PANTONE 7701 CP C 89 M 14 Y 0 K 56 R 0 G 88 B 126 #00587D
---	----------------------------	------------------------	---	----------------------------	-----------------------	---	-------------------------------	----------------------	---	--

# NADC

National  
Australia Day  
Council

National Australia Day Council

Old Parliament House, King  
George Terrace, Parkes ACT 2600  
02 6120 0600

[australiaday.org.au](http://australiaday.org.au)  
[australianoftheyear.org.au](http://australianoftheyear.org.au)



## Annexure 2 – Australia Day Event Kit Brand Guide



Main logo

**The logo – stacked version**

In April/May 2020 the tagline 'Reflect. Respect. Celebrate.' was included in all versions of the Australia Day logo. The font has also been updated to ITC Avant Garde for consistency.

When using the logo on the green, gold and white background, please ensure that the tagline - Reflect. Respect. Celebrate. is positioned no lower into the green, as shown on the right. It is important that the logo is illuminated in the white space section of the gradient and maintains its integrity.



**Australia Day**

Reflect. Respect. Celebrate.



**Colour palette - Logo**

When it comes to using the colour palette in mediums and channels such as print and digital, it is very important to follow the provided values.

Here are the gradients used in the Australia Day logo, including selected colour points that can be used in campaign collateral, for headings and design elements.



C 0 R 255  
M 14 G 214  
Y 100 B 0  
K 0



C 0 R 249  
M 45 G 157  
Y 91 B 49  
K 0



C 0 R 240  
M 83 G 83  
Y 100 B 35  
K 0



C 0 R 238  
M 97 G 35  
Y 34 B 108  
K 0



C 0 R 236  
M 100 G 0  
Y 0 B 140  
K 0



C 15 R 207  
M 100 G 18  
Y 0 B 140  
K 0



C 86 R 71  
M 96 G 47  
Y 0 B 136  
K 10



PANTONE 305 CP  
C 100 M 31 Y 0 K 3  
R 0 G 136 B 206  
#0088CE



C 61 R 83  
M 0 G 196  
Y 22 B 204  
K 0



C 83 R 0  
M 0 G 180  
Y 31 B 188  
K 0



C 100 R 0  
M 74 G 65  
Y 30 B 105  
K 27



PANTONE 7701 CP  
C 89 M 14 Y 0 K 56  
R 0 G 88 B 126  
#00587D

**Green, gold and white gradient**

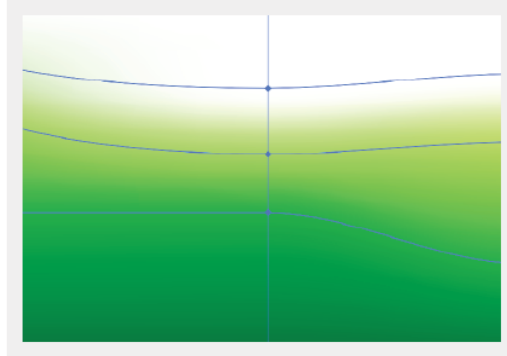
These are the colours used to make up the gradient in all of the assets. Please do not change the gradient colours.

The gradient is used as a background on many of the assets, it is setup as a gradient mesh as shown on the right.

If the artwork needs to be modified to fit a certain size of banner (or other design) the background can be resized. If possible, please keep the spacing and gradient mesh the same.



	C 0	R 255	M 0	G 255	Y 0	B 255	K 0		C 34	R 249	M 0	G 157	Y 73	B 49	K 0		C 70	R 84	M 9	G 171	Y 90	B 84	K 0		C 83	R 45	M 32	G 113	Y 100	B 56	K 22
---	-----	-------	-----	-------	-----	-------	-----	---	------	-------	-----	-------	------	------	-----	---	------	------	-----	-------	------	------	-----	---	------	------	------	-------	-------	------	------



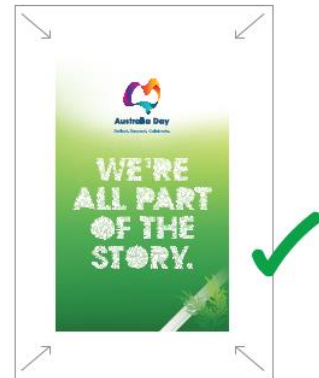
**Resizing event assets**

Please do not change the design.

That means no changes to colours. No removing design elements or adding design elements.

You may resize the background, adjust design elements to suit the size and dimensions.

Note: Make sure you adjust the stroke of the lines, as they may appear too thin or too thick depending on how you resize the artwork.



If you require the original artwork files please email  
[katy.barr@australiaday.org.au](mailto:katy.barr@australiaday.org.au)

National Australia Day Council

Old Parliament House, King George Terrace  
Parkes ACT 2600  
02 6120 0600

[australiaday.org.au](http://australiaday.org.au)  
[australianoftheyear.org.au](http://australianoftheyear.org.au)



## Attachment 11.2.2



6 December 2021

Miss Annie Crutchlow  
Shire of Nannup  
ldag@nannup.wa.gov.au

Old Parliament House  
King George Terrace  
Parkes ACT 2600

Tel: 02 6120 0600  
ABN: 76 050 300 626

[australiaday.org.au](http://australiaday.org.au)  
[australianoftheyear.org.au](http://australianoftheyear.org.au)

Dear Miss Crutchlow,

### **Australia Day Community Grants Program – Application CG00072 successful**

Thank you for your application under the Australia Day Community Grants Program administered by the National Australia Day Council (the NADC).

I am pleased to inform you that your application for the above grant program has been successful.

As set out in the Program Guidelines, successful applicants will be required to enter into a short form grant agreement with the NADC. The grant agreement is attached to this correspondence. Please take the opportunity to again familiarise yourself with the terms and conditions of the Agreement.

In order to receive payment before Christmas, you will need to upload your signed grant agreement along with a correctly rendered invoice for your first instalment of 80% by 16 December via the grant agreement and invoice forms we have attached to your online portal record.

I congratulate you on the success of your application, and I look forward to hearing of your community's shared experience this Australia Day, as underpinned by the Australia Day 2021 message of *Reflect. Respect. Celebrate. We're all part of the story.*

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Brand', is written over a light grey rectangular background.

Karlie Brand  
Chief Executive Officer  
National Australia Day Council

## Attachment 11.3.1

Policy Number:	LPP6
Policy Type:	Local Planning Policy
Policy Name:	<b>Nannup Townsite Character Area Design Guidelines</b>
Policy Owner:	Chief Executive Officer

**Authority:** Shire of Nannup Local Planning Scheme No. 4

### POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4* (LPS4).

### OBJECTIVES

The objectives of this Policy are to:

1. Retain Nannup's unique character and sense of place.
2. Provide a high level of amenity.
3. Create an attractive and desirable environment.
4. Require development to address the garden village and non-metropolitan context, topography, landscape values and the area's character and heritage.
5. Avoid replication of standard metropolitan building designs and promote sustainability principles in dwelling design.
6. Provide the basis for consistent assessment and decision making.

### DEFINITIONS

Definitions in this Policy are as per LPS4 or *State Planning Policy 7.3 Residential Design Codes* (R-Codes). The following additional terms are defined as follows:

**"Barn-Style Dwellings"** means dwellings that have design features that resemble outbuildings or barns which normally consist of external metal cladding of walls and roof.

**"Building Materials"** means the materials which constitute the structure, dwelling or building.

**"Eaves"** refers to the projecting overhang at the lower edge of the roof.

**"Transportable building"** means any building or structure which:

- is designed and constructed to be transported in one or more parts from its place of construction to its intended location; or
- has previously been located on another site other than on the lot upon which it is to be placed, and includes a skid mounted transportable unit (sea container), donga and light weight pre- fabricated building.

In this Policy, **"dwelling"** also includes a single house, grouped dwelling, multiple dwelling, ancillary dwelling, short-term accommodation and other form of habitable structure.

## **APPLICATION OF THE POLICY**

This Policy applies to new dwellings and other forms of habitable structures (for permanent or short-term accommodation purposes), extensions to dwellings, front fencing, retaining walls, incidental structures and non-residential development within the Nannup Townsite Character Area (see Attachment 1). This relates to Special Control Area 2 (SCA2) in LPS4.

The Policy includes dwellings and structures that are built on site, newly-constructed prefabricated buildings i.e. has been built off-site but not used as a dwelling elsewhere, and second-hand buildings and dwellings.

The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of LPS4.

Subject to LPS4, development and use of land shall be in accordance with the standards and requirements of this Policy.

There are separate guidelines for the Nannup Heritage Area (largely applying to the Nannup town centre).

## **LINKS TO LOCAL PLANNING SCHEME AND OTHER DOCUMENTS**

This Policy relates to various requirements set out in LPS4, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, *State Planning Policy 7: Design of the Built Environment*, *State Planning Policy 7.3 Residential Design Codes – Volume 1 (R-Codes)*, *State Planning Policy 7.3 Residential Design Codes – Volume 2 – Apartments*, the *Building Code of Australia* and various Local Planning Policies. Where there is an inconsistency between this Policy and LPS4, then LPS4 prevails to the extent of such inconsistency.

## **EXEMPTIONS FROM DEVELOPMENT APPROVAL**

Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of LPS4 and this Policy, there are no other exemptions or exclusions permitted under LPS4. Where incidental structures, proposed or an extended single house, or a proposed ancillary dwelling complies with this Policy, LPS4, the R-Codes and other local planning policies, then there is no requirement for gaining development approval from the Shire.

## **POLICY PROVISIONS**

### **1. General**

The building vernacular within the Nannup townsite, outside of the heritage area (town centre), represents predominantly timber framed and clad dwellings. The majority of dwellings in the townsite are single-storey on generous size blocks (especially compared to the metropolitan region). There are currently no three storey buildings in SCA2.

Materials vary between traditional timber and fibre cement weatherboards, through to brick and Colourbond. Roofing material does vary but corrugated iron dominates, mainly silver or pale in colour, and rooflines are generally traditional hipped/pitched although various newer buildings use skillion roofs. Most buildings include a verandah or contain generous eaves.

The colour of buildings varies although the use of cream or pale walls is commonly found.



Foundations vary from stumps to concrete slabs, although the latter is more common in newer buildings. The use of visually intrusive “cut and fill” and dominating retaining walls are relatively uncommon within SCA2.

In recent years, dwelling design has changed due to affordability considerations, changing demographics, architectural preferences, a greater range of building materials, a need to address energy rating and bushfire risks, and an increased value given to sustainable living. While such changes have enhanced parts of the townsite and have created greater residential comfort, there are also some instances of visually unappealing and undesirable residential character. Particular examples include dwellings that mimic outbuildings and barns, and designs which provide minimal windows or no verandahs.

The local government recognises that new dwellings within SCA2 should retain or enhance the amenity of the townsite. Preferably, residential designs should assist to retain or enhance the area’s amenity through taking account of the area’s values and its sense of place.

This Policy supports attractive and sustainable dwellings and development that strengthens local identity other than a few design options or where the design introduces ‘metropolitan’ building materials that are not sympathetic with the local context and character. The Policy does not prescribe particular architectural styles, nor inhibit creative design, but provides a framework to retain or enhance the character of the Nannup townsite. The local government seeks to ensure that dwellings and development do not detract from the amenity of the locality while achieving the aims and objectives of LPS4.

Where required, the local government will require the applicant to submit a site analysis plan.

## **2. Development and Design**

### **A) Supported Building Designs and Building Materials**

Various building designs are supported in SCA2 in the spirit of allowing architectural choice. To account for climatic conditions, energy efficiency, enhanced sustainability and local character, the local government has a preference for the following design elements to be incorporated into any dwelling:

- Orientated to promote passive solar design;
- Dwellings with a verandah or a generous eave on the northern side;
- Dwellings having a verandah on the front/primary setback which faces the street with eaves for most other sides of the dwelling;
- Roof pitch, for most of the dwelling, being 20 degrees or more (unless it is skillion design where the roof pitch can be less than 20 degrees);
- The use of weatherboard or similar products;
- Metal roofs;
- Are sympathetic to the existing landform, including split level designs and which minimise high retaining walls;
- Retain mature trees where possible;
- Landscaping provided it does not increase bushfire risks/BAL ratings;
- Built form should reflect a village like character consistent with the character of SCA2;
- Nil or low-key front fencing;
- Outbuildings appropriately located and scaled;
- The appearance of proposed built form when viewed from public streets and places shall be attractive and visually compatible with the values of SCA2;
- Building facades and walls that front a street, or are visible from the street or other public spaces, shall be detailed and articulated with design indentations/reliefs, architectural

features, colour schemes and active frontages, such as door and window openings, that reduce the visual impact of large blank wall spaces;

- The building design, detailing and finishing shall provide an appropriate scale to the street, add visual interest and enable differentiation between buildings when viewed from public streets; and
- Details set out in Attachment 2.

#### B) Non-supported Building Designs and Building Materials

The following dwelling designs are considered inconsistent to the character of SCA2:

- Tudor;
- Georgian;
- “A Frame”;
- Mediterranean;
- Barn-style shed/houses and shed-like structures being constructed for the purpose of human habitation;
- Flat roofs (less than 5%) – for the entire building;
- Zincolume walls (if more than 20% of the surface area on the front external wall); and
- Repurposed dwellings, including those constructed from sea containers and dongas unless re-clad and utilising other external design enhancements.

A Development Application for a single house or any dwelling, or for an extension, is required where the above designs are proposed. Accordingly, unless appropriately justified by the applicant (e.g. the proposed dwelling is screened from public view), the local government will recommend to Council that an application for the above designs be refused.

#### C) Dwelling Wall Materials and Colours

The local government supports materials and colours that do not detract from the amenity and the character of SCA2.

Generally, external building materials and finishes should be sympathetic to the existing landscape in design, colour and material.

Dwellings in SCA2 should not be constructed of materials or colours which, in the opinion of the local government, create a negative visual impact on the area's amenity.

The use of metallic, or corrugated sheet cladding on the walls of dwellings will not be supported by local government unless they are incidental to the overall design or screened from public view.

The local government will consider small feature components, of metallic, or corrugated sheet cladding on the walls of residential dwellings, which are generally limited to 20% of the total external surface wall area.

Steel wall cladding should generally be pre-painted Colourbond custom orb type. The use of unpainted Zincolume wall sheeting is not supported unless used as an architectural feature on no more than 20% of the surface area of the front external wall. A Development Application is required where a dwelling proposes more than 20% of the surface area on the front external wall with unpainted Zincolume.

#### D) Roof Pitch and Design

Dwelling roofs should generally be consistent with the character of SCA2. Unless justified by the applicant and agreed to by the local government, roof pitch within the area should be at least 20 degrees (see Figure 1). Roofs to garages, carports and outbuildings should generally be consistent in roof pitch. Variations to this are required to be justified by the applicant.

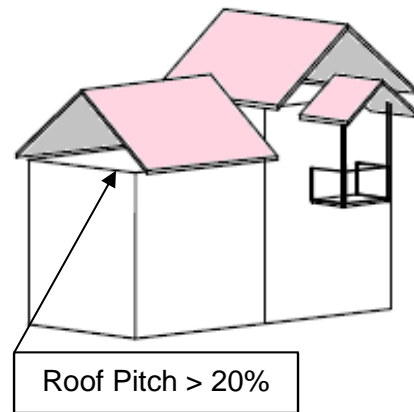


Figure 1: Recommended roof pitch

A shallower pitch may be acceptable for verandahs, canopies and small skillions unless agreed by the local government. Roofing should generally incorporate overhangs, eaves and where appropriate verandahs.

To achieve a consistency of roofs and to moderate the impact of direct solar load on external walls and windows, dwellings shall require a minimum:

- 480mm eaves on the northern orientation or the provision of verandahs. This does not apply where there are patios, minor roof nibs and entry porticos (or similar);
- Roof pitch of 20 degrees, other than for smaller components of the design or where a skillion design is proposed.

The entire skillion roof pitch can be less than 20 degrees.

A roof with a pitch of less than 5% will require the submission of a Development Application, unless it is for a skillion roof or is for an incidental component of the roof.

The roof design can utilise gable, hipped, skillion or butterfly design.

In keeping with the character of SCA2, metal roofs are preferred over tiled roofs. The metal roofs for dwellings and outbuildings can be Colourbond or Zinalume.

Other than extensions to existing dwellings, other habitable structures or outbuildings, a Development Application is required where a non-metal roof is proposed (including tiles and “green” roofs).

#### E) Garages and Carports

In the interest of enhancing streetscapes, garages and carports which face the street are to be consistent to the requirements set out in the R-Codes. The local government requires that garages do not occupy more than 50% of the total property frontage (see Figure 2). Where

applicable, the applicant is encouraged to review design options including the orientation of garages or using a carport instead of a garage.

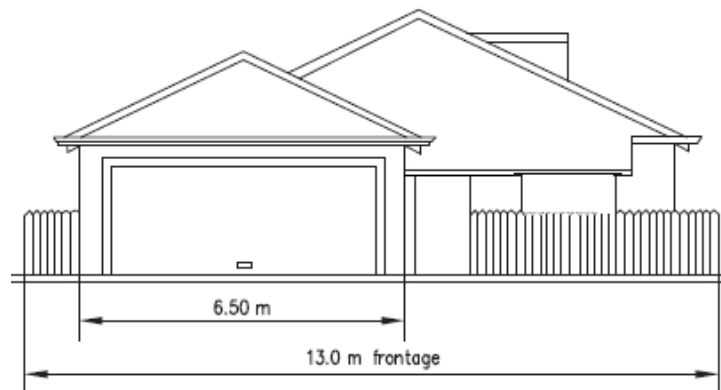


Figure 2: Proportion of garage frontage to width of property

#### F) Walls and Fences

To retain character, the local government prefers that properties in SCA2 do not have front fences. Where front fencing is provided, the local government supports the delineation of private front yards by hedging, plantings and other visually permeable landscaping provided a clear view of the dwelling from the street and vice versa is maintained.

All fencing shall complement/improve the amenity of SCA2 and contribute positively to the streetscape.

Only masonry, timber or decorative metal fencing of an open style shall be permitted for front fencing or for a side boundary where it is a corner lot.

Solid fencing forward of the building line shall have a maximum height of 1.2m and shall be constructed of masonry/brick or wrought iron finish.

The maximum height of fencing on the front boundary shall be 1.8m with the solid portion of fencing being restricted to a maximum height of 1.2m and the remainder of the fence being visually permeable.

A Development Application is required for front fences in SCA2 where the fence is above 1.2 metres. If the fence is above 1.2 metres, unless justified by the applicant, the fence should be visually permeable.

No Development Application is required for side or rear fences/walls in SCA2 provided they are below 1.8 metres and are located outside of flood prone land (Special Control Area 3).

To balance privacy and neighbourhood character, no Development Application is required for a fence/wall above 1.2 metres on the side boundary of corner lots provided it meets the R-Codes including unobstructed sight lines.

Additional fencing and wall provisions are subject to the R-Codes, the *Shire of Nannup Fencing Local Laws* and the *Dividing Fences Act 1961*.

#### G) Incidental Structures

No Development Application is required for incidental structures, generally associated with dwellings, as set out in the Supplemental Provisions of LPS4 and also within Part 7 Clause 61

of the Regulations provided it is consistent with this Policy, the R-Codes, LPS4 and other local planning policies.

No application for development approval is required for an outbuilding, rainwater tank or fencing where consistent with this Policy, the R-Codes and the property is outside of flood prone land.

#### H) Conversion of Outbuildings to Dwellings

The local government considers that the conversion of an outbuilding to a dwelling within SCA2 can result in substandard housing being produced and this form of housing is potentially detrimental to the amenity of SCA2.

Unless appropriately justified, the local government does not support an outbuilding being converted to a dwelling within SCA2.

A Development Application is required for the conversion from an outbuilding to a dwelling.

The local government will, amongst matters, consider:

- Whether the proposed dwelling is visibly intrusive from public roads and public places including whether adequate screening (vegetation etc.) exists;
- The impact of the proposed development in relation to adjoining or nearby properties; and
- Whether the external appearance of the proposed dwelling is adequate or what mitigating design improvements are proposed.

#### I) Barn-Style Dwellings

A Development Application is required for “barn-style” dwellings.

The local government will have regard to the proposed siting of the building, particularly its visibility from surrounding properties and roads, as well as the form of external cladding proposed to be used on the building.

Unless appropriately justified, the local government does not support dwellings which resemble sheds or “barn-style” dwellings in SCA2.

#### J) Transportable Buildings

No Development Application is required for new purpose built transportable dwellings, if not constructed of sea containers or dongas (or repurposed dwellings), if other planning considerations set out in this Policy (including roof pitch) and in LPS4 are met.

#### K) Repurposed Dwelling

A Development Application is required for a single house, extension to a single house or extension to other dwelling where the building, dwelling or structure consists of a skid mounted transportable unit (sea container) or a donga. Such a use is best described as a ‘repurposed dwelling’.

The local government considers that a repurposed dwelling can be detrimental to the amenity of SCA2.

The local government generally does not support a repurposed dwelling unless, amongst other matters:

- The exterior of the repurposed dwelling is in a state of good repair; and
- Unless screened from nearby roads, other public places and adjoining properties the local government will require the repurposed dwelling to be re-clad or treated in such a way to make it visually more compatible with the amenity of the area, and the dwelling/habitable building to incorporate measures such as verandahs or other architectural/design features to improve the visible appearance of the structure.

Should development approval for a repurposed dwelling be granted, the following conditions may apply:

- A specific time period to which development approval applies and the requirements for removal of structures which are intended to be temporary;
- External repainting and/or re-cladding of the building;
- The construction and/or replacement of verandahs;
- Modification of roof design if considered necessary to ensure the structure is consistent with surrounding dwellings;
- Require landscaping to be established within a specified time and thereafter maintained; and
- Require the applicant or owner to provide a bond or unconditional bank guarantee to the local government as surety for the completion of the transportable building to a standard or presentation acceptable to the local government within a specified time frame, usually within 6 months. A bond will only be returned upon the completion of the necessary works to the local government's satisfaction.

#### L) Second-hand Dwelling

A Development Application is required for a second-hand dwelling.

The local government will consider second-hand dwellings provided they are comprised of high-quality design features suitable to SCA2, as determined by the local government.

The local government will not approve the use of a second-hand dwelling or other building containing asbestos.

Should development approval for a second-hand dwelling be granted, it may include the following conditions:

- Certification from a practicing structural engineer that the design and condition of the building is suitable for relocation and re-use;
- All asbestos is removed prior to relocation;
- Require landscaping and to be established within a specified time and thereafter maintained; and
- Require the applicant or owner to provide a bond or unconditional bank guarantee to the local government as assurance for the completion of the relocated dwelling to a standard or presentation acceptable to the local government within a specified time frame, usually within 6 months. A bond will only be returned upon the completion of the necessary works to the local government's satisfaction.

Where a relocated dwelling is not completed to an acceptable standard within the specified time, the local government may either:

- Require the building to be removed, pulled down, altered or otherwise made to comply with the development approval and Building Permit; or

- Undertake the works necessary to complete or rectify any outstanding condition/s and/or items listed on the Schedule of Works. If this occurs, a portion or the entire bond may be forfeited.

M) Outbuildings

The local government will have regard to matters including the R-Codes, LPS4 and this Policy.

N) Retaining Walls

The local government seeks to encourage designs that work with the topography rather than creating large retaining walls and associated filling.

The local government will require a Development Application for retaining walls that are over 0.9 metres in height.

O) Solar Collectors

The local government will require a Development Application for solar collectors are inconsistent with the R-Codes or where the structure is on the Heritage List and the solar collectors are visible from public places.

### 3. PROCEDURAL CONSIDERATIONS

A) No development approval required in certain circumstances

No development approval is required for the erection or extension of a single house, outbuilding or retaining wall that complies with the deemed-to-comply requirements of the R-Codes, in accordance with clause 61(4)(c) of the Deemed Provisions from the Regulations, where consistent with this Policy and where consistent with LPS4.

Attachment 3 summarises when a Development Application is required and not required. Further details are outlined in this Policy, in LPS4 and in the Regulations.

*Note - a Building Permit is generally required to be submitted and approved as per the Building Regulations 2012.*

B) Where the deemed-to-comply requirements are not met

As per the R-Codes, where applications do not meet the Deemed-to-Comply requirements, development approval is required. The Development Application will be assessed by the local government having regard to the relevant design principles of the R-Codes.

C) Applications Requiring Variation of Policy

Where an Application for Development Approval requires a variation to the deemed-to-comply requirements, the application will be assessed against the performance criteria of the R-Codes plus against this Policy. The onus is on the applicant to demonstrate to the satisfaction of the local government that the proposal complies with the design principles of the R-Codes and/or the objections and provisions of this Policy.

The provisions of this Policy may be varied where at least one of the following applies:

- Specific requirements have been determined for a particular lot through a Local Development Plan or Structure Plan pursuant to LPS4;

- The physical dimension of the lot, that is its depth or width, prevents reasonable compliance with this policy in respect of rear setbacks; or
- The topography of the land or of the surrounding land does not make the required provisions practicable.

Where an application for development approval is inconsistent with the R-Codes and/or this Policy, the applicant is to justify how it addresses the objectives of SCA2.

D) Variation of Residential Design Code, LPS4 and this Policy

A Development Application for a dwelling, extension to a dwelling or other incidental structure is required where it necessitates the exercise of discretion by the local government to vary the R-Codes, to vary LPS4 or to vary this Policy.

E) Development Impact Statement and Other Supporting Information

Where an application proposes a variation to one or more deemed-to-comply requirements and/or the application is considered to have a significant impact on the existing conditions of a locality, the local government may require the applicant to prepare or arrange a Development Impact Statement to be submitted with the application for development approval.

Where required, the Development Impact Statement is to be undertaken to the satisfaction of the local government.

The local government may require supporting information to make a proper development assessment of any proposed variation as part of a development application. This could include the provision of matters including:

- Site analysis plan showing the natural and finished ground levels, the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding uses, and the nature of existing and likely development in the vicinity of the subject lot/development site;
- Materials and colour palette (if required);
- Overshadowing diagram; and
- Any other relevant information requested by the local government.

F) Applications Consistent with Policy

Where an Application for Development Approval is required and where the application is consistent with this Policy and any other requirement of LPS4 or relevant Local Planning Policy, the development approval will be granted under delegated authority to the Chief Executive Officer where no substantive objections have been received during advertising.

Where a substantive objection has been lodged, the application is to be determined at an Ordinary Meeting of Council.

#### **4. ADMINISTRATION**

A) Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning process and prior to the formal lodgement of any Development Application.



## B) Application Requirements

Development Applications are to include the following:

- A completed Form of Application for Development Approval;
- A site plan showing the location of all existing and proposed structures, and the location of any easements;
- A floor plan/s and elevations;
- A schedule or details of external materials and colours to be used; and
- Payment of the local government Development Application fee.

Subject to the proposed location and the scale of the proposed dwelling, the local government may also require the applicant to provide:

- Site analysis plan;
- Development impact statement;
- Detailed contour information from a licenced surveyor;
- Cross sections showing the extent of cut and fill;
- Written information relating to the reasons why any standard requirements of this Policy should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should a Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit Application (which gains necessary approval) prior to undertaking construction.

## C) Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government may also consult where an application does not comply with this Policy and/or it does not comply with the deemed-to-comply requirements of the R-Codes.

## D) Assessing the Development Application

The local government will have due regard to matters including the following in assessing Development Applications:

- Clause 67 in Schedule 2 of the Regulations;
- The character, values and amenity of SCA2;
- Building form;
- Roof form;
- Standard of construction;
- Materials and details;
- Alterations and additions;
- Retaining walls, excavation and fill;
- Fencing;
- Open space, landscaping and tree retention;
- Bushfire risk;
- Incidental structures;
- Written comments from affected stakeholders; and

- Any other circumstance and factor affecting the application in the opinion of the local government.

Should a Development Application for a dwelling or other structure not comply with requirements of this Policy and matters are not able to be addressed through conditions of approval, the application will be considered by Council.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may grant its consent with or without conditions or refuse its consent. The Council may refuse a Development Application where the application is inconsistent with this Policy, LPS4, other Local Planning Policies, the R-Codes and other State Planning Policies, or be based on information provided by the applicant, or be based on information set out in any submission received.

Related Policies:	<i>LPP 1 Cut &amp; Fill and Retaining Walls LPP 3 Sea Containers LPP 11 Development in Flood Risk Areas LPP 13 Car Parking and Vehicular Access LPP 19 Heritage Conservation LPP 22 Outbuildings</i>
Related Procedures/ Documents:	<i>Planning and Development (Local Planning Schemes) Regulations 2015 State Planning Policy 3.7 Planning in Bushfire Prone Areas State Planning Policy 7.0 Design of the Built Environment State Planning Policy 7.3 Residential Design Codes – Volume 1 and Volume 2</i>
Delegation	Chief Executive Officer
Adopted:	
Reviewed:	

## **Attachment 2 – Encouraged Residential Development and Design Guidelines**

### **Overview**

Unless separately covered in the main part of *Local Planning Policy No. 6 Nannup Townsite Character Area Design Guidelines*, the following does not form part of *Local Planning Policy No. 6 Nannup Townsite Character Area Design Guidelines*. Instead, the following are guidelines that are supported by the local government to further enhance the character of the Nannup Townsite Character Area and to deliver increased sustainability.

### **Site Analysis Plan**

Before positioning a dwelling or undertaking proposals for other habitable structures, a site analysis plan is recommended to address climatic considerations, to reduce the potential for risk and damage of fire and flood, minimise visual impacts from major roads/key tourist routes and address stormwater. The siting and design of a dwelling or other habitable structures should amongst other matters:

- Maximise northerly light into living areas and provide for solar access and warmth;
- Provide adequate cross ventilation from summer breezes (particularly from the south-westerly direction);
- Protect from summer afternoon sun;
- Consider the lot's topography and views;
- Be compatible with front setbacks of adjoining properties;
- Address the primary street and have a positive civic presence to complement or enhance existing street aesthetics;
- Have clearly defined main entrances (using paths, lighting and porticos);
- Minimise overlooking and overshadowing of adjoining properties (where possible and practical);
- Account for fire risk and low fuel areas; and
- Address flooding risk.

Other details are set out in the R-Codes.

### **Orientation and Major Openings**

Dwellings should front the street and have at least one major opening from a habitable room to overlook the public street or as relevant a common access driveway.

### **Verandahs and Eaves**

The use of verandahs and wide eave overhangs to shade walls and provide sheltered outdoor living areas are encouraged. Verandahs are an attractive design feature that provide protection from the weather especially rain and summer sun. The local government supports verandahs on dwellings throughout the area to provide comfort and enhance streetscapes. In keeping with the country town and rural nature of the area, dwellings should generally provide verandahs, porches, porticos or other architectural relief on the elevations that are viewed from the street.

A verandah, portico or covered entry in keeping with the overall house design, should generally be a minimum length of 25% of the front facade of the house.

Dwelling roofs within the area should have eaves that are a minimum of 550mm in width to assist in enhancing the visual amenity as set out in Figure A.

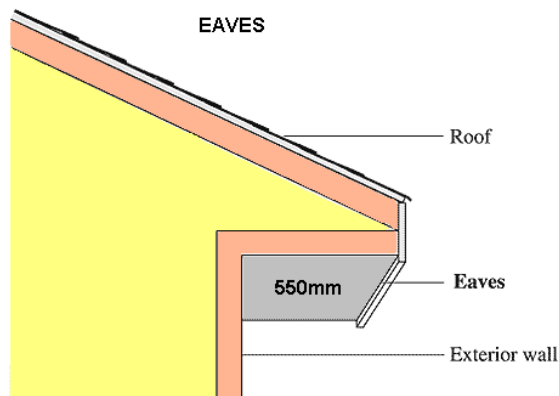


Figure A: Required width of eaves

### Preferred External Building Materials

Preferred materials should generally be made of:

- Brick;
- Rendered cement;
- Stone;
- A lightweight material with rendered effect;
- Painted weatherboards;
- Stucco (plaster or cement either fine or coarse); and
- Tilt-up (construction technique using pre-cast concrete to build walls) which is painted or rendered.

The local government will also consider materials including:

- Reverse cladding with internal brickwork;
- Fibre cement;
- Cedar or timber weatherboard;
- Fibre cement, mini orb, Colourbond;
- Rammed earth; and
- Combination of colour rendered brickwork, limestone, stone and cladding products.

The use of Zinalume or light coloured Colourbond roof sheeting is generally supported. However, care must be taken to ensure the location of the house and the roof pitch used does not produce a glare nuisance to surrounding properties or passing traffic.

### Energy Efficiency

The local government encourages new dwellings and major additions to dwellings that maximise energy efficiency and reduce the demand on energy sources for heating and cooling. Various strategies to maximise energy efficiency in a dwelling include:

- Location of living areas on the north elevation;
- Location of non-habitable rooms on the eastern and western elevations, such as bathrooms, laundries and carports/garages;
- Adequate insulation in walls, floor and roof cavities;
- Ventilation control;
- Appropriate room zoning;

- Use of eaves, verandahs and shading devices;
- Use of solar hot water systems;
- Use of energy efficient appliances and lighting; and
- Location of refrigerators and freezers away from external walls and hot areas.

### **Water Conservation**

The local government encourages water conservation. Various strategies to minimise water use include:

- Rainwater tanks which are of an appropriate size, given this has a range of benefits including with stormwater management. Water from rainwater tanks should be fit for purpose;
- AAA rating of all shower heads and tap ware;
- Use of a grey water reuse system approved by the Western Australian Department of Health;
- Lawn areas to be minimal;
- Use of lawn varieties that require lower water usage;
- Use of low-flow trickle irrigation, such as drippers, mulching and soil conditioners; and
- Use of indigenous plant species and other drought-resistant trees and shrubs.

DRAFT

### Attachment 3 - Summary of when a Development Application is required

Building Type	Development Application Required?
Aged or Dependent Persons Dwelling	Yes
Ancillary Dwelling	Yes
Grouped Dwelling	Yes
Multiple Dwelling	Yes
Residential Building	Yes
<p>Single House, Extension to a Single House, or Extension of Other Dwellings which are:</p> <ol style="list-style-type: none"> <li>1. Proposing a variation to the Residential Design Codes or Local Planning Scheme No. 4 (LPS4) <span style="float: right;">Yes</span></li> <li>2. Outside of a designated building envelope or within a designated building exclusion area <span style="float: right;">Yes</span></li> <li>3. Within a flood prone area <span style="float: right;">Yes</span></li> <li>4. A transportable building which is:               <ol style="list-style-type: none"> <li>a) A new purpose built dwelling (not constructed from sea containers / dongas) if other planning considerations are met. <span style="float: right;">No</span></li> <li>b) Any building or structure which is not a new purpose built dwelling. <span style="float: right;">Yes</span></li> </ol> </li> <li>5. A second-hand relocated dwelling or building <span style="float: right;">Yes</span></li> <li>6. Within a Heritage Area <span style="float: right;">Yes</span></li> <li>7. On the State Heritage Register or Heritage List of LPS4 <span style="float: right;">Yes</span></li> <li>8. Inconsistent with Local Planning Policies relating to development and design:               <ol style="list-style-type: none"> <li>a) Tudor/Georgian/"A" Frame/Mediterranean <span style="float: right;">Yes</span></li> <li>b) Barn-style dwelling <span style="float: right;">Yes</span></li> <li>c) Flat Roofs (less than 5%) <span style="float: right;">Yes</span></li> <li>d) Zincalume Walls (if more than 20% of surface area on front external wall) <span style="float: right;">Yes</span></li> <li>e) Zincalume Roofs <span style="float: right;">No</span></li> <li>f) Conversation of an outbuilding to a dwelling <span style="float: right;">Yes</span></li> </ol> </li> </ol>	
Garages and Carports	No, subject to consistency with the R-Codes and LPS4 and not within flood prone land.

Walls & Fencing: 1. Front fencing 2. Side and rear fencing	No, subject to consistency with the R-Codes and LPS4 No
Incidental Structures	No, subject to consistency with the R-Codes and LPS4 and not within flood prone land.

DRAFT

## **Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 60**

---

- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

### **Part 7 — Requirement for development approval**

#### **60. Requirement for development approval**

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) development approval is not required for the development under clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.
2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

*[Clause 60 amended: SL 2020/252 r. 69.]*

#### **61. Development for which development approval not required**

- (1) Development approval is not required for works if —
  - (a) the works are of a class specified in Column 1 of an item in the Table; and



- (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

**Table**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
1.	The demolition or removal of any of the following — (a) a single house; (b) an ancillary dwelling; (c) an outbuilding; (d) an external fixture; (e) a boundary wall or fence; (f) a patio; (g) a pergola; (h) a verandah; (i) a deck; (j) a garage; (k) a carport; (l) a swimming pool; (m) shade sails.	The works are not located in a heritage-protected place.
2.	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building. (b) The works are not located in a heritage-protected place.
3.	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 61**

---

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
4.	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e).
5.	Internal building work that does not materially affect the external appearance of the building.	Either — (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e); or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e), but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.
6.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
7.	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling —</p> <ul style="list-style-type: none"> <li>(a) an ancillary dwelling;</li> <li>(b) an outbuilding;</li> <li>(c) an external fixture;</li> <li>(d) a boundary wall or fence;</li> <li>(e) a patio;</li> <li>(f) a pergola;</li> <li>(g) a verandah;</li> <li>(h) a deck;</li> <li>(i) a garage;</li> <li>(j) a carport.</li> </ul>	<ul style="list-style-type: none"> <li>(a) The R-Codes apply to the works.</li> <li>(b) The works comply with the deemed-to-comply provisions of the R-Codes.</li> <li>(c) The works are not located in a heritage-protected place.</li> </ul>
8.	<p>The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling —</p> <ul style="list-style-type: none"> <li>(a) a swimming pool;</li> <li>(b) shade sails.</li> </ul>	<p>The works are not located in a heritage-protected place.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 61**

---

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
9.	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i>, the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i>.</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.</p> <p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i>, until the 36<sup>th</sup> day before the day on which the election, referendum or poll is to be held.</p> <p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.</p>

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.
10.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.</p> <p>(b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>
11.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(c) The sign is not used for advertising (other than the advertising of a business operated on the land). (d) The works are not located in a heritage-protected place.
12.	The installation of a water tank.	(a) The water tank is not installed in the street setback area of a building. (b) The volume of the water tank is no more than 5 000 L. (c) The height of the water tank is no more than — (i) for a tank fixed to a building — the height of the eaves of the building; or (ii) for a tank that is not fixed to a building and is more than 1 m from each boundary of the lot — 2.4 m; or (iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8 m. (d) The works are not located in a heritage-protected place.

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
13.	The erection or installation of a cubbyhouse.	<p>(a) The cubbyhouse is not erected or installed in the street setback area of a building.</p> <p>(b) The floor of the cubbyhouse is no more than 1 m above the natural ground level.</p> <p>(c) The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level.</p> <p>(d) The building height of the cubbyhouse is no more than 3 m above the natural ground level.</p> <p>(e) The area of the floor of the cubbyhouse is no more than 10 m<sup>2</sup>.</p> <p>(f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.</p>
14.	The erection or installation of a flagpole.	<p>(a) The height of the flagpole is no more than 6 m above the natural ground level.</p> <p>(b) The flagpole is no more than 200 mm in diameter.</p> <p>(c) The flagpole is not used for advertising.</p> <p>(d) There is no more than 1 flagpole on the lot.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).



	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
19.	Works that are wholly located on an area identified as a regional reserve under a region planning scheme.	
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.
21.	Works of a type identified elsewhere in this Scheme as works that do not require development approval.	The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval.

Notes for this subclause:

1. Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
  2. Section 157 of the Act applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
  3. Section 6 of the Act applies in respect of the carrying out of public works.
  4. Clause 1B sets out circumstances in which development is taken to comply with a deemed-to-comply provision of the R-Codes.
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

Note for this paragraph:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a class P use in relation to the zone in which the development is located, if —
    - (i) the development has no works component; or
    - (ii) development approval is not required for the works component of the development;
  - (c) development that is an exempt class D use under subclause (3) in relation to the zone in which the development is located, if —
    - (i) the development has no works component; or
    - (ii) development approval is not required for the works component of the development;
  - (d) the use of premises as a home office;
  - (e) the use of premises as a drop-off refund point if —
    - (i) the premises are otherwise used as a shop (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38); or
    - (ii) the premises are not in a residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises;
  - (f) temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period;
  - (g) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
  - (h) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) For the purposes of subclause (2)(c), a use of land is an exempt class D use in relation to the zone in which the land is located if —
- (a) the use is a class D use in relation to the zone; and
  - (b) the use is of a class set out in Column 1 of an item in the Table; and

- (c) the zone is of a class set out in Column 2 of the Table opposite that item; and
- (d) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to the use.

**Table**

	<b>Column 1 Use</b>	<b>Column 2 Zones</b>	<b>Column 3 Conditions</b>
1.	Shop	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m <sup>2</sup> .
2.	Restaurant/cafe	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m <sup>2</sup> .
3.	Convenience store	Commercial, centre or mixed use zone	Store is not used for the sale of petroleum products.
4.	Consulting rooms	Commercial, centre or mixed use zone	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
5.	Office	Commercial, centre or mixed use zone	Office is not located on the ground floor of a building.
6.	Liquor store — small	Commercial, centre or mixed use zone	Store is in the metropolitan region or Peel Region Scheme area.

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 7** Requirement for development approval

**cl. 61**

	<b>Column 1 Use</b>	<b>Column 2 Zones</b>	<b>Column 3 Conditions</b>
7.	Small bar	Commercial, centre or mixed use zone	(a) Small bar is in the metropolitan region or Peel Region Scheme area.  (b) The lot on which the small bar is located does not directly adjoin a residential zone.
8.	Recreation — private	Commercial, centre or mixed use zone  Light industry zone	(a) Premises are in the metropolitan region.  (b) Net lettable area of any indoor area of the premises is no more than 300 m <sup>2</sup> .  (c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.
9.	Home occupation	All zones	

(4) A reference in Column 1 of the Table to subclause (3) to a class of land use is a reference to that use as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38, whether or not —

- (a) the relevant definition is included in this Scheme; or
- (b) this Scheme includes a different definition for that use; or

- (c) this Scheme refers to that class of land use by a different name.
- (5) Subclause (2) has effect despite the zoning table for this Scheme.
- (6) Despite subclauses (1) and (2), an exemption under those subclauses does not apply to development if —
  - (a) the development is undertaken in a special control area and the special provisions that apply to that area under this Scheme provide that development approval is required for the development; or
  - (b) the development is undertaken on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area and development approval is required under clause 78D(3) for the development.
- (7) An exemption from the requirement for development approval that applies under this clause (other than an exemption under item 10 or 20 in the Table to subclause (1)) is not affected by any provision of a local planning policy or local development plan.
- (8) If development consists of both works and use of land —
  - (a) subject to subclause (2)(b)(ii) and (c)(ii), any exemption under subclause (1) that applies to the works does not affect whether development approval is required for the use; and
  - (b) any exemption under subclause (2) that applies to the use does not affect whether development approval is required for the works.

*[Clause 61 inserted: SL 2020/252 r. 70.]*

**61A. Advice by local government that development approval not required for erection of, or alterations or additions to, single house**

- (1) This clause applies only if —
  - (a) the Scheme area is wholly or partly in the metropolitan region or the Peel Region Scheme area; or

- (b) the local government has made an election under subclause (5)(a) and has not revoked that election under subclause (5)(b).
- (2) An owner of a lot in the Scheme area who proposes to carry out works consisting of the erection of, or alterations or additions to, a single house on the lot may apply to the local government for written advice that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1).
- (3) An application under subclause (2) must be —
  - (a) made in a manner and form approved by the Commission; and
  - (b) accompanied by any documents or other information required by the approved form; and
  - (c) accompanied by any fee for determining the application imposed by the local government under the *Planning and Development Regulations 2009*.
- (4) Within 14 days after an application under subclause (2) is made, the local government must —
  - (a) provide advice to the applicant, in the manner and form approved by the Commission, that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1); or
  - (b) notify the applicant, in the manner and form approved by the Commission, that the local government is not satisfied as referred to in paragraph (a).
- (5) The local government may, by written notice given to the Commission and published in accordance with clause 87 —
  - (a) elect to provide advice under this clause; or
  - (b) revoke an election under paragraph (a).

*[Clause 61A inserted: SL 2020/252 r. 70.]*

## Attachment 11.3.3

### Attachment 3 - Summary of when a Development Application is required

Building Type	Development Application Required?
Aged or Dependent Persons Dwelling	Yes
Ancillary Dwelling	Yes
Grouped Dwelling	Yes
Multiple Dwelling	Yes
Residential Building	Yes
<p>Single House, Extension to a Single House, or Extension of Other Dwellings which are:</p> <ol style="list-style-type: none"> <li>1. Proposing a variation to the Residential Design Codes or Local Planning Scheme No. 4 (LPS4)</li> <li>2. Outside of a designated building envelope or within a designated building exclusion area</li> <li>3. Within a flood prone area</li> <li>4. A transportable building which is:               <ol style="list-style-type: none"> <li>a) A new purpose built dwelling (not constructed from sea containers / dongas) if other planning considerations are met.</li> <li>b) Any building or structure which is not a new purpose built dwelling.</li> </ol> </li> <li>5. A second-hand relocated dwelling or building</li> <li>6. Within a Heritage Area</li> <li>7. On the State Heritage Register or Heritage List of LPS4</li> <li>8. Inconsistent with Local Planning Policies relating to development and design:               <ol style="list-style-type: none"> <li>a) Tudor/Georgian/"A" Frame/Mediterranean</li> <li>b) Barn-style dwelling</li> <li>c) Flat Roofs (less than 5%)</li> <li>d) Zincalume Walls (if more than 20% of surface area on front external wall)</li> <li>e) Zincalume Roofs</li> <li>f) Conversation of an outbuilding to a dwelling</li> </ol> </li> </ol>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
Garages and Carports	No, subject to consistency with the R-Codes and LPS4 and not within flood prone land.

Walls & Fencing: 1. Front fencing 2. Side and rear fencing	No, subject to consistency with the R-Codes and LPS4  No
Incidental Structures	No, subject to consistency with the R-Codes and LPS4 and not within flood prone land.

DRAFT



**SHIRE OF NANNUP**  
**LOCAL PLANNING SCHEME NO. 4**

DRAFT

DRAFT

# SHIRE OF NANNUP

## LOCAL PLANNING SCHEME NO. 4

The Shire of Nannup under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

DRAFT

# Contents

<b>Part 1 - Preliminary</b> .....	3
1. Citation .....	3
2. Commencement .....	3
3. Scheme revoked.....	3
4. Notes do not form part of Scheme.....	3
5. Responsibility for Scheme .....	3
6. Scheme area .....	3
7. Contents of Scheme .....	3
8. Purposes of Scheme .....	3
9. Aims of Scheme .....	4
10. Relationship with local laws.....	4
11. Relationship with other local planning Schemes.....	4
12. Relationship with region planning Scheme .....	4
<b>Part 2 - Reserves</b> .....	5
13. Regional reserves.....	5
14. Local reserves .....	5
15. Additional uses for local reserves .....	6
<b>Part 3 - Zones and use of land</b> .....	7
16. Zones .....	7
17. Zoning table.....	9
18. Interpreting zoning table .....	12
19. Additional uses.....	13
20. Restricted uses.....	13
21. Special use zones .....	13
22. Non-conforming uses .....	14
23. Changes to non-conforming use.....	14
24. Register of non-conforming uses.....	14
<b>Part 4 - General development requirements</b> .....	16
25. R-Codes .....	16
26. Modification of R-Codes .....	16
27. State Planning Policy 3.6 to be read as part of Scheme.....	16
28. Modification of State Planning Policy 3.6.....	16
29. Other State planning policies to be read as part of Scheme.....	16
30. Modification of State planning policies.....	16
31. Environmental conditions .....	16
General Development Standards.....	16
32. Car parking .....	16
33. Reciprocal and shared car parking .....	17
34. Cash-in-lieu of car parking.....	17
35. Service access .....	18
36. Service courts.....	18
37. Landscaping .....	18
38. Building height.....	19
39. Re-purposed and second-hand dwellings .....	19
40. Parking of commercial vehicles in the Residential and Rural Residential Zones.....	20
41. Home based businesses .....	20
42. Development adjoining Primary Distributor Roads .....	20
43. Development of lots abutting unconstructed roads or with no gazetted road access .....	20
44. Workforce accommodation.....	21
45. Caretaker's dwelling .....	21
46. Tree farms.....	21
47. Significant Tree Register .....	22
48. Vegetation protection.....	23
49. Waterway resource management and protection .....	24
50. Protection of coasts and shores .....	24
51. Building envelopes .....	24
52. Development of tourist uses .....	25
53. Sewerage disposal .....	26
54. Potable water supply .....	26
55. Telecommunications infrastructure.....	26
56. Mining operations .....	26
57. Signage and advertisements .....	26
Zone Development Standards .....	26
58. General zone development requirements.....	26
59. Commercial Zone requirements .....	27
60. Environmental Conservation zone.....	27

61.	General Industry Zone requirements .....	28
62.	Priority Agriculture and Rural Zone requirements.....	28
63.	Residential Zone requirements.....	29
64.	Rural Residential and Rural Smallholding Zone requirements .....	29
65.	Tourism Zone requirements .....	30
66.	Urban Development Zone requirements.....	30
67.	Additional site and development requirements .....	30
68.	Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan.....	31
69.	Variations to site and development requirements.....	31
70.	Restrictive covenants .....	32
<b>Part 5 - Special control areas</b> .....		33
71.	Special control areas .....	33
<b>Part 6 - Terms referred to in Scheme</b> .....		38
72.	Terms used .....	38
73.	Land use terms used.....	39
<b>Schedule A - Supplemental provisions to the deemed provisions</b> .....		47
<b>Schedule 1 - Zone Development Requirements</b> .....		49
<b>Schedule 2 - Car Parking Table</b> .....		51
<b>Schedule 3 - Exempted Signage and Advertisements</b> .....		55
<b>Schedule 4 - Special Provisions - Rural Residential Zone</b> .....		57
<b>Schedule 5 – Additional Uses in Scheme Area</b> .....		58
<b>Schedule 6 – Special Use Zones in Scheme Area</b> .....		59
<b>Adoption</b> .....		61

DRAFT

# Part 1 - Preliminary

## 1. Citation

This Local Planning Scheme is the Shire of Nannup Scheme No 4.

## 2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

## 3. Scheme revoked

The following local planning scheme is revoked – Local Planning Scheme No. 3, gazetted on 14 December 2007.

## 4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

*Note: The Interpretation Act 1984 section 32 makes provision in relation to whether headings form part of the written law.*

## 5. Responsibility for Scheme

The Shire of Nannup is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

## 6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

## 7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the **Scheme text**), this Scheme includes the following -
  - (a) the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental provisions provided for in Schedule A.
  - (b) the Scheme Map (Sheets 1 - 7).
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## 8. Purposes of Scheme

The purposes of this Scheme are to -

- (i) set out the local government's planning aims and intentions for the Scheme area; and
- (ii) set aside land as local reserves for public purposes; and
- (iii) zone land within the Scheme area for the purposes defined in this Scheme; and
- (iv) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (v) set out procedures for the assessment and determination of development applications; and
- (vi) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (vii) make provision for the administration and enforcement of this Scheme; and
- (viii) address other matters referred to in Schedule 7 of the Act.

## 9. Aims of Scheme

The aims of this Scheme are -

- (a) To implement the intentions and desired outcomes of the Local Planning Strategy.
- (b) To coordinate and integrate planning at the local level with planning at regional and state levels.
- (c) To facilitate the effective implementation of the State Planning Framework.
- (d) To ensure there is sufficient supply of serviced and suitable land for housing, commercial activities, community facilities, recreation and open space.
- (e) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment.
- (f) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (g) 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.
- (h) To protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development.
- (i) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- (j) To ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities.
- (k) To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.
- (l) To make provision for other matters authorised by the Act.
- (m) To encourage the sustainable development and expansion of the Nannup townsite to improve service viability while conserving or enhancing a strong sense of community.
- (n) To ensure that future subdivision and development within and near the Nannup townsite provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsite.

## 10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

## 11. Relationship with other local planning Schemes

There are no other local planning schemes of the Shire of Nannup which apply to the Scheme area.

## 12. Relationship with region planning Scheme

There are no region planning schemes which apply to the Scheme area.

## Part 2 - Reserves

### 13. Regional reserves

There are no regional reserves in the Scheme area.

*Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.*

### 14. Local reserves

(1) In this clause -

**Department of Main Roads** means the department principally assisting in the administration of the *Main Roads Act 1930*.

**Western Australian Road Hierarchy** means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows -

**Table 1 - Reserve objectives**

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings, and courts and associated car parking and drainage.</li> </ul>
Environmental Conservation	<ul style="list-style-type: none"> <li>To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li> <li>To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.</li> </ul>
State Forest	<ul style="list-style-type: none"> <li>To identify areas of State Forest.</li> </ul>
Civic and Community	<ul style="list-style-type: none"> <li>To provide for a range of community facilities which are compatible with surrounding development.</li> <li>To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li> </ul>
Cultural Facilities	<ul style="list-style-type: none"> <li>Civic and Community which specifically provide for a range of essential cultural facilities.</li> </ul>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Medical Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential medical services.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential education facilities.</li> </ul>
Government Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of government services.</li> </ul>
Recreational	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of public recreational facilities.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>



Drainage/Waterway	<ul style="list-style-type: none"> <li>To set aside land required for significant waterways and drainage.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li> </ul>
Regional Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a regional distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>

**15. Additional uses for local reserves**

- (1) Table 2 sets out -
- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
  - (b) the conditions that apply to that additional use.

**Table 2 - Specified additional uses for land in local reserves in Scheme area**

No.	Description of land	Additional use	Conditions
AR1	Reserve 20333, Brockman Street, Nannup	Caravan Park Camping Ground Tourist Development Recreation - Private	As determined by the local government
AR2	Reserve 24762, Balingup-Nannup Road, Nannup	Caravan Park Camping Ground Tourist Development Recreation - Private	As determined by the local government

- (2) Despite anything contained in clause 14, land that is specified in Table 2 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

## Part 3 - Zones and use of land

### 16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows -

**Table 3 - Zone objectives**

Zone name	Objectives
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
Environmental Conservation	<ul style="list-style-type: none"> <li>• To identify land set aside for environmental conservation purposes.</li> <li>• To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Priority Agriculture	<ul style="list-style-type: none"> <li>• To identify land of State, regional or local significance for food production purposes.</li> <li>• To retain priority agricultural land for agricultural purposes.</li> <li>• To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.</li> </ul>
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance or enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping, and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>

Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Rural Smallholdings	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 4 ha to 40 ha.</li> <li>• To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the Council to impose specific conditions associated with the special use.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>• To promote and provide for tourism opportunities.</li> <li>• To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.</li> <li>• To allow limited residential uses where appropriate.</li> <li>• To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.</li> </ul>
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> </ul>

## 17. Zoning table

The zoning table for this Scheme is as follows -

**Table 4 - Zoning Table**

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Abattoir	X	X	X	A	X	A	X	X	REFER TO CLAUSE 21	X	REFER TO CLAUSE 18(7) AND 66
Agriculture – extensive	X	A	X	P	X	P	D	P		A	
Agriculture - intensive	X	A	X	P	X	P	D	D		A	
Airfield	X	X	X	D	X	D	X	X		A	
Amusement parlour	A	X	A	X	X	X	X	X		A	
Ancillary dwelling	D	D	X	D	P	D	D	D		X	
Animal establishment	X	X	X	D	X	D	A	A		X	
Animal husbandry - intensive	X	X	X	D	X	A	X	A		X	
Art gallery	D	A	D	A	X	D	A	A		A	
Bed and breakfast	D	D	X	D	D	D	D	D		D	
Betting agency	D	X	X	X	X	X	X	X		X	
Brewery	A	X	A	X	X	A	X	A		A	
Bulky goods showroom	D	X	D	X	X	X	X	X		X	
Camping ground	X	X	X	A	X	A	X	X		D	
Caravan park	A	X	X	A	X	A	X	X		A	
Caretaker's dwelling	D	D	A	D	X	D	X	D		D	
Car park	D	D	D	A	A	A	X	D		D	
Child care premises	D	X	X	X	A	X	A	A		A	
Cinema/Theatre	D	X	X	X	X	X	X	X		A	
Civic use	D	A	D	D	D	D	D	D		D	
Club premises	D	X	A	A	A	D	A	A		A	
Commercial vehicle parking	D	D	P	P	D	P	D	P		D	
Community purpose	D	A	D	A	A	D	D	D		A	
Consulting rooms	D	X	X	X	A	A	A	A		A	
Convenience store	D	X	A	X	X	X	X	X		A	
Corrective institution	X	X	X	X	X	A	X	X		X	
Educational establishment	A	A	X	X	A	A	X	A	A		

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
	Exhibition centre	D	A	A	A	A	A	A	A	REFER TO CLAUSE 21	A
Family day care	D	X	X	A	A	D	A	A	X		
Fast food outlet	D	X	X	X	X	X	X	X	X		
Fuel depot	A	X	D	X	X	X	X	X	X		
Funeral parlour	D	X	D	X	X	X	X	X	X		
Garden centre	D	D	D	A	X	D	A	A	A		
Grouped dwelling	D	X	X	X	D	X	X	X	X		
Holiday accommodation	D	A	X	A	X	A	A	A	D		
Holiday house	D	A	X	A	A	A	A	A	D		
Home business	D	D	X	D	A	D	D	D	D		
Home occupation	D	D	X	D	D	D	D	D	D		
Home office	P	P	P	P	P	P	P	P	P		
Home store	D	A	D	A	A	A	A	A	A		
Hospital	D	X	X	X	X	A	X	X	X		
Hotel	D	X	X	X	X	X	X	X	A		
Industry	X	X	D	X	X	X	X	X	X		
Industry - cottage	D	D	D	D	A	D	D	D	A		
Industry - extractive	X	X	X	A	X	A	X	A	X		
Industry - light	A	X	D	X	X	X	X	X	X		
Industry - primary production	X	A	X	D	X	D	X	A	X		
Liquor store - large	A	X	X	X	X	X	X	X	X		
Liquor store - small	D	X	X	X	X	X	X	X	X		
Lunch bar	D	X	A	X	X	X	X	X	X		
Marine filling station	A	X	A	X	X	X	X	X	X		
Market	D	X	X	A	X	D	X	X	X		
Medical centre	D	X	X	X	A	X	X	X	X		
Mining operations <sup>1</sup>	X	X	X	A	X	A	X	X	X		
Motel	D	X	X	X	X	X	X	X	D		
Motor vehicle, boat or caravan sales	A	X	D	X	X	X	X	X	X		
Motor vehicle repair	X	X	D	X	X	A	X	A	X		

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	REFER TO CLAUSE 21		
									Special Use	Tourism	Urban Development
Motor vehicle wash	A	X	D	X	X	X	X	X	REFER TO CLAUSE 21	X	REFER TO CLAUSE 18(7) AND 66
Multiple dwelling	D	X	X	X	D	X	X	X		X	
Nightclub	A	X	X	X	X	X	X	X		X	
Office	D	X	X	X	X	X	X	X		X	
Park home park	A	X	X	X	A	X	X	X		A	
Place of worship	A	A	X	A	A	A	A	A		A	
Reception centre	D	X	X	X	X	A	X	A		D	
Recreation - private	D	X	X	A	X	A	X	A		A	
Renewable energy facility	X	X	A	A	X	A	X	A		X	
Repurposed dwelling	D	D	X	D	D	D	D	D		A	
Residential aged care facility	A	X	X	X	D	X	X	X		X	
Residential building	D	D	X	A	D	A	A	A		A	
Resource recovery centre	X	X	X	X	X	A	X	X		X	
Restaurant/Cafe	D	A	X	A	X	D	X	A		D	
Restricted premises	A	X	A	X	X	X	X	X		X	
Retirement village	A	X	X	X	D	X	X	X		X	
Roadhouse	A	X	A	A	X	A	X	X		X	
Rural home business	X	A	X	D	X	D	A	A		X	
Rural produce store	X	A	X	D	X	D	A	A		A	
Rural pursuit/hobby farm	X	D	X	P	X	P	P	P		P	
Second-hand dwelling	D	D	X	D	D	D	D	D		A	
Serviced apartment	D	X	X	X	X	X	X	X		D	
Service station	A	X	A	X	X	A	X	X		A	
Shop	D	X	X	X	X	X	X	X		A	
Single bedroom dwelling	D	X	X	X	D	X	X	X		X	
Single house	D	D	X	P	P	P	P	P		D	
Small bar	A	X	X	X	X	X	X	X		A	
Tavern	A	X	X	X	X	X	X	X		A	
Telecommunication infrastructure	D	D	D	D	D	D	D	D		D	
Tourist development	D	X	X	X	X	X	X	X		D	

USE & DEVELOPMENT CLASS	Commercial	Environmental Conservation	General Industry	Priority Agriculture	Residential	Rural	Rural Residential	Rural Smallholdings	Special Use	Tourism	Urban Development
Trade display	D	D	D	D	X	D	X	D	REFER TO CLAUSE 21	A	REFER TO CLAUSE 66 AND 18(7)
Trade supplies	D	X	D	X	X	X	X	X		X	
Transport depot	A	X	D	A	X	A	X	A		X	
Tree farm <sup>2</sup>	X	D	X	D	X	D	A	A		A	
Veterinary centre	D	X	D	D	X	D	X	A		A	
Warehouse/storage	D	X	D	X	X	X	X	X		X	
Waste disposal facility	X	X	A	X	X	A	X	X		X	
Waste storage facility	X	X	A	A	X	A	X	X		X	
Winery	X	D	X	D	X	D	A	D		D	
Workforce accommodation <sup>3</sup>	X	X	X	D	A	D	X	A	X		

Note 1. Refer to Clause 56 - Mining operations.

Note 2. Refer to Clauses 46 - Tree farms and Clause 68 - Additional site and development requirements.

Note 3. Refer to Clause 44 - Workforce accommodation.

## 18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
  - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
  - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of the Scheme;
  - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
  - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the Deemed Provisions;
  - X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the Deemed Provisions.

2. In considering an application for development approval, the local government will have regard to clause 67

*of the Deemed Provisions.*

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
  - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the Deemed Provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
  - (a) the development approval application relates to land that is being used for a non-conforming use; and
  - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
  - (a) a structure plan;
  - (b) an activity centre plan;
  - (c) a local development plan.

#### **19. Additional uses**

- (1) Schedule 5 sets out —
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in Schedule 5 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

#### **20. Restricted uses**

There are no restricted uses which apply to this Scheme.

#### **21. Special use zones**

- (1) Schedule 6 sets out —
  - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and



- (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

*Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.*

## **22. Non-conforming uses**

- (1) Unless specifically provided, this Scheme does not prevent -
  - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if -
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
  - (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
  - (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

## **23. Changes to non-conforming use**

- (1) A person must not, without development approval -
  - (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the Deemed Provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -
  - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

## **24. Register of non-conforming uses**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

- (2) A register prepared by the local government must set out the following –
- (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;
  - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
- (a) must ensure that the register is kept up-to-date; and
  - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
  - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

DRAFT

## Part 4 - General development requirements

### 25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government -
  - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

### 26. Modification of R-Codes

There are no modifications to the R-Codes.

### 27. State Planning Policy 3.6 to be read as part of Scheme

- (1) *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government -
  - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

### 28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

### 29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

### 30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 are to be read as part of the Scheme.

### 31. Environmental conditions

There are no environmental conditions imposed under *the Environmental Protection Act 1986* that apply to this Scheme.

## **General Development Standards**

### 32. Car parking

- (1) Car parking is to be provided on-site in accordance with Schedule 2 and to Australian Standard A2890.1-2004 (as amended).
- (2) Car parking facilities shall generally be constructed to a sealed standard, unless the local government is satisfied that an alternative construction standard is appropriate having regard to the frequency of use, traffic volumes using the facility, proposed use and site context.
- (3) Car parking bays, vehicle manoeuvring areas, access ways and crossovers shall be maintained to the satisfaction of the local government.
- (4) Where a land use is not listed in Schedule 2, the number of car parking bays required is to be

determined by the local government having due regard to the -

- (a) nature of the proposed development;
  - (b) number of employees or others likely to be employed or engaged in the use of the land;
  - (c) anticipated demand for visitor parking;
  - (d) availability of on-street parking; and
  - (e) method of transport that will be used to gain access to the development.
- (5) Where the proposed development is adjacent to on-street parking, the local government may approve a reduced number of bays to a maximum number of on-street bays directly adjacent to the subject land and having due regard to (a) to (e) above.
- (6) The local government may permit car parking bays to be accommodated within the road reserve adjacent to the proposed development. In considering a proposal, the local government shall take into account the width and function of the road; the ability of the road to accommodate the parking; and the ability of the development site to accommodate on-site parking.
- (7) In instances where car parking areas accommodate 20 vehicles or more are developed, provision shall be made, to the satisfaction of the local government, for pedestrian movement systems through the parking areas concerned to connect with other pedestrian movement routes in the locality.
- (8) The local government may allow a 20% reduction in the amount of car parking otherwise required by Schedule 2, up to a maximum of 3 bays, where a developer prepares and commits to implement an Active Transport Plan, to the satisfaction of the local government. The Active Transport Plan is to detail how and to what extent non-motorised forms of transport will be encouraged through the provision of 'end of trip facilities', such as bike parking, showers and lockers.

### **33. Reciprocal and shared car parking**

- (1) For the purposes of this clause, reciprocal car parking is private parking which is shared between private land owners. Shared car parking is public parking (i.e. owned or vested in the local government) which is shared with, and forms part of a private development's parking provision.
- (2) The local government may exercise its discretion to permit a proportion of the total number of car parking bays required to be provided jointly with any one or more other premises within a location. In considering reciprocal and/or shared car parking, the local government will need to be satisfied that the car parking will be adequate to service the proposed development.
- (3) Reciprocal and/or shared car parking shall only be permitted where -
  - (a) car parking in the locality accommodates the deficit in required car parking bays; and
  - (b) the peak hours of operation of land uses sharing the car parking are different and do not substantially overlap; and
  - (c) a legally binding agreement has been made to enable the reciprocal or shared car parking to be used for that purpose.

*Note: Where a reciprocal or shared car parking arrangement is proposed, the written consent of the property owner of the reciprocal or shared car parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.*

### **34. Cash-in-lieu of car parking**

- (1) The local government may agree to a cash payment in lieu of all, or part, of the required car parking bays.
- (2) A cash payment in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated -
  - (a) there is sufficient car parking in the locality; and

- (b) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
  - (c) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (b).
- (3) The cash-in-lieu payment shall not be less than the estimated cost of the following -
- (a) constructing the car parking bays and associated manoeuvring areas (including sealing, kerbing and draining); and
  - (b) the value of the land on which the car parking bays and associated manoeuvring areas are to be located. The value of the land is to be determined by an appropriately qualified land valuer and to the satisfaction of the local government.
- (4) Cash-in-lieu payments shall be paid into a special purpose fund for the acquisition of land and construction of public car parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu payment applied.

**35. Service access**

- (1) Where a land use or development involves the delivery or despatch of goods of any kind, a loading and unloading area will be required to be provided. The following requirements will apply to loading and unloading areas -
- (a) delivery vehicles using the area must, unless otherwise approved by the local government, be able to enter the street in a forward direction;
  - (b) loading and unloading areas to be located either inside of buildings or to the side and/or rear of the premises and separate from any public access areas;
  - (c) where a road, right of way or rear laneway is used to gain access to the loading and unloading area on the lot, delivery vehicles servicing this area shall not obstruct the road, right of way or rear laneway.

**36. Service courts**

- (1) One or more service courts, as determined by the local government, shall be provided in any commercial or industrial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be -
- (a) accessible from any service access required by clause 35;
  - (b) of an area and dimension to the satisfaction of the local government but, in any case, shall not be less than 10m<sup>2</sup> in area; and
  - (c) screened to the satisfaction of the local government.

**37. Landscaping**

- (1) In considering the landscaping requirement of any application for development approval, the following shall apply -
- (i) a landscaping area is to be provided on-site in accordance with Schedule 1;
  - (ii) landscaping should be designed and located to improve the visual amenity of the development and should be generally located to the front of the development site to enhance the streetscape;
  - (iii) landscaping should generally consist of vegetation species endemic to the locality;
  - (iv) landscaping is to be fully reticulated and maintained to the satisfaction of the local government;
  - (v) a landscaping strip with a minimum width of 1.5 metres shall be provided between car parking areas and road frontages;

- (vi) except for a change of land use of an existing development, on-site car parking areas within new developments are to be landscaped with shade trees planted at a rate of no less than 1 tree per 10 car parking bays. Species and sizes of trees are to be to the specifications of the local government;
- (vii) access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
- (viii) the local government may, in a landscaped area, restrict the use of hard materials (e.g. concrete, gravel etc.) and require instead, the planting of drought resistant trees and shrubs of a type the require little maintenance;
- (ix) landscaping required pursuant to this Scheme or to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government.

### **38. Building height**

- (1) The maximum building height, to top of the roof, above natural ground level is to be in accordance with Schedule 1.
- (2) The local government may, after following the advertising procedures set out at clause 64 of the Deemed Provisions, permit development in excess of the height limits specified where -
  - (a) site constraints are such as to prevent the construction of a reasonable building on the site without exceeding the relevant height limit; or
  - (b) the nature of the proposed development is such that, to be functional, it must be built to a higher level; or
  - (c) other extraordinary circumstances exist as reasonably determined by the local government; and
  - (d) the local government is satisfied that the building height variation:
    - (i) will be in harmony with the general character of buildings in the locality;
    - (ii) will not adversely affect the amenity of the locality, including character, landscape and environmental values;
    - (iii) will be compatible with its setting, including the relationship of the development 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 development; and
    - (iv) does not exceed the maximum building height specified in Schedule 1.
- (3) For the purpose of clause 38, the building height limit does not apply to a chimney, mast, telecommunications infrastructure, satellite dish (not exceeding a diameter of 4 metres), pole, wind turbine or signal receiving or transmitting tower. Notwithstanding, the proposed development is to be designed, sited and/or treated to ensure that it does not adversely impact the visual amenity of the locality, as determined by the local government.

### **39. Re-purposed and second-hand dwellings**

- (1) The local government shall not grant development approval for a re-purposed dwelling or second-hand dwelling unless it is satisfied that the development will -
  - (a) be consistent with the character of the locality in which the development is proposed;
  - (b) maintain the amenity of the locality in which the development is proposed;
  - (c) comply with any development standards of this Scheme or any R-Code standards applicable to the development.
- (2) In considering the above, the local government will give particular consideration to the external appearance and materials used in the construction of the re-purposed dwelling or second-hand dwelling.

- (3) The local government may, if it considers it appropriate to do so, advertise an application for development of re-purposed dwelling or second-hand dwelling pursuant to Clause 64 of the Deemed Provisions.

**40. Parking of commercial vehicles in the Residential and Rural Residential Zones**

- (1) No person shall park a commercial vehicle within the Residential and Rural Residential zones without the development approval of the local government. Where commercial vehicle parking is proposed it shall comply with the following -
- (a) only one commercial vehicle is to be parked on the lot;
  - (b) the commercial vehicle is required as an essential part of a resident's occupation;
  - (c) the commercial vehicle is to be parked behind the front building line of the dwelling and effectively screened from view from outside the lot;
  - (d) no part of the commercial vehicle is to be parked on any portion of a right-of-way or public road contiguous with the lot;
  - (e) servicing (major or minor) of the commercial vehicle shall not be undertaken on the lot; and
  - (f) the commercial vehicle shall not be brought to or taken from the lot between the hours of midnight and 6.00 am.

**41. Home based businesses**

- (1) In determining a development application for a home business, including but not limited to a home occupation or rural home business, the local government may impose conditions relating to the following matters -
- (a) the home business to be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;
  - (b) the size and type of any vehicle used in connection with the home business and where such a vehicle may be parked;
  - (c) any activities incidental to the home business including the storage of goods and/or equipment on the subject land;
  - (d) for the purpose of monitoring the impact of a home business the development approval may be granted for a limited period of up to twelve months; and
  - (e) not have more than one advertising sign and the sign displayed does not exceed 0.2m<sup>2</sup> in area.

**42. Development adjoining Primary Distributor Roads**

- (1) In considering an application for development approval in respect of land adjoining Primary Distributor Roads, the local government may refer the application to Main Roads Western Australia for consideration and comment. The local government shall have due regard to any comments received from Main Roads Western Australia.

**43. Development of lots abutting unconstructed roads or with no gazetted road access**

- (1) Development approval is required for all development abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve, pursuant to Supplemental Provision 61(1)(k)(vi). In considering such a proposal, the local government may -
- (a) refuse to grant development approval until the road has been constructed or direct access to a constructed road is provided; or
  - (b) grant development approval subject to a condition requiring the applicant to contribute to the full or partial cost of constructing the road as determined by the local government; or

- (c) where dedicated road access is available, grant development approval subject to a condition requiring the applicant to pay a sum of money in whole or in part towards the cost of constructing the road or part thereof; or
- (d) where gazetted road access is not available, consider other legal arrangements to be made for permanent legal access to the satisfaction of the local government, addressing the following -
  - (i) permanent access being secured;
  - (ii) the location of the access;
  - (iii) access being constructed and maintained; and
  - (iv) a notification is to be placed on the certificate of title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

#### **44. Workforce accommodation**

- (1) Applications for development approval for workforce accommodation shall address the following, to the satisfaction of the local government -
  - (a) the demonstrated need for the proposed workforce accommodation;
  - (b) the suitability of the site to be developed for the proposed use;
  - (c) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
  - (d) appropriate access and egress to the site by vehicles and pedestrians, including providing shared access where applicable;
  - (e) appropriate facility design and use including provision and/or access to recreation, entertainment and community services;
  - (f) the preparation and implementation of a Workforce Management Plan outlining how the workforce will be managed on the site; and
  - (g) being located on a lot greater than 10 hectares unless it is on land zoned Residential or Urban Development.
- (2) Workforce accommodation on mining tenements is exempt from the need for development approval under the *Mining Act 1978*. Notwithstanding, the local government may exercise its discretion to inform the Minister for Mines in writing that the granting of a mining lease or general purpose lease, and any associated workforce accommodation, is contrary to the provisions of the Scheme. In providing such advice to the Minister for Mines on the suitability of workforce accommodation, the local government will be guided by the permissibility of this use in the zoning table.

#### **45. Caretaker's dwelling**

- (1) A caretaker's dwelling shall -
  - (a) be limited to one caretaker's dwelling per lot, excluding lots within a strata scheme; and
  - (b) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use.
- (2) The local government will not support the subdivision of land that will result in a caretaker's dwelling being located solely on its own lot, separate from the predominant land use.
- (3) The local government will refuse to grant development approval for a caretaker's dwelling prior to the predominant land use being either approved or constructed/operational.

#### **46. Tree farms**

- (1) Applications for development approval of tree farms are to include -



- (a) submission of a plantation management plan in accordance with the protocol in the Code of Practice; and
  - (b) provision and implementation of an adequate bushfire management plan to the satisfaction of the local government.
- (2) The following matters are to be considered when determining applications for development approval of tree farms -
- (a) the Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');
  - (b) the Guidelines for Plantation Fire Protection or subsequent document, as amended from time to time;
  - (c) protection of existing water courses, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;
  - (d) land use compatibility and the location of the tree farm in relation to land zoned and/or planned for residential, industrial and commercial uses;
  - (e) the suitability of the current and future road network, particularly in regard to any future intended logging operations;
  - (f) the objectives of the zone;
  - (g) any resulting benefits in supplementing continued traditional agriculture on the land; and
  - (h) any relevant Local Planning Policy adopted by the local government.
- (3) Notwithstanding other provisions contained within the Scheme, tree farms are not a permitted use for areas shown in clause 67 Table 5. Tree farms will be considered on their merits on land zoned Priority Agriculture within the Scott Coastal Plain.

**47. Significant Tree Register**

- (1) The local government, having due regard to -
- (a) the historical, cultural heritage or ecological significance of a tree;
  - (b) the amenity or aesthetic quality of a tree;
  - (c) the rarity of a tree;
  - (d) any other characteristic which in the opinion of the local government makes the tree worthy of preservation;
  - (e) the advice of any relevant statutory, public or planning authority; and
  - (f) any submissions received,
- may establish and maintain a Significant Tree Register to identify trees within the scheme area that are worthy of preservation.
- (2) An entry into the Significant Tree Register may be made in respect of an individual tree, a group of trees, or an area which contains trees.
- (3) The Significant Tree Register must -
- (a) set out a description of each tree, its location and the reason for its entry in the Significant Tree Register; and
  - (b) must be available for public inspection during business hours at the offices of the local government; and
  - (c) may be published on the website of the local government.
- (4) The local government must not enter a tree(s) or area in; remove a tree(s) or area from; or modify

an entry in the Significant Tree Register unless the local government:

- (a) notifies in writing each owner and occupier of the land which contains the tree(s) or area and provides each of them with a description of the tree(s) and the reason for its proposed entry; and
  - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
  - (c) carries out any other consultation the local government considers appropriate; and
  - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree(s) or area be entered into, removed from or entry modified in the Significant Tree Register.
- (5) If the local government enters an area or tree(s) in the Significant Tree Register or modifies an entry in the Significant Tree Register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the area or tree(s).
- (6) The local government's prior development approval is required to clear a tree(s) contained within the Significant Tree Register except where that tree(s) -
- (a) presents an immediate risk of personal injury or damage to property;
  - (b) must be cleared where necessary and only to the extent necessary:
    - (i) for the purposes of fire prevention or for access for public services or utilities; or
    - (ii) for the commencement or carrying out of development in accordance with a development approval granted under Part 9 of the Deemed Provisions; or
    - (iii) for the carrying out of any condition of subdivision approval for which approval is deemed to be given under Part 10 of the *Planning and Development Act 2005*; or
    - (iv) where expressly required by the terms of a written law.
- (7) In considering an application for development approval to clear a tree(s) which is on the Significant Tree Register, the local government is to have due regard to -
- (a) the significance of the tree(s) taking into account the matters listed in clause (1)(a) – (e) and the information contained within the Significant Tree Register;
  - (b) the effect of any revegetation programme or any imposed or proposed revegetation condition associated with the development application;
  - (c) any advice received from a relevant statutory, public or planning authority; and
  - (d) any advice or recommendations contained within an arborist report, which is to be prepared at the full cost of the applicant.
- (8) Any person who fells a tree that is within a Significant Tree Register without the prior approval of the local government, contravenes the provisions of the Scheme.

#### **48. Vegetation protection**

- (1) All vegetation clearing requires the prior development approval of the local government on land located within the Environmental Conservation, Rural Residential and Rural Smallholding zones and within Special Control Area 1 (SCA 1), unless -
- (a) it is within an approved building envelope;
  - (b) it is associated with implementing approved development;
  - (c) it is necessary for an approved access way;
  - (d) it is the subject of an approved clearing permit;

- (e) the vegetation is dead, diseased or dangerous;
  - (f) it is the removal of exotic species and/or declared weeds; or
  - (g) it is for general fire management or to comply with a requirement of an approved bushfire management plan.
- (2) The local government may liaise with the Department of Biodiversity, Conservation and Attractions to determine the significance of any vegetation proposed to be cleared.
  - (3) The provisions listed within subclause (1) (a) - (f) do not apply where vegetation is specifically protected by way of a landscape protection designation or similar by a Structure Plan, Local Development Plan, or Significant Tree Register.
  - (4) The local government will, when presented with an application to clear land, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land, or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a detrimental environmental, amenity or landscape impact.

#### **49. Waterway resource management and protection**

- (1) Development proposals that may have potential to impact on the State's water resources may be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.
- (2) In considering any development which may have an impact on any waterway including rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to -
  - (a) managing water balance;
  - (b) maintaining and where possible enhancing water quality;
  - (c) encouraging water conservation and water sensitive design;
  - (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values.
- (3) The local government may require proponents to prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government.

#### **50. Protection of coasts and shores**

- (1) No person shall without the consent of the local government carry out any development within one hundred metres of the fore dune of the ocean coast.
- (2) Development to be accordance with clause 68, Table 5.

#### **51. Building envelopes**

- (1) All dwellings and incidental development in the Rural Residential, Rural Smallholding and Environmental Conservation zones must be located within an approved building envelope (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan). No development is permitted outside of the designated building envelope, except for -
  - (a) provision of a suitable access way to the building envelope;
  - (b) rainwater tanks as approved by the local government;
  - (c) provision of suitable boundary fencing; and
  - (d) implementation of an approved bushfire management plan or any other general bushfire

requirements.

- (2) Where a building envelope has not been designated, a plan shall be submitted identifying a building envelope, in a location to the satisfaction of the local government, on the plans submitted with any application for development approval that -
  - (a) does not exceed 10% of the lot area, or 2,000m<sup>2</sup> whichever is the lesser in the Rural Residential and Environmental Conservation zones or does not exceed 10% of the lot area, or 1 hectare whichever is the lesser in the Rural Smallholding zone;
  - (b) complies with the minimum setback requirements of Schedule 1 of this Scheme and any setback requirements under an endorsed bushfire management plan; and
  - (c) minimises the removal of remnant vegetation, provides a suitable area for on-site effluent disposal (if applicable), complies with any fire management requirement and minimises erosion and the visual prominence of future buildings.
- (3) The local government may approve a variation to, or relocation of the building envelope, subject to advertising in accordance with clause 64 of the Deemed Provisions, provided in each case it is satisfied that -
  - (a) the objectives of the zone are not compromised;
  - (b) the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
  - (c) development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
  - (d) the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment.

## **52. Development of tourist uses**

- (1) The following provisions apply to Holiday Accommodation and Holiday House land uses on land zoned Priority Agriculture, Rural, Rural Residential, Rural Smallholdings and Environmental Conservation -
  - (a) A maximum of 6 dwellings used to provide short-term accommodation, or a total occupancy of 24 people, whichever is the greater.
  - (b) Notwithstanding Clause 52 (1)(a), on land zoned Rural Residential, a maximum of 3 dwellings used to provide short-term accommodation, or a total occupancy of 12 people, whichever is the greater.
  - (c) The local government will not support any further dwelling entitlements used for short-term accommodation than specified in Clause 52 (1) (a) and (b), until such time as the land is rezoned to Tourism zone.
  - (d) Prior to any development approval being granted for the development referred to in sub clause (1)(a) or (b), the applicant will be required to demonstrate that the proposed development:
    - (i) will not have any adverse effect on rural production activities on the subject land or nearby land; and
    - (ii) will result in the retention and enhancement of existing vegetation on the land and that the visual and rural character of the property will not be adversely affected
- (2) An application for development approval for short-term accommodation in all zones, will be required to demonstrate via the submission of a management plan, to the satisfaction of the local government, that the short-term accommodation will be managed to ensure that -
  - (a) it will not cause nuisance or annoyance to the owners and/or occupiers of adjoining or nearby properties; and

- (b) adequate fire management will be demonstrated via the preparation of an emergency evacuation plan
- (3) In granting development approval for a holiday house, the local government may grant a limited approval period of one year, renewable by way of further application towards the expiration of that period. If the local government has received complaints regarding the holiday house activity, a further approval may not be granted.

**53. Sewerage disposal**

- (1) Sewage is to be disposed via a reticulated sewerage scheme, or where deemed appropriate by the relevant decision-maker, via an on-site sewage disposal system which meets the requirements of the relevant Government Sewerage Policy.

**54. Potable water supply**

- (1) Where a reticulated water supply network is available, all development requiring potable water is to connect to the supply.
- (2) Where a reticulated water supply network is not available or is not feasible to connect -
  - (a) each dwelling shall be provided with a minimum 135,000 litre water storage tank in addition to any requirements of an approved bushfire management plan; and
  - (b) for all other uses, where applicable, potable water shall be provided to the satisfaction of the local government.
- (3) All water storage tanks are to be fitted with couplings for the purposes of firefighting, to the specifications of the Department of Fire and Emergency Services.

**55. Telecommunications infrastructure**

- (1) An application for development approval is required for the development of all Telecommunications Infrastructure excluding those listed under Schedule 3 of the Telecommunications Act 1997 (Commonwealth) and the *Telecommunications Low Impact Facilities Determination 1997*.
- (2) Applications for the development of Telecommunications Infrastructure shall have regard to State Planning Policy 5.2 – Telecommunications Infrastructure.

**56. Mining operations**

- (1) Whilst Mining Operations are exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the local government will be guided by the permissibility of this use in the zoning table.

**57. Signage and advertisements**

- (1) All advertisements require an application for development approval, unless exempted by Supplemental Provision - Schedule A, Clause 61(1)(n) and Schedule 3 – Exempted Signage and Advertisements of this Scheme.
- (2) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited.
- (3) Despite subclause 57 (1) and (2), the local government will consider applications for development approval for advertisements on 'third party land' for a temporary period. The local government will have regard to Local Planning Policy 18 Signs and Advertisements.

**Zone Development Standards**

**58. General zone development requirements**

- (1) Development and subdivision within all Zones shall comply with the requirements of Schedule 1 and 2, the zoning table (Table 4) and the objectives for the zone as outlined in this Scheme.

## 59. Commercial Zone requirements

- (1) Notwithstanding the provisions of Table 4 - Zoning Table, fast food outlets or other land uses that include a 'drive-through service' are not permitted on those lots having frontage to Warren Road within the Commercial zone.
- (2) Buildings within the Commercial zone shall be designed to address the following -
  - (a) building facades:
    - (i) provide articulated frontages;
    - (ii) use a variety of complementary colours, materials and design features;
    - (iii) maximise the use of glazing and minimise blank walls to ensure unobstructed views to the street and public realm;
  - (b) respect and complement the architectural character and style of the locality and streetscape and create a cohesive and consistency of design with adjacent development, where appropriate;
  - (c) be of a human scale and form where the building interfaces with the street or public open space;
  - (d) designed to provide for passive surveillance which minimises opportunities for concealment and entrapment and considers the design principles in the WAPC's Designing Out Crime Planning Guidelines (2006) or any updates;
  - (e) development located on corner sites should incorporate landmark design elements to ensure the building is visually prominent in the streetscape to provide a sense of place;
  - (f) incorporates solar passive design principles;
  - (g) incorporates appropriate and attractive design features, such as verandahs or awnings, that provides protection from the weather, and are integrated with the architectural style of the proposed building and adjacent development;
  - (h) plant and infrastructure located on rooftops are unobtrusive where viewed from the street or publicly accessible areas (e.g. public open space); and
  - (i) integrates signage at an appropriate scale and design, which complements and enhances the character and amenity of the streetscape.
- (3) For the purpose of maintaining the existing streetscape, character and heritage significance of the Commercial zone, the local government may -
  - (a) require that on-site car parking bays be located at the rear of the development;
  - (b) require that access to car parking areas be provided from a secondary or rear street or right of way, where available; and/or
  - (c) reduce the required number of on-site car parking bays.
- (4) The local government may consider residential development where it can be demonstrated that it will not prejudice the Warren Street frontage at ground level.

## 60. Environmental Conservation zone

- (1) No further subdivision of lots will be supported except in considering the subdivision incentives contained within the Augusta Walpole Coastal Strategy set out at clause 67 Table 5.
- (2) Where a development application proposes a new building within 50 metres of land reserved as 'Environmental Conservation' or 'State Forest', the local government shall refer an application to the relevant management/conservation authority for comment. The local government may refer any development application for comment to the management/conservation authority of adjoining land or to the covenant agency where the land is subject to a conservation covenant.
- (3) Development shall be located to ensure no adverse impacts outside the boundary of the subject

lot.

- (4) Development shall be designed and located to be compatible with and complementary to the landscape character of the locality, in particular, development shall not be sited on exposed dunes or in visually conspicuous positions.
- (5) Development and associated effluent disposal systems shall be setback from watercourses, wetlands and environmental assets in order to protect the sensitive environment of the area.
- (6) Agriculture-Extensive and Agriculture-Intensive land uses will only be supported where it can be demonstrated to the satisfaction of the local government that the use will not adversely impact the environmental and landscape values of the subject land.
- (7) Site and development requirements for the rural conservation areas identified by the Augusta Walpole Coastal Strategy are to be in accordance with clause 67, Table 5.

#### **61. General Industry Zone requirements**

- (1) Primary and secondary street setback areas shall be used only for the following purposes -
  - (a) an access driveway;
  - (b) parking areas, including the daily parking of vehicles by employees and customers;
  - (c) loading and unloading of vehicles;
  - (d) trade display; and
  - (e) landscaping.
- (2) Setback areas shall not be used for the parking of vehicles which are being wrecked or repaired, the storage of materials, products, by-products or wastes or the storage of fuel, except in underground fuel tanks.
- (3) A trade display may be conducted within the primary and secondary street setback areas, where the trade display -
  - (a) does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located;
  - (b) is not located closer than 1.5 metres to a road reserve; and
  - (c) in the opinion of the local government, the trade display will not adversely impact the streetscape or the amenity of the locality.

#### **62. Priority Agriculture and Rural Zone requirements**

- (1) In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will, adversely impact upon the land's agricultural potential or productivity, biodiversity values, natural resources or landscape values.
- (2) Subdivision will only be considered in accordance with the Western Australian Planning Commission's *Development Control Policy 3.4: Subdivision of rural land* and there is a general presumption against the further subdivision of land in the Rural and Priority Agriculture zones.
- (3) The existence of a second dwelling on a rural lot is not considered justification for subdivision.
- (4) The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.

#### Additional dwellings

- (5) The local government will not support more than two dwellings on any lot regardless of the dwelling type (e.g. single house, ancillary dwelling, caretaker's dwelling, repurposed dwelling and second-hand dwelling). The only exemption is temporary approvals for workforce accommodation, outlined in clause 44, or addressing subclause 62(7).
- (6) The local government may grant more than one (1) additional dwelling on a lot provided that -

- (a) other than for ancillary dwelling, there is a minimum lot size of 40 hectares; and
  - (b) the local government is satisfied there is sound land management, business operational or other suitable rationale for the additional dwelling; and
  - (c) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s; and
  - (d) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; and
  - (e) the additional dwelling/s should generally be clustered in one location on the property with all relevant services shared.
- (7) The local government will consider, up to 3 dwellings on any lot where:
- (a) a single house is included on the local government's adopted Heritage List and/or on the State Heritage Register; and
  - (b) where there is a suitable agreement, to the satisfaction of the local government (in consultation, if appropriate, with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.

**63. Residential Zone requirements**

- (1) Where land in the Residential zone has an R-Coding and where the land is not subject to Special Control Area 3 (SCA3), a coding of R40 shall apply where development is for the purpose of a residential aged care facility or for aged and dependent persons' dwellings. This is subject to the development being provided with a reticulated sewerage connection.

**64. Rural Residential and Rural Smallholding Zone requirements**

- (1) The local government will give due regard to the local planning strategy including the aims, strategies and the precinct plan.
- (2) Land uses and development within these zones shall comply with the following general provisions and where appropriate with the site specific conditions relevant to particular land areas nominated in Schedule 4. In the event of any conflict between the provisions of clause 64 and the site-specific provisions of Schedule 4, the provisions of Schedule 4 shall prevail.

Subdivision

- (3) The minimum lot size is 1 hectare in the Rural Residential zone unless specified in Schedule 4 and/or shown on an applicable and approved Structure Plan.
- (4) Infill subdivision of Rural Residential zoned lots of special provision areas RR1 and RR2 will be considered in accordance with the requirements contained in Schedule 4 of this Scheme.
- (5) The local government will recommend to the WA Planning Commission to not support the re-subdivision of Rural Residential zoned lots at Jalbarragup, Darradup and Carlotta.
- (6) No further subdivision will be considered in the Rural Smallholding zone.

Building design, materials and colours

- (7) A person shall not construct a dwelling or other building in a manner or of materials that would in the opinion of the local government adversely impact the amenity of the area or not blend with the landscape.
- (8) The materials and colours used on the exterior surfaces of all buildings shall be designed to blend in with the landscape to the satisfaction of the local government. The local government may refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. The local government will be supportive of walls and roofs with low reflectivity such as green, brown, red or natural earth tones in keeping with the amenity of the area.



**65. Tourism Zone requirements**

- (1) Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.
- (2) The use and development of land shall not detract from the rural and natural amenity of the locality. In considering an application for development approval, the local government shall have regard to the following criteria -
  - (a) the development being located to avoid ridge lines, escarpments or visually exposed sites and situated where screening vegetation or land form can be utilised;
  - (b) the development being of a scale and nature to be self-sustaining on the lot, or demonstrating the ability to provide servicing without significant modifications to existing infrastructure; and
  - (c) the development, by the nature of its scale, design, colours, materials, landscaping and use, have minimal impact on its site and surrounding areas.

**66. Urban Development Zone requirements**

- (1) Subdivision and development in the Urban Development zone shall be in accordance with a structure plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision-maker in accordance with Part 4, clause 27(2) of the Deemed Provisions.

**67. Additional site and development requirements**

- (1) Table 5 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans, State or local planning policies.

**Table 5 Additional requirements that apply to land in the Scheme area**

No.	Description of land	Requirement
ASR1	As shown on the Scheme maps (Zone A lots in the Augusta Walpole Coastal Strategy (AWCS))	Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following - <ul style="list-style-type: none"> <li>a) subdivision of lots equal to or greater than 160ha, consideration of a minimum lot size of 40ha with an average of 80ha;</li> <li>b) for lots abutting the coast that are 160ha and below, consideration of subdivision into 2 lots of approximately equal size where adequate foreshore reserve is ceded free of cost;</li> <li>c) prior to consideration of any subdivision of the subject land, a structure plan is to be prepared and approved which addresses the matters set out at section 6.6 of the AWCS;</li> <li>d) any proposed development is to be informed by an approved local development plan which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government.</li> </ul>
ASR2	As shown on the Scheme maps (Zone B lots in the Augusta Walpole Coastal Strategy (AWCS))	Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following - <ul style="list-style-type: none"> <li>a) subdivision of lots creating a minimum lot size of 40ha;</li> <li>b) prior to consideration of any subdivision of the subject land, a structure plan is to be prepared and approved which addresses the matters set out at section 6.6 of the AWCS;</li> <li>c) any proposed development is to be informed by an approved local development plan which addresses the matters set out at section 6.6 of the AWCS to the satisfaction of the local government.</li> </ul>
ASR3	As shown on the Scheme maps (Zone C lots in the Augusta Walpole Coastal Strategy (AWCS))	Subdivision and development shall be considered in accordance with the subdivision and development requirements of the AWCS, including but not limited to the following - <ul style="list-style-type: none"> <li>a) no subdivision will be supported.</li> </ul>

ASR4	As shown on the Scheme maps Land zoned Priority Agriculture – Biddelia, Carlotta and Cundinup localities	Tree Farms will not be supported by the Local Government
ASR5	Lot 11864 Poison Swamp Road, Darradup	<p>In considering any applications for subdivision of the land, the local government's recommendation to the Commission will be to only support applications proposing a maximum of four lots with a minimum lot size of five hectares.</p> <p>The landowner/proponent is to address the following matters:</p> <ol style="list-style-type: none"> <li>legal vehicular access via a gazetted public road between the land and Brockman Highway;</li> <li>bushfire related criteria in State Planning Policy 3.7 and the associated Guidelines;</li> <li>legal vehicular access to adjoining freehold lots.</li> </ol>
ASR6	Lot 3558 Buckley Road, Carlotta	<p>In considering any applications for subdivision of the land, the local government's recommendation to the Commission will be to only support applications proposing a maximum of three lots with a minimum lot size of ten hectares.</p> <p>The landowner/proponent is to address the following matters:</p> <ol style="list-style-type: none"> <li>bushfire related criteria in State Planning Policy 3.7 and the associated Guidelines.</li> </ol>

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan, State or local planning policies the requirement referred to in subclause (1) prevails.

**68. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan**

There are no additional site and development requirements that apply to this Scheme.

**69. Variations to site and development requirements**

- (1) In this clause —
- additional site and development requirements*** means requirements set out in Schedule 1 and clauses 32 - 68.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
- consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the Deemed Provisions; and
  - have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
- approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for

development approval as set out in clause 67 of the Deemed Provisions; and

- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

**70. Restrictive covenants**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
  - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the Deemed Provisions.

DRAFT

## Part 5 - Special control areas

### 71. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 11.

**Table 11**  
**Special control areas in Scheme area**

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Development Control Area - Monaghan Street	To require further planning and the resolution of site specific planning issues prior to subdivision and/or development of the land.	To ensure subdivision and development appropriately addresses site specific planning matters	Prior to development, subdivision, and/or construction of roads, the following planning matters are to be comprehensively addressed to the satisfaction of the local government – <ol style="list-style-type: none"> <li>(a) road design and construction;</li> <li>(b) bushfire management;</li> <li>(c) servicing;</li> <li>(d) environmental management/protection; and</li> <li>(e) any other planning consideration determined by the local government.</li> </ol>
SCA2 – Development Control Area - Nannup Townsite Character	To regulate residential design to protect and enhance Nannup's historic built character.	<ol style="list-style-type: none"> <li>(a) To retain Nannup's unique character and sense of place.</li> <li>(b) To provide a high level of amenity.</li> <li>(c) To create an attractive, desirable and responsive environment.</li> <li>(d) To require development to address the garden village and non-metropolitan context, topography, landscape values and the area's character and heritage.</li> </ol>	<ol style="list-style-type: none"> <li>1. The local government will have due regard to the local planning policy relating to the Nannup Townsite Character Area in determining development applications. This includes -           <ol style="list-style-type: none"> <li>(a) building form;</li> <li>(b) roof form;</li> <li>(c) standard of construction;</li> <li>(d) materials and details;</li> <li>(e) alterations and additions;</li> <li>(f) retaining walls, excavation and fill;</li> <li>(g) fencing;</li> <li>(h) open space, landscaping and tree retention;</li> <li>(i) bushfire risk; and</li> <li>(j) incidental structures.</li> </ol> </li> <li>2. Development approval within the SCA is only required in accordance with Schedule A - Supplemental provision 61(1)(n) of this Scheme.</li> <li>3. Where an application for development approval is inconsistent with the local planning policy relating to the Nannup Townsite Character Area, the application is to justify how it addresses the objectives of SCA2.</li> </ol>
SCA3 - Flood Prone Land	To minimise the risk to health and safety of people and potential for flood damage resulting from decisions relating to land use and development on defined river and watercourse floodplains in and near the Nannup townsite.	<ol style="list-style-type: none"> <li>(a) To assist in the protection of life, property and community infrastructure from flood hazard</li> <li>(b) To assist the natural flood carrying capacity of floodplains by ensuring any use or development maintains the free passage and temporary storage of flood waters.</li> <li>(c) To protect water quality and waterways as natural resources in accordance</li> </ol>	<ol style="list-style-type: none"> <li>1. <u>Referral of Applications</u> The local government will consult with the Department of Water and Environmental Regulation (DWER) as required and have due regard to the advice and recommendations on any application for development approval in flood prone land.</li> <li>2. <u>Development</u> <ol style="list-style-type: none"> <li>(a) The local government shall not grant development approval to any development on land, or portion(s) thereof, which is shown on the Scheme Map as being flood prone land, unless it has made an assessment of –</li> </ol> </li> </ol>

		<p>with State Planning Policy No. 2 - Environment and Natural Resources Policy.</p>	<ul style="list-style-type: none"> <li>i. the effect on the natural flood carrying capacity of floodplains (including the cumulative effect of individual developments) and ensuring the proposal maintains the free passage and temporary storage of floodwaters so as not to impact surrounding development;</li> <li>ii. how flood risk will be managed to ensure risk to health and safety of people and future development provides an acceptable level of flood protection that meets the objectives of the SCA;</li> <li>iii. the potential impact on water quality and outline any measures required to maintain and protect water quality and waterways as natural resources.</li> </ul> <p>The local government may require supporting evidence to be undertaken at the proponent's cost.</p> <p>(b) A person shall not carry out any development on land, or portion(s) thereof, identified as flood prone land on the Scheme Map, unless -</p> <ul style="list-style-type: none"> <li>i. the floor of any dwelling or other habitable building is, or will be, raised a minimum of 500 millimetres above the 1% Annual Exceedance Probability (AEP) flood level. Some critical infrastructure, such as schools or hospitals, may require a higher level of flood protection or be deemed inappropriate to be located in the floodplain; or</li> <li>ii. the base of the septic tank/leach drain system is to be a minimum 300mm above the 1% AEP flood level identified for the land and fitted with appropriate devices to prevent back flow of sewerage or ground water. This requirement may be removed if an approved alternative treatment unit is installed instead of a conventional septic tank/leach drain on-site sewerage disposal system;</li> <li>iii. where the proposed development is for residential purposes an engineering certification is to be submitted. This certification is to ensure that the dwelling has been designed taking into account the potential forces of flood waters;</li> <li>iv. where the proposed development is for residential purposes a licensed survey shall be submitted confirming the floor level height of the building compared to the identified flood level for the portion of the subject land. This survey is to be carried out and submitted for local government endorsement upon completion of the sand pad or stumping network of the proposed building. No further works on the proposed building are to be commenced until local government endorsement of the survey information has been given.</li> </ul> <p>For the purposes of this clause, 'habitable building' means a building designed primarily for housing and/or overnight accommodation for persons.</p>
--	--	---	---

			<p>(c) For land identified by the Blackwood River Flood Study 1983 as being within the 5% AEP flood level, residential development (new dwellings and extension to existing dwellings) should be connected to the reticulated sewerage network unless the applicant suitably demonstrates to the satisfaction of the local government that-</p> <ul style="list-style-type: none"> <li>i. On-site sewerage disposal can be accommodated to address human health and environmental risk; and</li> <li>ii. it is not feasible to connect to the reticulated sewerage network.</li> </ul> <p>(d) Where proposals are received for the development of extensions or additions to existing residential development sited within a flood prone area, the requirements of subclause 2(b)(i) will be waived where such extensions/additions do not exceed 25 per cent of the floor area of the existing building.</p> <p>(e) Proposals for the development of tourist or commercial uses within flood prone land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the DWER which are to be sought and obtained prior to any decision being made.</p> <p>3. <u>Subdivision</u></p> <p>(a) Where land identified as being flood prone land is proposed to be subdivided, the local government shall recommend to the Western Australian Planning Commission that memorials be placed on newly created titles to ensure prospective purchasers are aware that the land may be prone to flooding.</p> <p>(b) The local government will only recommend to the Western Australian Planning Commission that it approve the creation of additional lots where:</p> <ul style="list-style-type: none"> <li>i. lots are both suitable and capable for the intended purpose;</li> <li>ii. there is a suitable sized building envelope/building area located on each lot with manageable flood risk appropriate for development;</li> <li>iii. subdivision won't impact the flooding regime of the surrounding area;</li> <li>iv. safe evacuation in a flood emergency is possible; and</li> </ul> <p>(f) lots will be appropriately serviced.</p>
SCA4 – Public Drinking Water Source Area	<p>To protect both surface and groundwater resources which provide potable water supplies to townsites.</p> <p>To protect existing and future public drinking water sources, where it affects private land,</p>	<p>(a) To ensure the drinking water source is protected.</p> <p>(b) To ensure that land use and development within the Public Drinking Water Source Areas (PDWSA) are compatible with the protection and long-term management of water resources for public</p>	<p>1. Development approval is required for all use and development within SCA4.</p> <p>2. Applications for development approval for the development and/or use within the PDWSA that:</p> <ul style="list-style-type: none"> <li>(a) may have the potential to detrimentally impact on the quality and quantity of a Public Drinking Water Source Area gazetted under the <i>Country Areas Water Supply Act 1947</i>; and/or</li> <li>(b) are inconsistent with any relevant State or regional land use and water management strategy or drinking water source protection</li> </ul>

	by guiding and restricting the types of land uses and development that could have adverse impacts on the quality of the water supply sources.	water supply and water catchment areas designated under the Country Areas Water Supply Act 1947 or any updates.	<p>plan,</p> <p>shall be referred to the responsible public authority for comment and advice prior to determination by the local government.</p> <p>3. When considering any amendment to this Scheme or assessing and determining any application for development approval in relation to premises within the PDWSA, the local government shall have due regard to a range of matters including but not limited to the following:</p> <p>(a) how the proposal complies with the provisions of any relevant state planning policy;</p> <p>(b) how the proposal complies with the provisions of any relevant State or regional land use and water management strategy, drinking water source protection plan, or water quality protection note;</p> <p>(c) the potential risk of contamination to the PDWSA resulting from a proposed land use and/or development;</p> <p>(d) the retention of native vegetation; and</p> <p>(e) the advice or comment provided by a responsible public authority in relation to the application for development approval or Scheme amendment.</p>
SCA5 – Infrastructure Area - Waste Water Treatment Plant Buffer	To identify land impacted by odour from the waste water treatment plant in accordance with the Environmental Protection Authority Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses (June 2005).	<p>(a) To ensure that adequate separation distances are maintained between the waste water treatment plant and residential or other sensitive land uses in order to manage any risks to public health or the environment.</p> <p>(b) To ensure that public health and environmental impacts from waste water treatment plant emissions are acceptable and meet the relevant regulations and standards beyond the boundary of the Waste Water Treatment Plant Buffer.</p> <p>(c) To provide for compatible land uses within the buffer.</p>	<p>1. Development and/or use of premises for the purposes of residential or other sensitive land use is not permitted within the waste water treatment plant buffer area, unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.</p> <p>2. Applications for development approval to permit a residential or other sensitive land use within the water treatment buffer area must be accompanied by a risk management assessment, which is to be prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority.</p> <p>3. In considering any development application, the local government shall have regard to -</p> <p>(a) the Water Corporation's advice in relation to compatible land uses within the SCA5; and</p> <p>(b) the potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant.</p>
SCA6 – Heritage Area	To conserve and protect the cultural heritage significance of the Nannup town centre.	To ensure that new buildings, alterations and additions to existing buildings and associated development can be accommodated within the Nannup town centre without adversely affecting the area's historic heritage significance and amenity.	<p>1. Notwithstanding clause 57(1), development approval is required for signs which are inconsistent with Local Planning Policy <i>LPP18 Signs and Advertisements</i> and inconsistent with Local Planning Policy <i>LPP19 Heritage Conservation</i>.</p> <p>2. The local government will have regard to relevant Local Planning Policies including <i>LPP8 Nannup Main Street Heritage Precinct</i>, <i>LPP13 Car Parking and Vehicular Access</i>, <i>LPP18 Signs and Advertisements</i></p>

			and <i>LPP19 Heritage Conservation</i> .
SCA7 – General Landscape Values Area	To promote the conservation and enhancement of significant natural and man-made landscapes including the preservation of significant vegetation, prominent landforms and view corridors.	<p>(a) To identify areas of significant landscape value and adopt provisions to protect these values from visually obtrusive development.'</p> <p>(b) To encourage development to fit into the natural, visual and physical characteristics of the land, particularly topography.</p> <p>(c) To encourage the retention of vegetation and preservation of the natural topography of the land.</p> <p>(d) To support small scale, low key development where the site layout, location of buildings and provision of services is appropriate to the site's natural, visual and physical features.</p> <p>(e) To discourage development considered likely to intrude upon, or not be compatible with, the landscape character and landscape qualities of the area.</p> <p>(f) To encourage rural landscape improvements including rehabilitation or revegetation.</p>	<p>1. A person shall not, without the approval of the local government, carry out any development, including -</p> <p>a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to rural pursuits;</p> <p>b) clearing of land or removal of trees; and</p> <p>c) the erection of advertising signs.</p> <p>2. The clearing of remnant vegetation to accommodate the establishment of a tree farm will not be permitted.</p> <p>3. Any proposed development may be required to be located within a building envelope to the satisfaction of the local government.</p>



## Part 6 - Terms referred to in Scheme

### Division 1 - General definitions used in Scheme

#### 72. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows -

**aged or dependent person** has the same meaning given in the R-Codes;

**building envelope** means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

**building height**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

**cabin** means a dwelling forming part of a tourist development or caravan park that is —

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

**chalet** means a dwelling forming part of a tourist development or caravan park that is —

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

**commencement day** means the day this Scheme comes into effect under section 87(4) of the Act;

**commercial vehicle** means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

**dam** has the meaning given in the *Rights in Water and Irrigation Act 1914* section 17(8);

**drive-through** means premises designed, constructed and/or operated so that food, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle;

**floor area** has the meaning given in the Building Code;

**frontage**, in relation to a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

**incidental use** means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

**minerals** has the meaning given in the *Mining Act 1978* section 8(1);

**net lettable area** or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas —

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

**non-conforming use** has the meaning given in the *Planning and Development Act 2005* section 172;

**plot ratio** means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

**precinct** means a definable area where particular planning policies, guidelines or standards apply;

**predominant use** means the primary use of premises to which all other uses carried out on the premises are incidental;

**retail** means the sale or hire of goods or services to the public;

**short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period;

**wall height**, in relation to a wall of a building —

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

**wholesale** means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme —

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes

## Division 2 - Land use terms used in Scheme

### 73. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows

**abattoir** means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

**agriculture — extensive** means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;

**agriculture — intensive** means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following —

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture;

**airfield** means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;

**amusement parlour** means premises —

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

**ancillary dwelling** has the meaning given in the R-Codes;

**animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

**animal husbandry — intensive** means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens; but

does not include agriculture-extensive;

**art gallery** means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

**betting agency** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

**brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

**bulky goods showroom** means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
  - (i) automotive parts and accessories;
  - (ii) camping, outdoor and recreation goods;
  - (iii) electric light fittings;
  - (iv) animal supplies including equestrian and pet goods;
  - (v) floor and window coverings;
  - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
  - (vii) household appliances, electrical goods and home entertainment goods;
  - (viii) party supplies;
  - (ix) office equipment and supplies;
  - (x) babies' and children's' goods, including play equipment and accessories;
  - (xi) sporting, cycling, leisure, fitness goods and accessories;
  - (xii) swimming pools;or
- (b) used to sell by retail goods and accessories by retail if —
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

**camping ground** means premises that are a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*;

**caravan park** means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

**caretaker's dwelling** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

**car park** means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

**child care premises** means premises where —

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

**cinema/theatre** means premises where the public may view a motion picture or theatrical production;

**civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest;

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

**community purpose** means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

**consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area;

**corrective institution** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

**educational establishment** means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

**exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

**family day care** means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

**fast food outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (a) without further preparation; and
- (b) primarily off the premises;

**fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

**funeral parlour** means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

**garden centre** means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

**grouped dwelling** has the meaning given in the R-Codes;

**holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

**home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home occupation** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (h) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home office** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

**home store** means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

**hospital** means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

**hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including **any** betting agency on the premises;

**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

**industry - cottage** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which:

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m<sup>2</sup>; and
- (e) does not display a sign exceeding 0.2 m<sup>2</sup> in area;

**industry — extractive** means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

**industry — light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

**industry — primary production** means premises used —

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

**industry – service** means:

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.

**liquor store — large** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m<sup>2</sup>;

**liquor store — small** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m<sup>2</sup>;

**lunch bar** means premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a net lettable area of not more than 100m<sup>2</sup>, but does not include a fast food outlet or restaurant/café;

**marine filling station** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

**market** means premises used for the display and sale of goods from stalls by independent vendors;

**medical centre** means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**mining operations** means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

**motel** means premises, which may be licensed under the *Liquor Control Act 1988* —

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

**motor vehicle, boat or caravan sales** means premises used to sell or hire motor vehicles, boats or caravans;

**motor vehicle repair** means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

**motor vehicle wash** means premises primarily used to wash motor vehicles;

**multiple dwelling** has the meaning given in the R-Codes;

**nightclub** means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

**office** means premises used for administration, clerical, technical, professional or similar business activities;

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

**place of worship** means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

**reception centre** means premises used for hosted functions on formal or ceremonial occasions;

**recreation — private** means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

**renewable energy facility** means premises, buildings or structures used to generate energy from a renewable energy source, where energy is being produced for commercial gain. It does not

include solar panels or a wind turbine principally used to supply energy for an individual lot's private domestic or rural supply;

**repurposed dwelling** means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;

**residential aged care facility** means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility;

**residential building** has the meaning given in the R-Codes;

**resource recovery centre** means premises other than a waste disposal facility used for the recovery of resources from waste;

**restaurant/cafe** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

**restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

**retirement village** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

**roadhouse** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- (f) dump points for the disposal of black and/or grey water from recreational vehicles;

**rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

**rural produce store** means a premise used by the occupier of the premise for carrying out a business where:

- (a) it does not occupy an area greater than 25m<sup>2</sup>;
- (b) it is used for sale of produce associated with farming operations, but may include local souvenir products; and
- (c) will not adversely affect the amenity of the neighbourhood;

**rural pursuit/hobby farm** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any

of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

**second-hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling;

**serviced apartment** means a group of units or apartments providing —

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

**service station** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

**shop** means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

**single house** has the meaning given in the R-Codes;

**small bar** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

**tavern** means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

**tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

**trade display** means premises used for the display of trade goods and equipment for the purpose of advertisement;

**trade supplies** means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

**transport depot** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

**tree farm** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

**veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

**warehouse/storage** means premises including indoor or outdoor facilities used for —



- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

**waste disposal facility** means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

**waste storage facility** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

**winery** means premises used for the production of viticultural produce and associated sale of the produce;

**workforce accommodation** means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

DRAFT

## Schedule A - Supplemental provisions to the deemed provisions

- Notes: 1. These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Development approval of the local government is not required for the following works and/or uses.

### Clause 61. Development for which Development Approval Not Required

- Clause 61(1)(k) The erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone where the R Codes do not apply, in which that lot is located and where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is -
- (i) a heritage-protected place; or
  - (ii) abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve; or
  - (iii) within a Special Control Area.
- Clause 61(1)(l) The erection or extension of an external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport, water tank, or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use in the zone where the R Codes do not apply and where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) a heritage-protected place; or
  - (ii) within Special Control Areas 3, 4 5 or 7; or
  - (iii) inconsistent with an adopted Local Planning Policy.
- Clause 61(1)(m) The erection or extension of an outbuilding on the same lot as a single house if a single house is a permitted (“P”) use in the zone where the R Codes do not apply and where the development standards set out in the Scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) a heritage-protected place; or
  - (ii) within Special Control Areas 3, 4, 5 or 7; or
  - (iii) inconsistent with an adopted Local Planning Policy.
- Clause 61(1)(n) The erection or extension of a single house on a lot in ‘SCA2 – Development Control Area - Nannup Townsite Character’ if the R-Codes apply to the development and the development satisfies the deemed to comply requirements of the R-codes and the development is consistent with the local planning policy relating to the Nannup Townsite Character Area.
- Clause 61(1)(o) The erection or installation of signage and advertisements contained in Schedule 3 of this Scheme, unless the sign is to be erected or installed on a place that is:
- (i) a heritage-protected place and the sign is inconsistent with Local Planning Policy *LPP18 Signs and Advertisements* and inconsistent with Local Planning Policy *LPP19 Heritage Conservation*; or
  - (ii) within Special Control Area 7 and the sign is inconsistent with Local Planning Policy *LPP18 Signs and Advertisements*.
- Clause 61(1)(p) The carrying out of works by the local government that are wholly located on a reserve managed by the local government.
- Clause 61(1)(q) The erection or installation of a tree house which as a structure:
- (i) does not exceed 3.0 metres in height above natural ground level;

- (ii) does not have a floor area greater than 4.0m<sup>2</sup>; and
- (iii) is constructed in a tree on a lot used for residential purposes;

and the development satisfies the deemed-to-comply requirements of the R-Codes, unless the development is located in a place that is heritage-protected.

- Clause 61(1)(r) The erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.
- Clause 61(1)(s) Except for development in which the R-Codes apply, the minor filling, excavation or re-contouring of land provided there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.
- Clause 61(1)(t) Except for development in which the R-Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.
- Clause 61(1)(u) Aquaculture proposals involving the use of existing dams where no structural works are proposed.
- Clause 61(1)(v) Dams where the external foot of the dam wall, and any other part of the dam including the stored water is further than 10 metres from boundaries of the subject lot.
- Clause 61(1)(w) The erection or placement of a temporary sea container and/or donga associated with building works, where the structure would be consistent with the provisions of a Local Planning Policy.
- Clause 61(1)(x) The planting of trees and shrubs for land rehabilitation, shelter belts or other land management/environmental purposes provided the total area of planting is less than 4 hectares for the lot.
- Clause 61(1)(y) A tree farm in the Rural and Priority Agriculture zone where the existing and proposed total planted area is below 10 hectares on the lot.
- Clause 61(2)(g) The use of land in a reserve, where such land is vested in the local government or vested in a Public Authority -
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.

## Schedule 1 - Zone Development Requirements

Clause 58

Zones and Land Use	Minimum Lot Area	Minimum Effective Frontage (m)	Max Plot Ratio	Minimum Setbacks (m)			Minimum Landscaping (m <sup>2</sup> /%) Refer to Clause 37	Building Height (m) Refer to Clause 38	Other Requirements
				Front	Rear	Side			
Commercial	N/A	N/A	2.0	Nil	Nil	Nil	5%	12m	Where an R40 coding applies, residential development is to be connected to a reticulated sewerage network.
		(i) Development may be provided with a nil setback to the side and rear boundaries of the subject land provided that the site does not adjoin any land used or zoned for residential purposes, in which case the development shall be setback in accordance with the Residential Design Codes.							
Environmental Conservation	N/A	N/A	N/A	20	20	20	N/A	9m	
		(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.							
General Industry	N/A	N/A	N/A	6	Nil	Nil	5%	12m	
		(i) Development shall be setback 3 metres from any secondary street frontage. (ii) Development may be provided with a nil setback to the side and rear boundaries of the subject land, subject to the Building Code of Australia.							
Priority Agriculture	N/A	N/A	N/A	20	20	20	N/A	N/A	
		(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.							
Residential	In accordance with the Residential Design Codes								
	Where no R-Code is stipulated			6	5	3	In accordance with the Residential Design Codes for Category B.		
Rural	N/A	N/A	N/A	20	20	20	N/A	N/A	
		(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.							
Rural Residential	1ha	N/A	N/A	20	10	10	N/A	9m	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists development is required to be within that envelope.
		(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest,							

		<i>Nature Reserve or Reserve for Conservation.</i>							
		<i>(ii) Unless varied by Schedule 4 - Special Provisions - Rural Residential Areas.</i>							
Rural Smallholdings	N/A	N/A	N/A	20	15	15	N/A	12m	These setbacks are where a lot does not have a designated building envelope. Where a building envelope exists, development is required to be within that envelope.
		<i>(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>							
Special Use	Development of a site shall generally be in accordance with the Conditions/Special Provisions as set out in Schedule 6.								
Tourism	Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.								
Urban Development	N/A	<i>(i) In addition to the minimum setbacks, a setback of at least 50 metres from a boundary with State Forest, Nature Reserve or Reserve for Conservation.</i>			N/A	9m	All subdivision and development in the Urban Development zone shall be in accordance with: <ul style="list-style-type: none"> <li>• a Structure Plan; and</li> <li>• the additional site and development requirements if applicable; and/or</li> <li>• the General and Zone Development Standards of the Scheme.</li> </ul>		

## Schedule 2 - Car Parking Table

Clauses 32 & 58

Land Use	Minimum Car Parking Requirements
Abattoir	As determined by the local government.
Agriculture - extensive	As determined by the local government.
Agriculture - intensive	As determined by the local government.
Airfield	As determined by the local government.
Amusement parlour	1 bay per 40m <sup>2</sup> nla.
Ancillary dwelling	In accordance with the Residential Design Codes.
Animal establishment	1 bay per employee plus 1 visitor bay.
Animal husbandry - intensive	1 bay per employee plus 1 visitor bay.
Art gallery	As determined by the local government.
Bed and breakfast	1 bay for guest bedroom or accommodation unit in addition to the residential requirement in accordance with the Residential Design Codes.
Betting agency	1 bay per 40m <sup>2</sup> nla.
Brewery	1 bay per employee plus 1 bay per 4 seats used for drinking and/or dining areas.
Bulky goods showroom	1 bay per 100m <sup>2</sup> of nla.
Camping ground	1 bay per site plus 1 additional bay for every 4 sites for visitor parking.
Caravan Park	1 bay per site plus 1 additional bay for every 4 sites for visitor parking.
Caretaker's dwelling	As determined by the local government.
Car park	As determined by the local government.
Child care premises	1 bay per employee plus 1 bay per 10 children the premises is designed and approved to accommodate, whichever is the greater.
Cinema/theatre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Civic use	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Club premises	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Commercial vehicle parking	1 bay per commercial vehicle that the premises is designed and approved to accommodate.
Community purpose	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Consulting rooms	3 bays per health practitioner.
Convenience store	1 bay per 40m <sup>2</sup> nla.
Corrective institution	As determined by the local government.
Educational establishment	As determined by the local government.
Exhibition centre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Family day care	2 bays in addition to the residential requirement in accordance with the Residential Design Codes.

Fast food outlet	1 bay per 4 seats or 1 bay per 40m <sup>2</sup> nla, whichever is the greater plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Fuel depot	1 bay per employee plus 1 visitor bay.
Funeral parlour	1 bay per employee. Where a chapel or assembly area is included, 1 bay per 4 seats, or 1 bay for every 4 persons the building is designed and approved to accommodate, whichever is the greater.
Garden centre	1 bay per 100m <sup>2</sup> of sales or display area.
Grouped dwelling	In accordance with the Residential Design Codes.
Holiday accommodation	In accordance with the Residential Design Codes for grouped dwellings for areas subject to the Residential Design Codes or 1 bay per accommodation unit, chalet/cabin plus 1 visitor bay for every 4 accommodation units or chalets/cabins for areas not subject to the Residential Design Codes.
Holiday house	In accordance with the Residential Design Codes for single house.
Home business	1 bay per employee in addition to the residential requirement in accordance with the Residential Design Codes.
Home occupation	1 bay in addition to the residential requirement in accordance with the Residential Design Codes.
Home office	No additional requirement over and above the residential requirement in accordance with the Residential Design Codes.
Home store	1 bay per 40m <sup>2</sup> nla in addition to the residential requirement in accordance with the Residential Design Codes.
Hospital	1 bay per 4 beds plus 1 bay per employee.
Hotel	1 bay per 40m <sup>2</sup> nla, plus 1 bay per accommodation unit plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Industry - cottage	1 bay per 50m <sup>2</sup> nla, or 1 bay per employee, whichever is the greater.
Industry - extractive	As determined by the local government.
Industry - light	1 bay per 100m <sup>2</sup> nla or 1 bay per employee whichever is greater.
Industry - primary production	1 bay per employee plus 1 visitor bay.
Liquor store - large	1 bay per 40m <sup>2</sup> nla plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Liquor store - small	1 bay per 40m <sup>2</sup> nla plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Lunch bar	1 bay per 40m <sup>2</sup> nla.
Marine filling station	1 bay per 100m <sup>2</sup> nla or 1 bay per employee whichever is greater.
Market	As determined by the local government.
Medical centre	3 bays per health practitioner.
Mining operations	As determined by the local government.
Motel	1 bay per bedroom or accommodation unit plus 1 bay for 40m <sup>2</sup> nla for floor space other than used for accommodation purposes.
Motor vehicle, boat and caravan sales	1 bay per 100m <sup>2</sup> of nla plus 1 bay per vehicle service/work bay.
Motor vehicle repair	1 bay per 100m <sup>2</sup> of nla plus 1 bay per vehicle service/work bay.
Motor vehicle wash	1 bay per employee, plus 1 bay per wash bay, plus queuing area sufficient to accommodate 1 car per wash bay.

Multiple dwelling	In accordance with the Residential Design Codes.
Nightclub	1 bay for every 4 persons the premises is designed and approved to accommodate.
Office	1 bay per 40m <sup>2</sup> of nla.
Park home park	1 bay per park home site, plus 1 bay per 10 park home sites for visitor parking, plus 1 bay per employee.
Place of worship	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Reception centre	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Recreation - private	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Renewable energy facility	As determined by the local government.
Repurposed dwelling	In accordance with the 'Single House' requirements of the Residential Design Codes.
Residential aged care facility	In accordance with the relevant dwelling type under the Residential Design Codes.
Residential building	1 bay per bedroom plus 1 bay per 4 bedrooms for visitor parking.
Resource recovery centre	1 bay per employee plus 1 visitor bay.
Restaurant/cafe	1 bay per 40m <sup>2</sup> of nla.
Restricted premises	1 bay per 25m <sup>2</sup> nla.
Retirement village	1 bay per dwelling plus 1 bay per 4 dwellings for visitor parking.
Roadhouse	1 bay per employee, plus 1 bay per vehicle service/work bay plus bays for additional uses including convenience store.
Rural home business	1 bay per employee in addition to the residential requirement in accordance with the relevant dwelling type in the Residential Design Codes.
Rural produce store	1 bay per 40m <sup>2</sup> nla in addition to the residential component.
Rural pursuit/hobby farm	As determined by the local government.
Second-hand dwelling	In accordance with the Residential Design Codes for a single house.
Serviced apartment	In accordance with the Residential Design Codes for grouped and/or multiple dwelling.
Service station	2 bays per service bay plus 1 bay per 40m <sup>2</sup> of nla.
Shop	1 bay per 40m <sup>2</sup> of nla. Minimum 3 bays per tenancy.
Single house	In accordance with the Residential Design Codes.
Small bar	1 bay per 40m <sup>2</sup> nla.
Tavern	1 bay per 4 seats, or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater plus 1 bay per accommodation unit plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Telecommunications infrastructure	As determined by the local government.
Tourist development	1 bay per accommodation unit, plus 1 visitor bay for every 4 accommodation units plus 1 bay per employee.
Trade display	1 bay per 100m <sup>2</sup> nla.



Trade supplies	1 bay per 100m <sup>2</sup> nla.
Transport depot	1 bay per employee in addition to any commercial vehicle parking bays that the premises is designed and approved to accommodate.
Tree farm	As determined by the local government.
Veterinary centre	3 bays per consulting room and/or veterinary health practitioner, or 1 bay per 40m <sup>2</sup> nla, whichever is the greater.
Warehouse/storage	1 bay per 100m <sup>2</sup> nla.
Waste disposal facility	As determined by the local government.
Waste storage facility	As determined by the local government.
Winery	1 bay per employee, plus 1 bay per 4 seats or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Workforce accommodation	In accordance with the relevant dwelling type under the Residential Design Codes.

- Note: 1. 'nla' means 'net lettable area' as defined in Division 1 - General Definitions Used in Scheme under Part 6 of the Scheme.
2. Floorspace areas 'open to the public' include, but are not limited to, reception areas and staff areas having a customer service function (e.g. public counter).

DRAFT

## Schedule 3 - Exempted Signage and Advertisements

Clause 57

Land use and/or development requiring advertisement	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum area of exempted sign
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Bed and Breakfast, Home Occupation, Holiday House, Family Day Care, Industry-Cottage, and other business operating from a dwelling	One advertisement describing the nature of the business operating from a dwelling.	0.2m <sup>2</sup>
Community Purpose, Place of Worship and community related use	One advertisement detailing the function and/or the activities of the use/institution concerned.	0.2m <sup>2</sup>
Cinema/Theatre, Exhibition Centre	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Bulky Goods Showroom, Shop, Convenience Store and other commercial uses	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 2.5 metres from the ground level of the building subject to a compliance with Local Planning Policy 18 Signs and Advertisements.	N/A
Industrial and Warehouse/Storage premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m<sup>2</sup>.</p> <p>Maximum permissible total area shall not exceed 10m<sup>2</sup> and individual advertisement signs shall not exceed 6m<sup>2</sup>.</p>
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body;	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and	N/A
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Advertisements within	All advertisements placed or displayed within buildings which	N/A

Buildings	cannot ordinarily be seen by a person outside of those buildings.	
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Temporary Signs	(iii) Advertising signs associated with traffic management for events provided signs are – (i) not placed on the road reserve (with the exception of directional signs); (ii) displayed for a period not exceeding 8 weeks; (iii) located to promote the safety of motorists, pedestrians and cyclists.  b) Advertising signs associated with traffic management for works on roads.	N/A
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(ii) Grouped Dwellings, Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above.	5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or Livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions  Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows.		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup> .
(b) Multiple dwellings, shops, Commercial & Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup> .
Display Homes  Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m <sup>2</sup> 5m <sup>2</sup>
Political Advertising	Advertising on freehold land during an election campaign.	2m <sup>2</sup>

## Schedule 4 - Special Provisions - Rural Residential Zone

Clause 64

Scheme Map Ref No.	Area Description	Specific Conditions and Requirements.
RR1	Rural Residential area to the south of the Nannup townsite (Precinct F in Local Planning Strategy)	<p>1. The local government, in responding to subdivision applications, will advise the WA Planning Commission that it does not support the creation of additional lots. The exception is that the local government may recommend that the WA Planning Commission conditionally approve further rural residential lots to be created on the northern side of Brockman Highway –</p> <ul style="list-style-type: none"> <li>a) where the existing lots have a direct road frontage to Brockman Highway;</li> <li>b) subject to demonstrated compliance with State Planning Policy 3.7 and associated Guidelines; and</li> <li>c) where no additional crossover, other than suitably located shared crossovers, is proposed to Brockman Highway or where the crossover is to Thomas Road.</li> </ul>
RR2	Rural Residential area west of the Nannup townsite (Precinct G in Local Planning Strategy)	<p>1. The local government, in responding to subdivision applications, will advise the WA Planning Commission that it does not support rural residential infill in the RR2 area due to bushfire risk and limited road access.</p> <p>2. Rural residential infill subdivision in the RR2 area may be considered –</p> <ul style="list-style-type: none"> <li>a) upon provision of secondary road access into the RR2 area;</li> <li>b) where the proposed secondary road access and bushfire management arrangements comply with State Planning Policy 3.7 and associated Guidelines to the satisfaction of the local government and Department of Fire and Emergency Services; and</li> <li>c) resolution of any other planning and environmental matters.</li> </ul> <p>3. The above mentioned secondary road access is envisaged to be provided by connecting Barrabup Road to Mowen Road, via –</p> <ul style="list-style-type: none"> <li>a) the subdivision of Lot 4027 and/or Lot 6790; or</li> <li>b) via the provision of a road connecting the existing sealed portion of Barrabup Road (adjacent to Lot 4027) to Mowen Road.</li> </ul> <p>4. Notwithstanding the above, Lot 6130 and the land at the southern end of Dean Road (Lots 8277, 8278, 8279 and 8280) will not be supported for additional infill subdivision given its lack of secondary road access at the southern end of this road in accordance with the access requirements of State Planning Policy 3.7 and associated Guidelines.</p>

## Schedule 5 – Additional Uses in Scheme Area

Clause 19

No.	Description of land	Additional Use	Requirement
A1	Lot 20 Brockman Street, Nannup	The following land uses are discretionary 'D' uses - <ul style="list-style-type: none"> <li>• Camping ground</li> <li>• Office</li> </ul>	<ol style="list-style-type: none"> <li>1. New development is to take account and mitigate against flood risks.</li> <li>2. The local government may impose development conditions to address matters including hours or operations and managing noise for events and other activities.</li> </ol>

DRAFT

## Schedule 6 – Special Use Zones in Scheme Area

Clause 21

No.	Description of land	Special Use	Special Provisions
SU1	Lot 556 and portion Lot 18 Vasse Highway, Nannup	<p>The following land uses are discretionary 'D' uses -</p> <ul style="list-style-type: none"> <li>• Bed and breakfast</li> <li>• Caretaker's dwelling</li> <li>• Car park</li> <li>• Child care premises</li> <li>• Civic use</li> <li>• Community purpose</li> <li>• Home business</li> <li>• Home occupation</li> <li>• Home office</li> <li>• Industry</li> <li>• Industry - cottage</li> <li>• Industry – light</li> <li>• Industry - service</li> <li>• Motor vehicle repair</li> <li>• Office</li> <li>• Single house</li> <li>• Telecommunication infrastructure</li> <li>• Trade display</li> <li>• Transport depot</li> <li>• Warehouse/Storage</li> <li>• Other uses that are 'D' uses in the General Industry zone.</li> </ul>	<ol style="list-style-type: none"> <li>1. While noting the special uses, prior to any subdivision creating additional lots or major development of the land, in the opinion of the local government, a Structure Plan is to be prepared. The Structure Plan is to address, but not be limited to, the following–               <ol style="list-style-type: none"> <li>a) identification of land required to accommodate the established timber mill within the site;</li> <li>b) identification of land suitable for light or service industrial subdivision and development;</li> <li>c) suitable separation or buffering of residential enclave (former mill housing) and other nearby residential areas from industrial uses;</li> <li>d) road access;</li> <li>e) service infrastructure; and</li> <li>f) public open space for the residential enclave.</li> </ol> </li> <li>2. Upon approval of the Structure Plan, development and/or subdivision of the site is to be generally in accordance with the plan.</li> </ol>
SU2	Portion of Lot 67 Warren Road, Lots 700 and 9000 Higgins Street and Lot 701 Kearney Street Nannup	<p>The uses shown on the approved structure plan relate to permissibility in the following zones and the permissibility set out in the zoning table:</p> <ul style="list-style-type: none"> <li>• Mixed use development – Commercial zone;</li> <li>• Residential development – Residential zone; and</li> <li>• Tourist development – Tourism zone.</li> </ul>	<ol style="list-style-type: none"> <li>1. Other than development set out in Schedule 3, all development requires approval of the local government.</li> <li>2. The local government will have due regard to the approved structure plan.</li> <li>3. The local government will not support filling and development within inundated portions of Higgins Swamp.</li> </ol>

No.	Description of land	Special Use	Special Provisions
SU3	Lot 3 on Plan 12565 Balingup-Nannup Road, Nannup	<p>The following land uses are discretionary 'D' uses -</p> <ul style="list-style-type: none"> <li>• Agriculture –extensive</li> <li>• Caretaker's dwelling</li> <li>• Consulting rooms</li> <li>• Home occupation</li> <li>• Home office</li> <li>• Hospital</li> <li>• Medical centre</li> <li>• Recreation – private</li> <li>• Residential building</li> <li>• Rural pursuit/hobby farm</li> <li>• Single house</li> </ul>	<ol style="list-style-type: none"> <li>1. More than one Residential Building is permitted, in different parts of the site, subject to gaining Development Approval from the local government.</li> <li>2. Subject to the nature of the proposed development or use and its associated risk, the local government may require the submission of an updated bushfire management plan and/or a Bushfire Emergency Evacuation Plan to support a Development Application.</li> <li>3. Where a bushfire management plan and/or Bushfire Emergency Evacuation Plan are required to be updated, implementation of the plan/s will be included as a condition of development approval.</li> <li>4. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government.</li> <li>5. The local government shall not permit the construction of any building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in with the landscape.</li> <li>6. The local government will require as a condition of development approval that all habitable buildings shall be connected to a wastewater treatment system with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table.</li> <li>7. Stormwater drainage shall be designed to the satisfaction of the local government.</li> </ol>
SU4	Lots 50, 51 and 125 Warren Road and Reserve 18083 Kearney Street, Nannup	<p>The following land uses are discretionary 'D' uses-</p> <ul style="list-style-type: none"> <li>• Caretaker's dwelling</li> <li>• Civic use</li> <li>• Club premises</li> <li>• Community purpose</li> <li>• Consulting rooms</li> <li>• Educational establishment</li> <li>• Industry - cottage</li> <li>• Industry – light</li> <li>• Industry – service</li> <li>• Medical centre</li> <li>• Office</li> <li>• Recreation - private</li> <li>• Telecommunication infrastructure</li> <li>• Trade display</li> <li>• Warehouse/storage</li> <li>• Veterinary centre</li> </ul>	<ol style="list-style-type: none"> <li>1. All development requires approval of the local government.</li> </ol>

# Adoption

## Council Resolution to Advertise Local Planning Scheme

Adopted by resolution of the Council of the Shire of Nannup at the Ordinary Meeting of Council held on the 17<sup>th</sup> September 2020.

President/Mayor

Cr Anthony Dean

Signed:-

Chief Executive Officer

David Taylor

Signed:-

## Council Resolution to Support Scheme for Approval

Council resolved to support approval of the draft Scheme of the Shire of Nannup at the Ordinary Meeting of Council held on the .....

The Common Seal of the Shire of Nannup was hereunto affixed by authority of resolution of the Council in the presence of:

President/Mayor

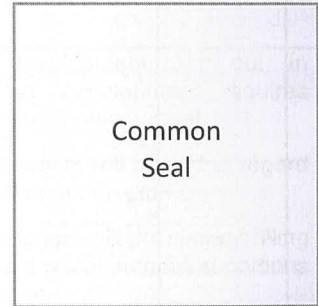
Cr Anthony Dean

Signed:-

Chief Executive Officer

David Taylor

Signed:-



## WAPC Recommended for Approval

Delegated under section 16 of the *Planning and Development Act 2005*.

Signed:-

Date:- \_\_\_ / \_\_\_ / \_\_\_

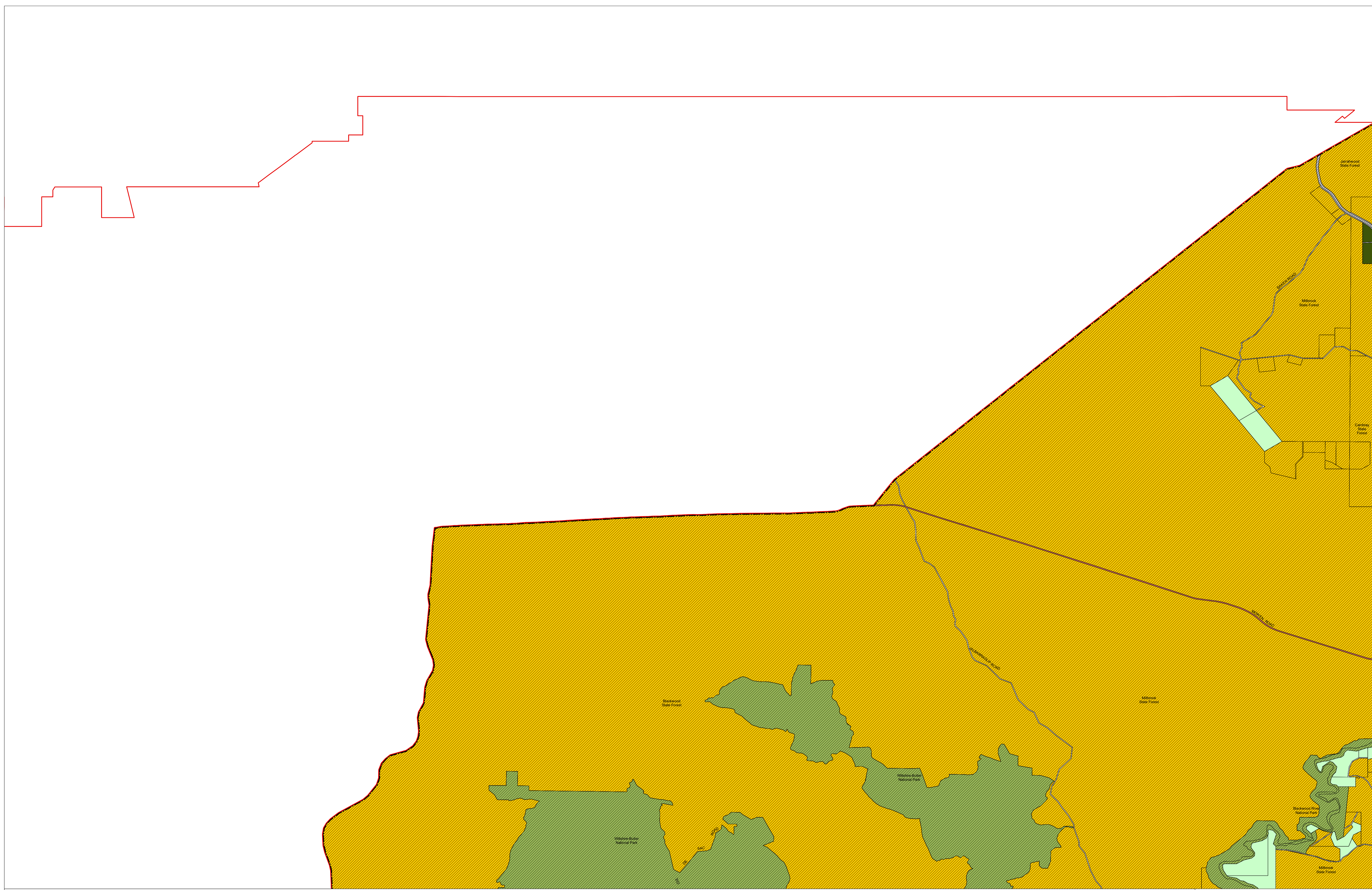
## Approval Granted

Minister for Planning

Signed:-

Date:- \_\_\_ / \_\_\_ / \_\_\_





### LEGEND

**LOCAL SCHEME RESERVES**

Civic and Community	Cemetery
Cultural Facilities	Education
Drainage/Waterway	Government Services
Environmental Conservation	Infrastructure Services
Primary Distributor Road	Medical Services
Regional Distributor Road	Recreational
Local Road	Railways
Public Open Space	State Forest
Public Purposes	

**LOCAL SCHEME ZONES**

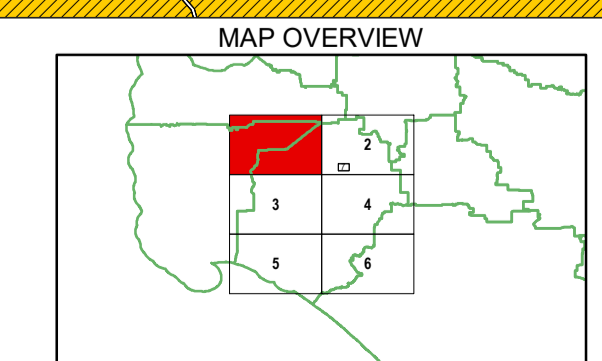
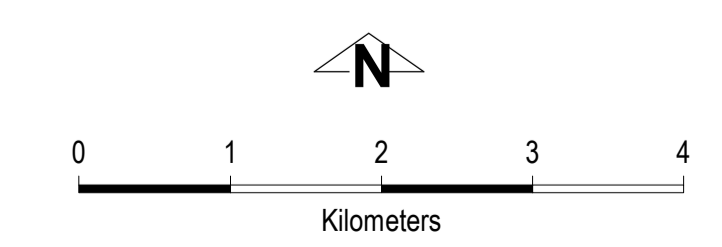
Commercial	Rural Residential
Environmental Conservation	Rural Smallholdings
General Industry	Special Use
Priority Agriculture	Tourism
Residential	Urban Development
Rural	

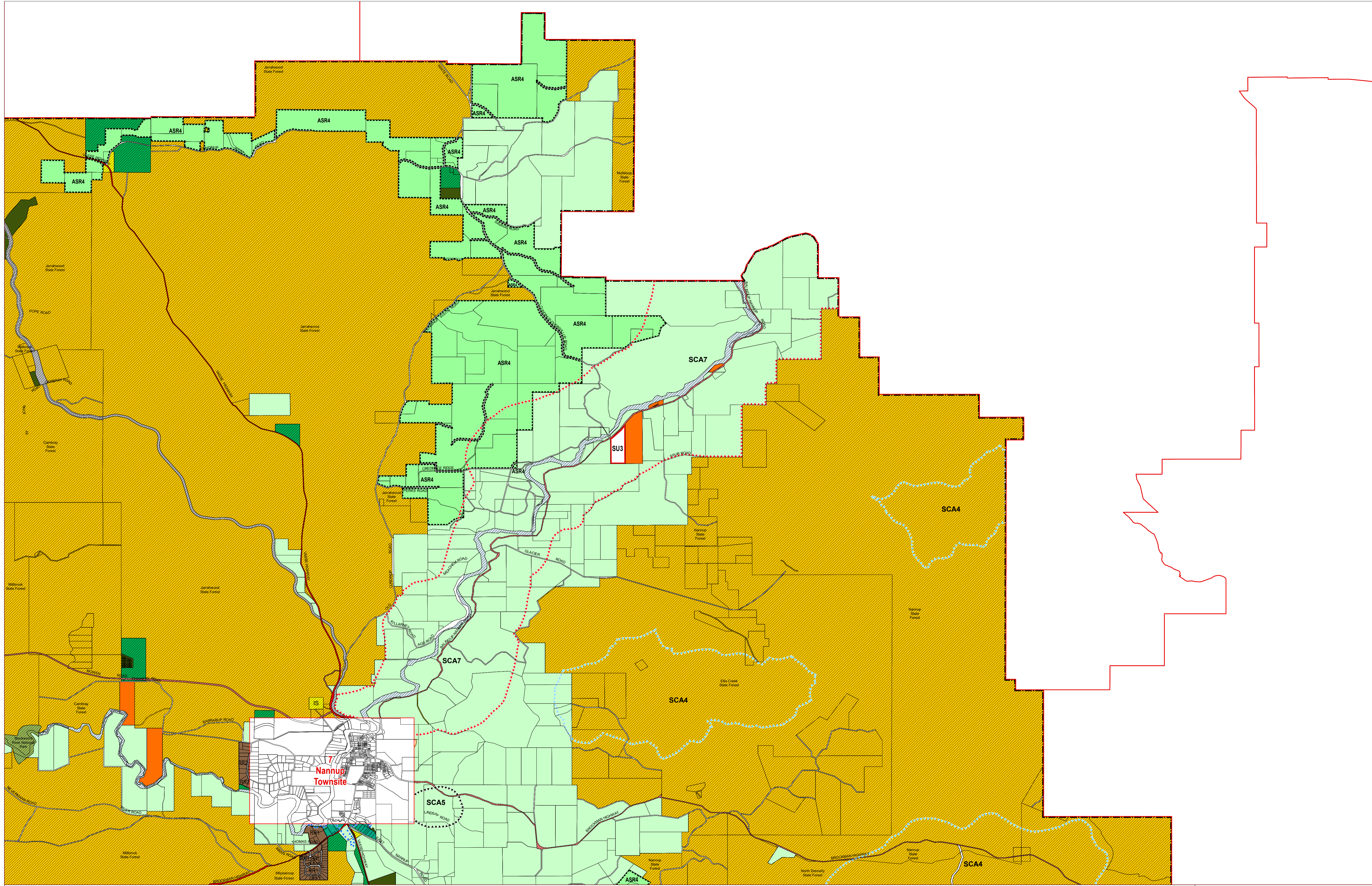
**OTHER CATEGORIES**

Scheme Area Boundary	Special Control Area - Flood Prone Area
Local Government Boundary	Special Control Area - Public Drinking Water Source Area
R Codes	Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer)
Additional Uses/Additional Uses Reserves	Special Control Area - Heritage
Additional Site Requirements	Special Control Area - General (Landscape Values Area)
Special Control Area - Development Control Area/Plan (Monaghan Street)	
Special Control Area - Development Control Area/Plan (Nannup Townsite Character)	

VERSION No 1

**DRAFT**  
**Shire of Nannup**  
 Local Planning Scheme No. 4  
 (District Scheme)





**LEGEND**

**LOCAL SCHEME RESERVES**

Civic and Community	Cemetery
Cultural Facilities	Education
Drainage/Waterway	Government Services
Environmental Conservation	Infrastructure Services
Primary Distributor Road	Medical Services
Regional Distributor Road	Recreational
Local Road	Railways
Public Open Space	State Forest
Public Purposes	

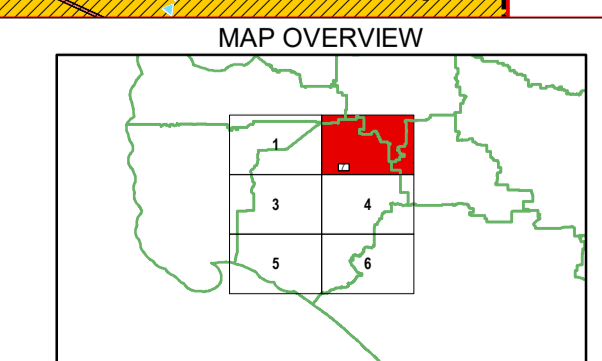
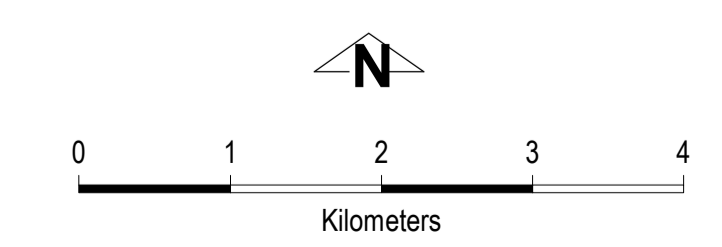
**LOCAL SCHEME ZONES**

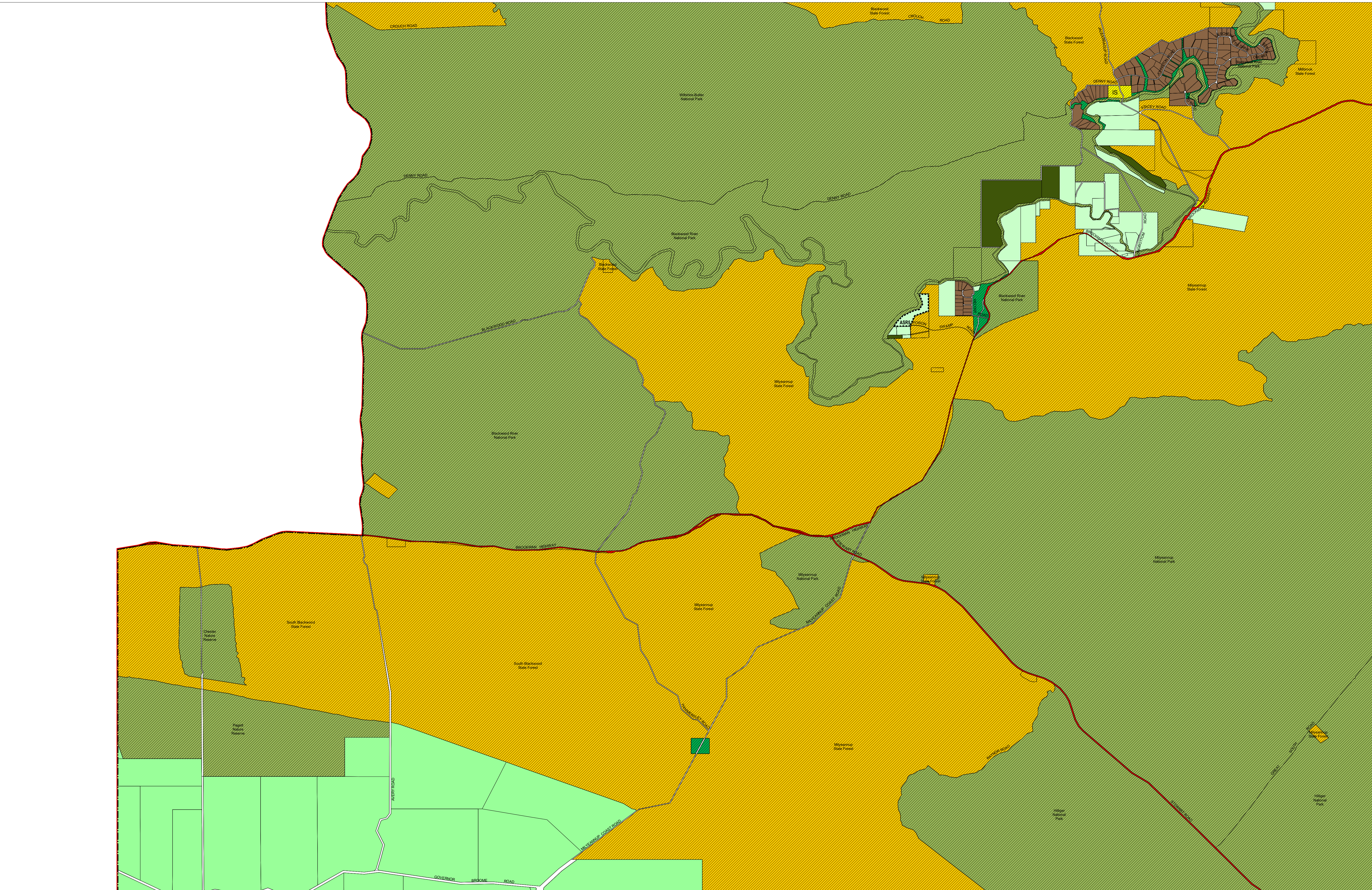
Commercial	Rural Residential
Environmental Conservation	Rural Smallholdings
General Industry	Special Use
Priority Agriculture	Tourism
Residential	Urban Development
Rural	

**OTHER CATEGORIES**

Scheme Area Boundary	SCA3 Special Control Area - Flood Prone Area
Local Government Boundary	SCA4 Special Control Area - Public Drinking Water Source Area
R Codes	SCA5 Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer)
Additional Uses/Additional Uses Reserves	SCA6 Special Control Area - Heritage
Additional Site Requirements	SCA7 Special Control Area - General (Landscape Values Area)
SCA1 Special Control Area - Development Control Area/Plan (Monaghan Street)	
SCA2 Special Control Area - Development Control Area/Plan (Nannup Townsite Character)	

VERSION No 1





**LEGEND**

**LOCAL SCHEME RESERVES**

Civic and Community	Cemetery
Cultural Facilities	Education
Drainage/Waterway	Government Services
Environmental Conservation	Infrastructure Services
Primary Distributor Road	Medical Services
Regional Distributor Road	Recreational
Local Road	Railways
Public Open Space	State Forest
Public Purposes	

**LOCAL SCHEME ZONES**

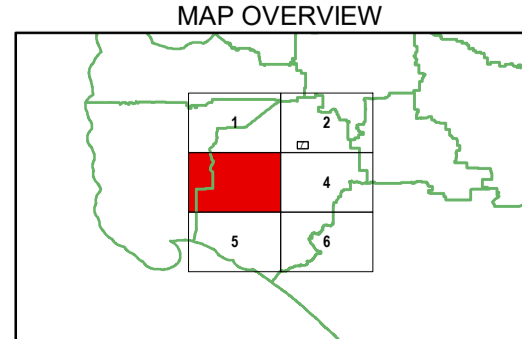
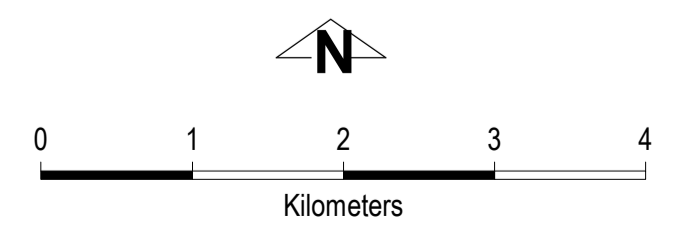
Commercial	Rural Residential
Environmental Conservation	Rural Smallholdings
General Industry	Special Use
Priority Agriculture	Tourism
Residential	Urban Development
Rural	

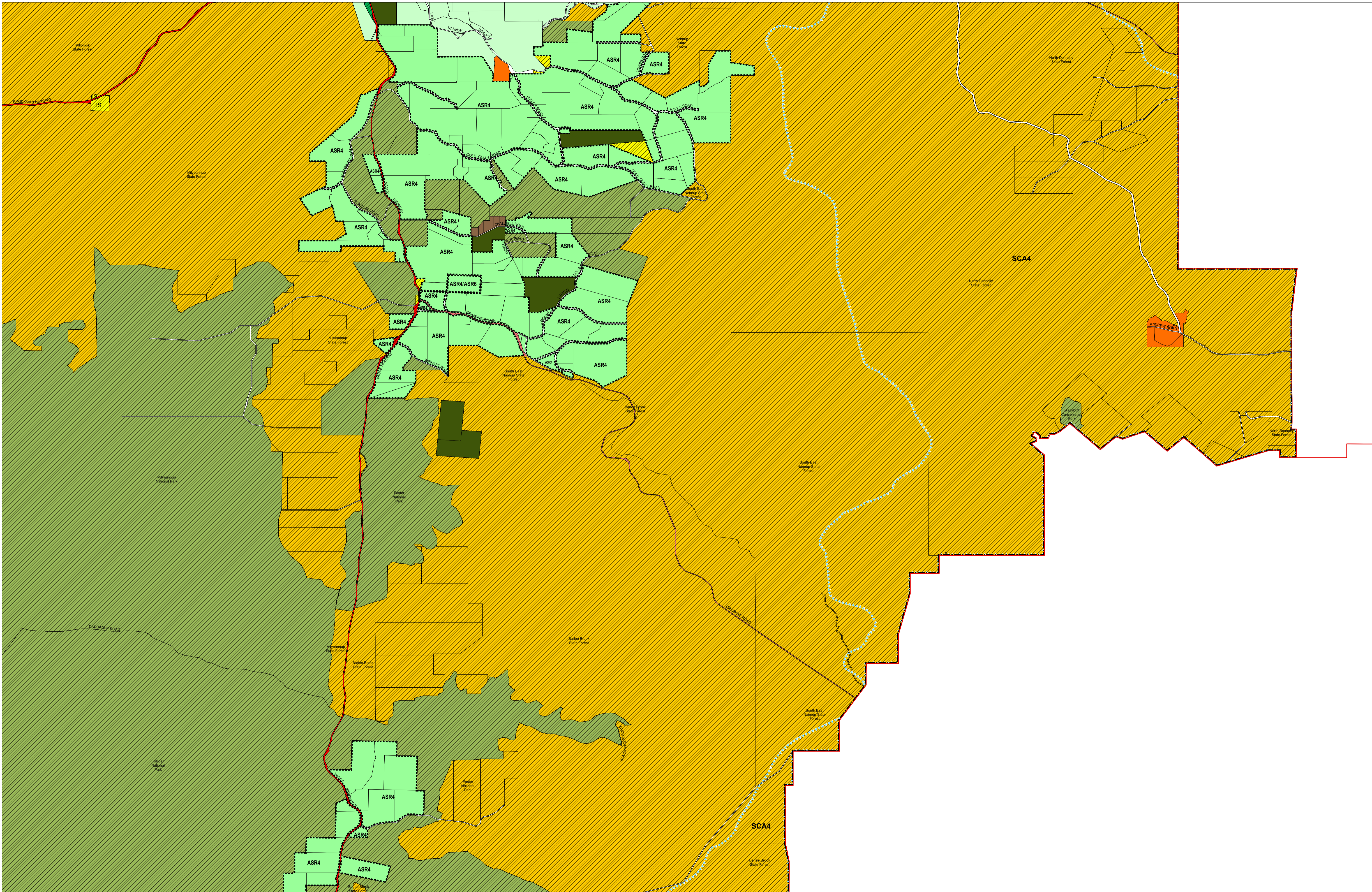
**OTHER CATEGORIES**

Scheme Area Boundary	SCA3 Special Control Area - Flood Prone Area
Local Government Boundary	SCA4 Special Control Area - Public Drinking Water Source Area
R Codes	SCA5 Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer)
Additional Uses/Additional Uses Reserves	SCA6 Special Control Area - Heritage
Additional Site Requirements	SCA7 Special Control Area - General (Landscape Values Area)
Special Control Area - Development Control Area/Plan (Monaghan Street)	
Special Control Area - Development Control Area/Plan (Nannup Townsite Character)	

VERSION No 1

**DRAFT**  
**Shire of Nannup**  
 Local Planning Scheme No. 4  
 (District Scheme)





**LEGEND**

**LOCAL SCHEME RESERVES**

Civic and Community	Cemetery
Cultural Facilities	Education
Drainage/Waterway	Government Services
Environmental Conservation	Infrastructure Services
Primary Distributor Road	Medical Services
Regional Distributor Road	Recreational
Local Road	Railways
Public Open Space	State Forest
Public Purposes	

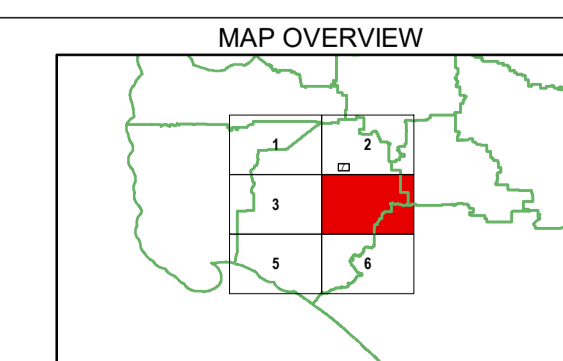
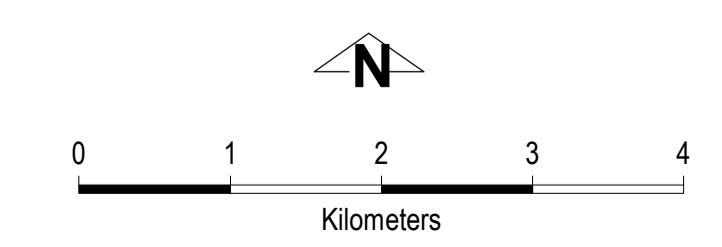
**LOCAL SCHEME ZONES**

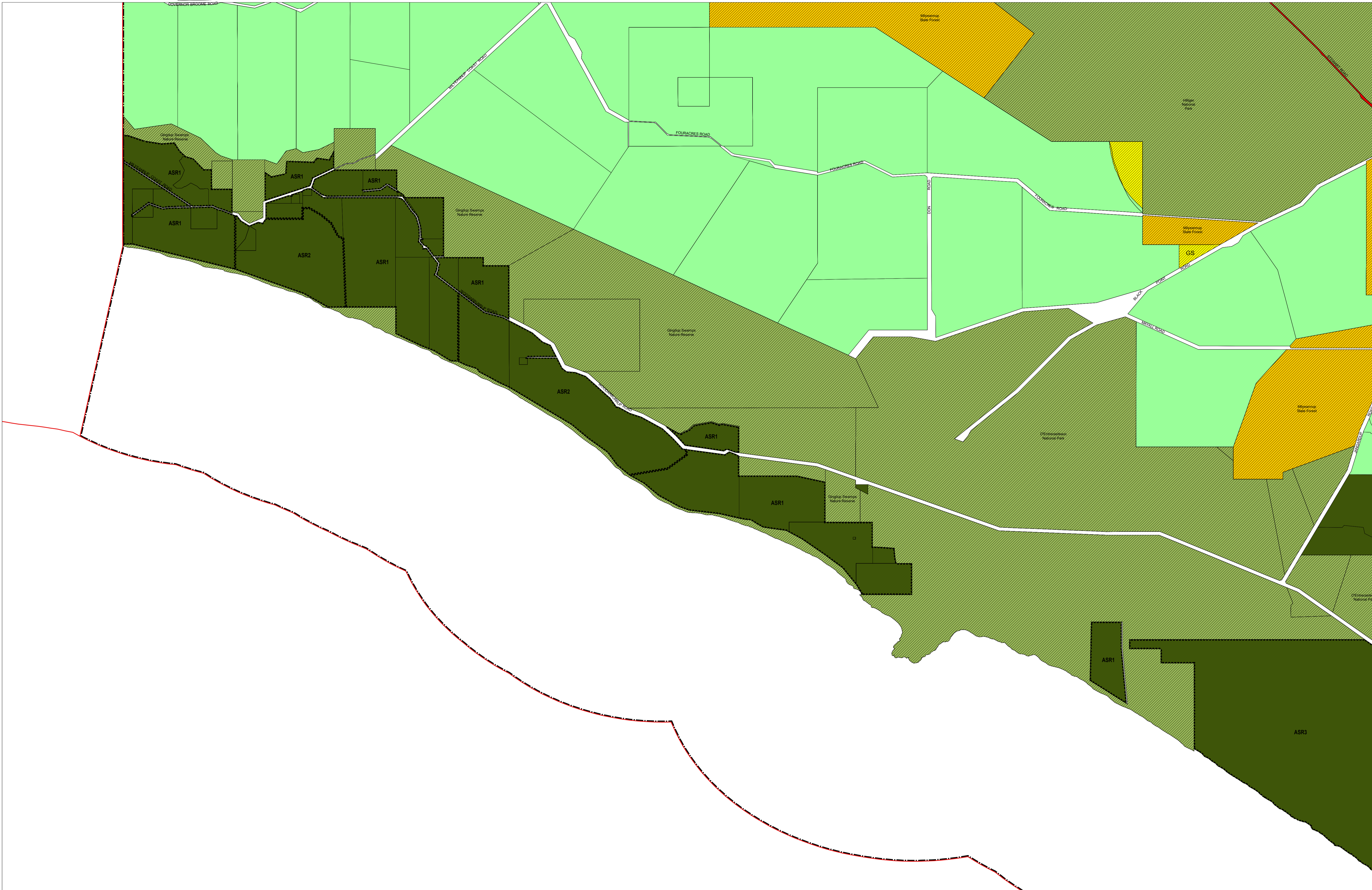
Commercial	Rural Residential
Environmental Conservation	Rural Smallholdings
General Industry	Special Use
Priority Agriculture	Tourism
Residential	Urban Development
Rural	

**OTHER CATEGORIES**

Scheme Area Boundary	Special Control Area - Flood Prone Area
Local Government Boundary	Special Control Area - Public Drinking Water Source Area
R Codes	Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer)
Additional Uses/Additional Uses Reserves	Special Control Area - Heritage
Additional Site Requirements	Special Control Area - General (Landscape Values Area)
Special Control Area - Development Control Area/Plan (Monaghan Street)	
Special Control Area - Development Control Area/Plan (Nannup Townsite Character)	

VERSION No 1





**LEGEND**

**LOCAL SCHEME RESERVES**

- |                            |                         |
|----------------------------|-------------------------|
| Civic and Community        | Cemetery                |
| Cultural Facilities        | Education               |
| Drainage/Waterway          | Government Services     |
| Environmental Conservation | Infrastructure Services |
| Primary Distributor Road   | Medical Services        |
| Regional Distributor Road  | Recreational            |
| Local Road                 | Railways                |
| Public Open Space          | State Forest            |
| Public Purposes            |                         |

**LOCAL SCHEME ZONES**

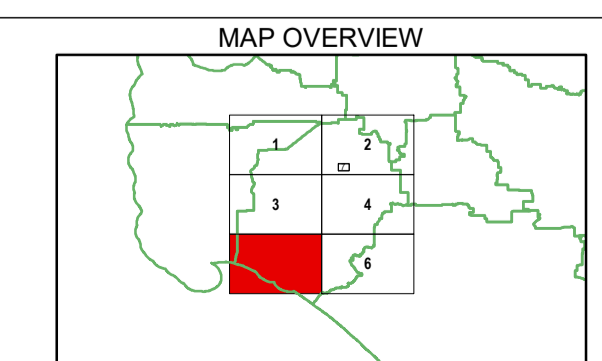
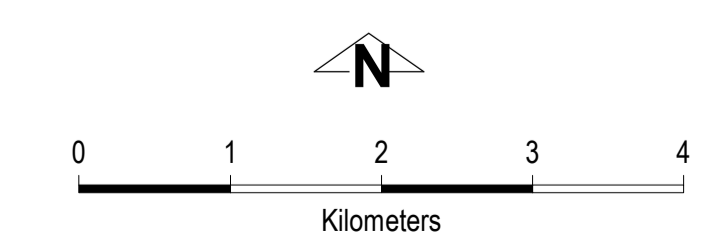
- |                            |                     |
|----------------------------|---------------------|
| Commercial                 | Rural Residential   |
| Environmental Conservation | Rural Smallholdings |
| General Industry           | Special Use         |
| Priority Agriculture       | Tourism             |
| Residential                | Urban Development   |
| Rural                      |                     |

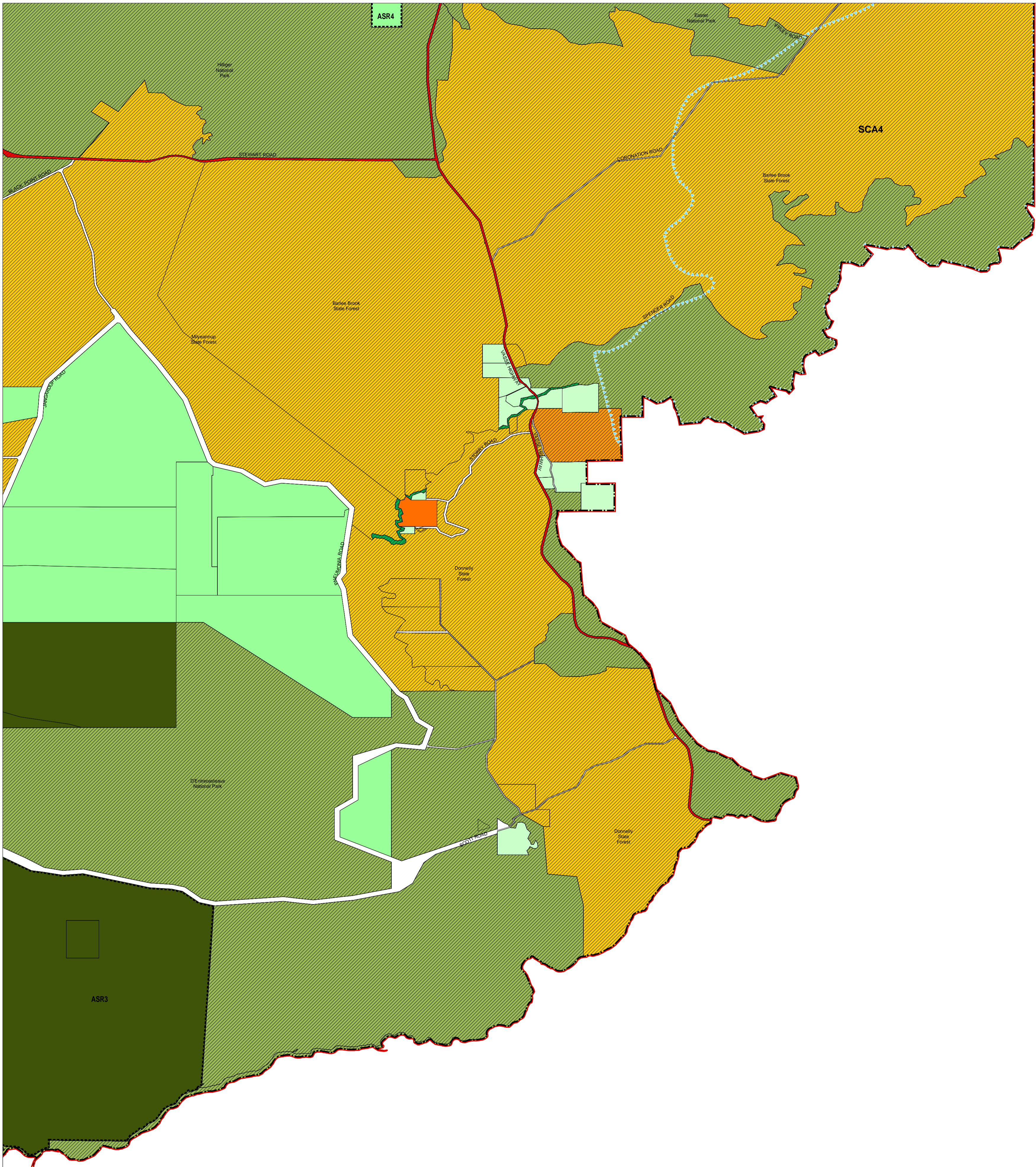
**OTHER CATEGORIES**

- |  |  |
|--|--|
| Scheme Area Boundary   | Special Control Area - Flood Prone Area                                    |
| Local Government Boundary  | Special Control Area - Public Drinking Water Source Area                   |
| R Codes  | Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer) |
| Additional Uses/Additional Uses Reserves   | Special Control Area - Heritage  |
| Additional Site Requirements   | Special Control Area - General (Landscape Values Area)                     |
| Special Control Area - Development Control Area/Plan (Monaghan Street)           |  |
| Special Control Area - Development Control Area/Plan (Nannup Townsite Character) |  |

VERSION No 1

**DRAFT**  
**Shire of Nannup**  
 Local Planning Scheme No. 4  
 (District Scheme)





### LEGEND

#### LOCAL SCHEME RESERVES

- |                            |                         |
|----------------------------|-------------------------|
| Civic and Community        | Cemetery                |
| Cultural Facilities        | Education               |
| Drainage/Waterway          | Government Services     |
| Environmental Conservation | Infrastructure Services |
| Primary Distributor Road   | Medical Services        |
| Regional Distributor Road  | Recreational            |
| Local Road                 | Railways                |
| Public Open Space          | State Forest            |
| Public Purposes            |                         |

#### LOCAL SCHEME ZONES

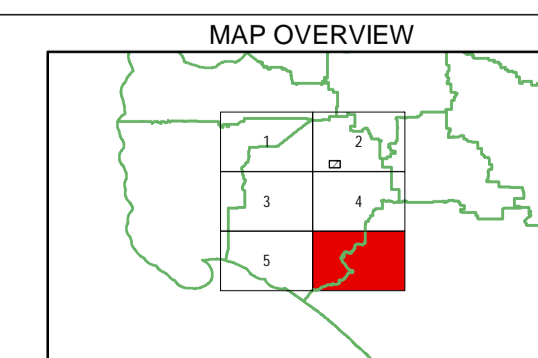
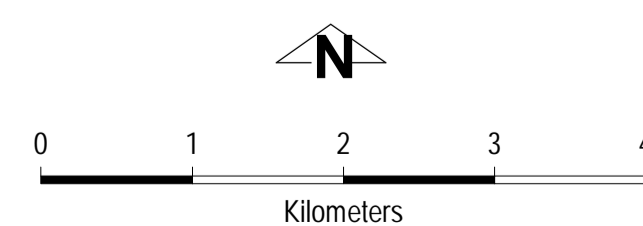
- |                            |                     |
|----------------------------|---------------------|
| Commercial                 | Rural Residential   |
| Environmental Conservation | Rural Smallholdings |
| General Industry           | Special Use         |
| Priority Agriculture       | Tourism             |
| Residential                | Urban Development   |
| Rural                      |                     |

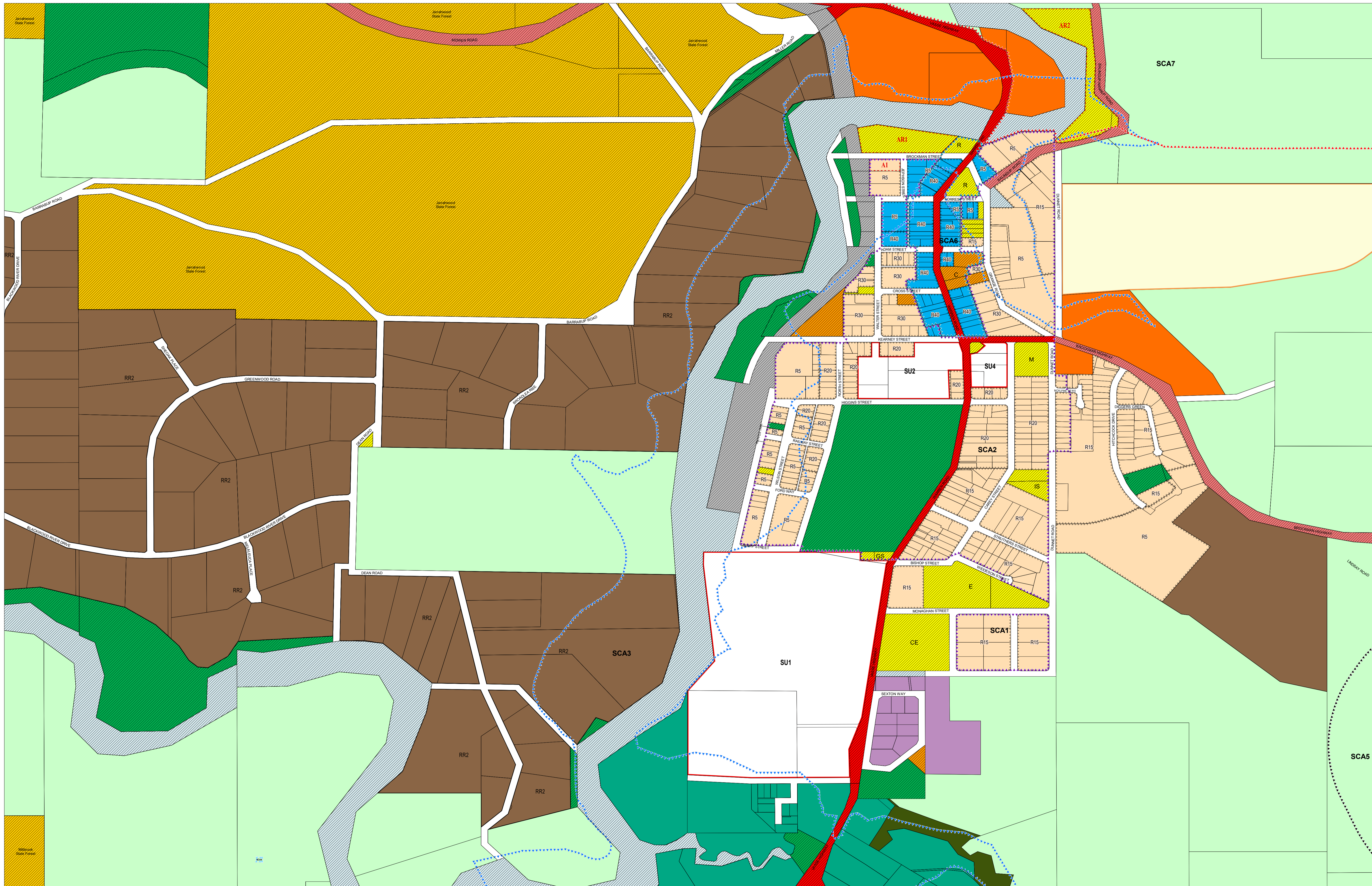
#### OTHER CATEGORIES

- |  |  |
|--|--|
| Scheme Area Boundary   | Special Control Area - Flood Prone Area                                    |
| Local Government Boundary  | Special Control Area - Public Drinking Water Source Area                   |
| R Codes  | Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer) |
| Additional Uses/Additional Uses Reserves   | Special Control Area - Heritage  |
| Additional Site Requirements   | Special Control Area - General (Landscape Values Area)                     |
| Special Control Area - Development Control Area/Plan (Monaghan Street)           |  |
| Special Control Area - Development Control Area/Plan (Nannup Townsite Character) |  |

VERSION No 1

**DRAFT**  
**Shire of Nannup**  
 Local Planning Scheme No. 4  
 (District Scheme)





**LEGEND**

**LOCAL SCHEME RESERVES**

- |                            |                         |
|----------------------------|-------------------------|
| Civic and Community        | Cemetery                |
| Cultural Facilities        | Education               |
| Drainage/Waterway          | Government Services     |
| Environmental Conservation | Infrastructure Services |
| Primary Distributor Road   | Medical Services        |
| Regional Distributor Road  | Recreational            |
| Local Road                 | Railways                |
| Public Open Space          | State Forest            |
| Public Purposes            |                         |

**LOCAL SCHEME ZONES**

- |                            |                       |
|----------------------------|-----------------------|
| Commercial                 | RR1 Rural Residential |
| Environmental Conservation | Rural Smallholdings   |
| General Industry           | SU1 Special Use       |
| Priority Agriculture       | Tourism               |
| Residential                | Urban Development     |
| Rural                      |                       |

**OTHER CATEGORIES**

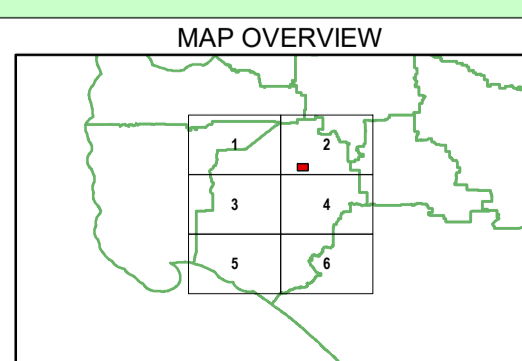
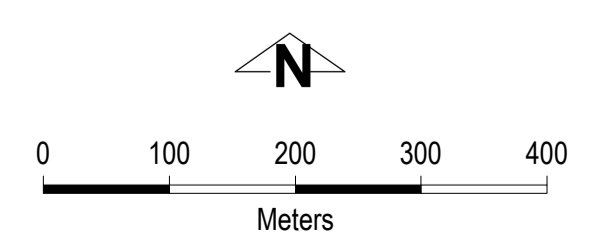
- |  |   |
|--|---|
| Scheme Area Boundary   | SCA3 Special Control Area - Flood Prone Area                                    |
| Local Government Boundary  | SCA4 Special Control Area - Public Drinking Water Source Area                   |
| R Codes  | SCA5 Special Control Area - Infrastructure (Waste Water Treatment Plant Buffer) |
| Additional Uses/Additional Uses Reserves   | SCA6 Special Control Area - Heritage  |
| Additional Site Requirements   | SCA7 Special Control Area - General (Landscape Values Area)                     |
| Special Control Area - Development Control Area/Plan (Monaghan Street)           |   |
| Special Control Area - Development Control Area/Plan (Nannup Townsite Character) |   |

VERSION No 1



Produced by GeoSpatial Research and Modelling,  
Department of Planning, Lands and Heritage.  
Base Information Supplied by the Western Australian  
Land Information Authority, SLIP 1096-2018-1  
Horizontal Datum - Geocentric Datum of Australia 1994

**Shire of Nannup**  
Local Planning Scheme No. 4  
(District Scheme)



Authorised: T.Servaas  
Plot Date: 04 June 2021  
G.Gazette: N/A

Local Planning Scheme Map No. 7 of 7  
MAP: Nannup Townsite

**DRAFT**  
**Shire of Nannup**  
Local Planning Scheme No. 4  
(District Scheme)

Attachment 11.4.2

SHIRE OF NANNUP RECEIVED	
Ref: _____	No: _____
13 JUL 2021	
Officer: _____	

Planning and Development Act 2005

SUBMISSION FORM  
DRAFT SHIRE OF NANNUP LOCAL PLANNING SCHEME No. 4

To: Chief Executive Officer – Shire of Nannup

Name: Matthew Whyte  
 Organisation/Company: Development WA (if applicable)  
 Postal Address: Locked Bag 5 Perth Business Centre WA 6489  
 Email: matthew.whyte@developmentwa.com.au  
 Phone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile: 0417 919 321

State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.

No direct interest - Government Agency

ADDRESS OF PROPERTY AFFECTED (if applicable) Include lot number and nearest street intersection.

N/A

SUBMISSION (Provide your comments in full and any arguments to support them (attach additional pages if necessary).

Development WA does not propose any amendments to the Draft Local Planning Scheme No. 4

We trust the process will have + supports future development in the Shire of Nannup

Date: 30/6/21

Signature: M. Whyte





Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**  
**Resource and Environmental Regulation**

Your ref TPL1  
Our ref A0152/202101  
Enquiries Steven Batty — 9222 3104  
Steven.BATTY@dmirs.wa.gov.au

David Taylor  
Chief Executive Officer  
Shire of Nannup  
Sent by Email — nannup@nannup.wa.gov.au  
PO Box 11 Nannup WA 6275

SHIRE OF NANNUP RECEIVED	
Ref: <u>TPL1</u>	No: _____
<b>29 JUL 2021</b>	
Officer: <u>Jane</u>	_____

**Attention:** Jane Buckland

Dear Mr Taylor

**SHIRE OF NANNUP - INVITATION TO COMMENT - DRAFT LOCAL PLANNING SCHEME NO 4**

Thank you for your letter dated 24 June 2021 inviting comment on the draft Local Planning Scheme No 4 - Shire of Nannup.

The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

DMIRS lodges no objections to the above Local Planning Scheme No 4.

Yours sincerely

Dr Steven Batty  
Senior Geologist — Land Use Planning  
Minerals and Petroleum Resources Directorate

29/07/2021

**Jane Buckland**

---

**From:** wayne reed <waynefreed@hotmail.com>  
**Sent:** Thursday, 5 August 2021 8:28 PM  
**To:** Jane Buckland  
**Subject:** SHIRE OF NANNUP LPS NO 4

Hi Jane

I have read through the draft document together with the Local Planning Strategy document referred to in clause 7 (2).

I expect my following comments are well covered in both documents but for the sake of interest make the following comments as a relative newcomer to Nannup.

My comments are primarily directed to Clauses 9 (d) (e) (j) and (m) in the Draft LPC No 4 draft. To assist in meeting the aims in these subclauses of serviced and suitable land....for commercial purposes, tourist development, attractive living environments, services and amenities and service viability. And additional from the LPS: employment.

Steps that may assist to achieve some of the above:

1. Convenience Store. Not open after 12 on Saturdays leaving many tourists and some locals inconvenienced.
2. The Pub. Needs a major overhaul for both locals and tourists.
3. Restaurant. Critical that the current Brewery opens asap.

For the big picture and for a major impact that would satisfy all or most of the clauses referred to earlier is to encourage the development and operation of a world class restaurant here in Nannup. It's a huge challenge but if created and meets the world standard criteria people would travel from all over the world to visit. I recommend reviewing the following restaurants to see what I am referring to:

Celler de Can Roca. Girona Spain. 2 sittings per day probably 60 pax at each and most would stay 2 nights in Girona.

Arzac San Sebastian Spain. Owner comment "I am embarrassed that you people come from all over the world to eat my food"

The French Laundry. Yountville (Napa) California.

Noma. Copenhagen.

Try and get a booking? Most take bookings exactly to the day a year in advance if you can get through.

These are just a few and the spin off to their communities is huge in employment, tourism, accommodation, supplies etc etc. Maybe a bit ambitious for Nannup but a great restaurant and a great pub with great food and service will bring a lot of people to town.

Hope this is useful.

Regards

Wayne

**Jane Buckland**

---

**From:** Librarian  
**Sent:** Wednesday, 18 August 2021 4:09 PM  
**To:** Jane Buckland  
**Subject:** FW: Your ref: TPL1 - Draft Shire of Nannup Local Planning Scheme No. 4

Kind regards

**Customer Service Officer**



15 Adam Street / PO Box 11 Nannup WA 6275  
P: 9756 1018  
[www.nannup.wa.gov.au](http://www.nannup.wa.gov.au)

---

**From:** DFES Land Use Planning <advice@dfes.wa.gov.au>  
**Sent:** Wednesday, 18 August 2021 3:29 PM  
**To:** ShireofNannup <nannup@nannup.wa.gov.au>  
**Cc:** iane@nannup.wa.gov.au  
**Subject:** Your ref: TPL1 - Draft Shire of Nannup Local Planning Scheme No. 4

**DFES Ref: D21401**

Dear Ms Buckland,

refer to your email dated 30 June 2021 in relation to the referral of Draft Local Planning Scheme No. 4.

It is unclear from the documentation provided what the scope of changes are, and whether the Shire of Nannup has applied *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7) to this proposal.

Exemptions from the requirements of SPP 3.7 should be applied pragmatically by the decision maker and are identified in Planning Bulletin 111/2016.

SPP 3.7 seeks to reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.

A Bushfire Management Plan (BMP) is typically required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or areas with a bushfire hazard level above low (refer to clause 6.2b). A BMP includes the bushfire assessment, identification of the bushfire hazard issues arising from the relevant assessment and a clear demonstration that compliance with the bushfire protection criteria contained within Appendix 4 of these Guidelines, is or can be achieved.

The BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of detail increases. The level of detail provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application.

Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the Shire's endorsement of the Planning Scheme.

Land Use Planning staff are available to discuss planning proposals and provide general bushfire advice at any stage of the planning process. Please do not hesitate to contact me on the number below, should you require clarification of any of the matters raised.

Kind regards



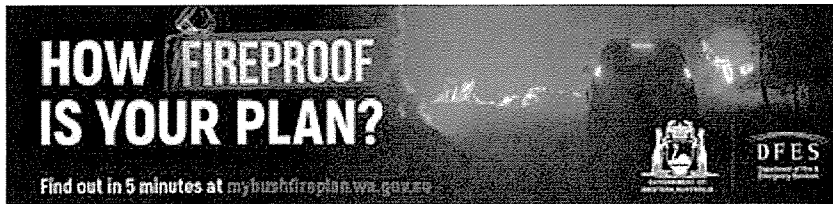
**Joel Gajic**  
Senior Land Use Planning Officer | Land Use Planning

DFES Land Use Planning | Emergency Services Complex | 20 Stockton Bend Cockburn Central WA 6164 | PO Box P1174 Perth WA 6844  
T : 9395 9739 E: [advice@dfes.wa.gov.au](mailto:advice@dfes.wa.gov.au) | W: [dfes.wa.gov.au](http://dfes.wa.gov.au)



**DFES**  
Department of Fire & Emergency Services

FOR A SAFER STATE





Department of **Planning,  
Lands and Heritage**



Your ref: TPL1  
Our ref: PLH00109-48690  
Enquiries: Karen Jackson (08) 6552 4150

Chief Executive Officer  
Shire of Nannup  
[nannup@nannup.wa.gov.au](mailto:nannup@nannup.wa.gov.au)

Attention: Jane Buckland

Dear Sir

#### **DRAFT SHIRE OF NANNUP LOCAL PLANNING SCHEME NO 4**

Thank you for your letter dated 24 June 2021 on draft Shire of Nannup Local Planning Scheme No 4 (LPS4), which was referred to the Heritage Council under the provisions of Section 79 of the *Planning and Development Act 2005*.

The proposed Scheme has been considered for its potential impact on heritage places within the Scheme area, and the following comments are given:

- The Aims of the Scheme include the recognition and protection of places considered to be important to the heritage of the Shire, which is a positive aspect.
- The Heritage List established under the former Scheme will continue under this Scheme, and is taken to be the heritage list established under Part 3 Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should you have any queries regarding this advice please contact Karen Jackson at [karen.jackson@dplh.wa.gov.au](mailto:karen.jackson@dplh.wa.gov.au) or on 6552 4150.

Yours faithfully

  
Adelyn Siew  
Director Heritage Development

6 September 2021



Department of  
Primary Industries and  
Regional Development



Your reference: TPL1  
Our reference: LUP 1116  
Enquiries: Leon van Wyk

David Taylor  
Chief Executive Officer  
Shire of Nannup  
PO Box 11  
NANNUP WA 6275  
[nannup@nannup.wa.gov.au](mailto:nannup@nannup.wa.gov.au)

9 September 2021

Dear Mr Taylor

**COMMENT: Draft Shire of Nannup - Local Planning Scheme No. 4 – Invitation to comment**

Thank you for the opportunity to comment on the Draft Shire of Nannup Local Planning Scheme No. 4.

The Department of Primary Industries and Regional Development (DPIRD) acknowledges that most of the land in the Shire of Nannup is either State Forest or land reserved for Environmental Conservation. The small amount of cleared land must be managed carefully to ensure on-going, sustainable agricultural production of this land.

DPIRD has provided specific comments relating to the Draft Local Planning Scheme No.4 in Attachment 1.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or [leon.vanwyk@dpird.wa.gov.au](mailto:leon.vanwyk@dpird.wa.gov.au).

Yours sincerely

Dr Melanie Strawbridge  
Director Agriculture Resource Management and Assessment  
Sustainability and Biosecurity

1 Nash Street East Perth 6004  
Locked Bag 4 Bentley Delivery Centre 6983  
Telephone +61 (0)8 9368 3333 [landuse.planning@dpird.wa.gov.au](mailto:landuse.planning@dpird.wa.gov.au)  
[dpird.wa.gov.au](http://dpird.wa.gov.au)  
ABN: 18 951 343 745

## Attachment 1 – Feedback on the Shire of Nannup - Local Planning Scheme No. 4

### 9. Aims of Scheme (p4)

*'To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.'*

DPIRD agrees that it is important that rural land should be used for agricultural purposes and other activities can be introduced if it is a supplementary use that does not negatively affect or stop the intended agricultural use.

### 16. Zones (p7)

#### Priority Agriculture

*'To retain priority agricultural land for agricultural purposes.'*

DPIRD supports this statement.

*'To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.'*

DPIRD agrees with this statement as it is very important to properly scrutinise possible sensitive uses to ensure that it does not negatively impact existing or potential future agricultural production.

#### Rural

*'To protect broad acre agricultural activities such as cropping and grazing, and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.'*

DPIRD agrees that other compatible uses can be accommodated, but it is very important that these uses must remain a secondary use.

### 52. Development of tourist uses (p25)

*'The following provisions apply to Holiday Accommodation and Holiday House land uses on land zoned Priority Agriculture, Rural, Rural Residential, Rural Smallholdings and Environmental Conservation -*

- (a) A maximum of 6 dwellings used to provide short-term accommodation, or a total occupancy of 24 people, whichever is the greater.*

*(b) Notwithstanding Clause 52 (1)(a), on land zoned Rural Residential, a maximum of 3 dwellings used to provide short-term accommodation, or a total occupancy of 12 people, whichever is the greater.*

*(c) The local government will not support any further dwelling entitlements used for short-term accommodation than specified in Clause 52 (1) (a) and (b), until such time as the land is rezoned to Tourism zone.*

*(d) Prior to any development approval being granted for the development referred to in sub clause (1)(a) or (b), the applicant will be required to demonstrate that the proposed development:*

*(i) will not have any adverse effect on rural production activities on the subject land or nearby land; and*

*(ii) will result in the retention and enhancement of existing vegetation on the land and that the visual and rural character of the property will not be adversely affected (a) Holiday accommodation in the Rural zone shall be:'*

Agriculture should be the primary use on Priority Agriculture and Rural zoned land and holiday accommodation should therefore be a secondary use on rural lots. It is very important to ensure that the existing and potential future agricultural uses are not negatively affected by holiday accommodation.

#### 62. Priority Agriculture and Rural Zone requirements (p28)

*'(1) In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will, adversely impact upon the land's agricultural potential or productivity, biodiversity values, natural resources or landscape values.*

*(2) Subdivision will only be considered in accordance with the Western Australian Planning Commission's Development Control Policy 3.4: Subdivision of rural land and there is a general presumption against the further subdivision of land in the Rural and Priority Agriculture zones.*

*(3) The existence of a second dwelling on a rural lot is not considered justification for subdivision.*

*(4) The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.'*

DPIRD agrees with these statements regarding the subdivision of rural land.



**Jane Buckland**

---

**From:** Jane Buckland  
**Sent:** Friday, 17 September 2021 1:29 PM  
**To:** Jane Buckland  
**Subject:** FW: SUBMISSION - Nannup Scheme 16.09.2021  
**Attachments:** Nannup Scheme 16.09.2021.docx

Kind regards,

Jane Buckland  
Development Services Officer



Adam Street, Nannup, WA  
PO Box 11, Nannup, WA 6275  
P: 9756 1018 . F: 9756 1275.  
[www.nannup.wa.gov.au](http://www.nannup.wa.gov.au)

---

**From:** Brendan Kelly <brendan.kelly@dwer.wa.gov.au>  
**Sent:** Thursday, 16 September 2021 2:00 PM  
**To:** ShireofNannup <nannup@nannup.wa.gov.au>  
**Subject:** SUBMISSION - Nannup Scheme 16.09.2021

16 September 2021

Our Reference: DWERT903~19

To: Chief Executive Officer, Shire of Nannup

From: Department of Water and Environmental Regulation

Attention: Jane Buckland

Re: Draft Shire of Nannup Local Planning Scheme 4

Dear Jane,

Thank you for referring the Draft Shire of Nannup Local Planning Scheme 4 (LPS4) for the Department of Water and Environmental Regulation (the Department) to consider.

Attached is a table of comments for your consideration.

Please contact Brendan Kelly on 97264194 for further information.

Brendan Kelly  
Senior Natural Resource Management Officer  
Department of Water & Environmental Regulation,  
Planning Advice, South West Region  
Telephone: 08 97264194 | Mobile: 0407219515  
Email: [brendan.kelly@dwer.wa.gov.au](mailto:brendan.kelly@dwer.wa.gov.au)

*Work days are Tuesday, Wednesday, Thursday, however I am available on the mobile most times.*

**Attachment 1 - Department of Water and Environmental Regulation comments on the draft Shire of Nannup Local Planning Scheme 4.**

Page/Section	Topic	Issue	Suggested changes
Parts 1, 2, 3			No Comment on this model text
Part 4 'General Development Standards'			
Part 4 p.16-32	(New heading) 'Drainage'	There is no specific heading 'Drainage' in the General Development Standards (GDS) of TPS4. Consider the insertion of a new section that allows for the provision of 'Drainage' <b>Insert &gt;</b>	<b>xx. Drainage</b>  <ol style="list-style-type: none"> <li>1. The Local Government requires that structure plans include efficient drainage that manages stormwater and the volume, timing, and quality of runoff.</li> <li>2. Structure plan conditions may include the removal of pollutants and nutrients from surface water and groundwater discharges from the subject land in accordance with the 'Decision process for stormwater management in Western Australia, DWER, 2017'.</li> </ol>
Part 4 p.18, s.37	'Landscaping'	There is no reference to water supply in the GDS <b>insert &gt;</b>	s.37(iv) landscaping is to be fully reticulated, <b>with an identified secure water supply</b> , and maintained to the satisfaction of the local government;
Part 4 p.21, s.44	'Workforce accommodation'	Water supply and waste water disposal require attention, particularly where the accommodation may not have reticulated services available. <b>Insert &gt;</b>	s.44(1) Applications for development approval for workforce accommodation shall address the following, to the satisfaction of the local government – <b>(h) a suitable water supply and adequate wastewater disposal capability</b>

Page/Section	Topic	Issue	Suggested changes
Part 4 p.21-22, s.46	'Tree Farms'	Trees use more water than annual crops and absorb more rainfall than pastures, potentially resulting in reductions in stream flows and groundwater <b>Insert &gt;</b>	2) The following matters are to be considered when determining applications for development approval of tree farms - c) protection of existing water courses, <b>impacts on stream flows and groundwater resources</b> , vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;
Part 4 p.23-24, s.48	'Vegetation protection'	There is no specific messaging for ecological (vegetation) linkages <b>insert &gt;</b>	s.48(4) The local government will, when presented with an application to clear land, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed, <b>the nature of the vegetation as an ecological linkage</b> and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land, or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a detrimental environmental, amenity or landscape impact.
Part 4 p.24, s.49	'Waterway resource management and protection'	The title 'Waterway resource management and protection' does not include all water resources, as 'waterway' is exclusive. <b>Modify title &gt;</b> The Shire should consider amending this text to include groundwater <b>insert &gt;</b> Water Management Plans must be	49. Waterway resource management and protection (becomes) <b>49. Water resource management and protection</b> (1) Development proposals that <del>may</del> have <b>the</b> potential to impact on the State's water resources <b>shall</b> be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water <b>source</b> , management and protection issues. (2) In considering any development <b>application</b> which may have an impact on any waterway, including rivers, creeks, drainage lines, <del>swamps and other</del> <b>and</b> wetlands, <b>groundwater, or significant water-dependent ecosystems</b> , the local government shall have regard to - (a) managing water balance;

Page/Section	Topic	Issue	Suggested changes
		developed concurrent with Bushfire Management Plans, to prevent conflict.	<p>(b) maintaining and where possible enhancing water quality;</p> <p>(c) encouraging water conservation and water sensitive design;</p> <p>(d) maintaining and where possible enhancing water related environmental values, recreational and cultural values.</p> <p>(e) the protection of vegetation corridors, agricultural production, and mitigation of erosion.</p> <p>(3) The local government may require proponents, or other agreed party, to:</p> <p>(a) prepare a foreshore management plan, drainage and nutrient management plans, strategy or other document to manage impacts of proposed development and subdivision, and will require the proponent, or other agreed party, to</p> <p>(b) appropriately implement the plan or strategy to the satisfaction of the local government,</p> <p>The aforementioned plans must be developed concurrently with a 'Bushfire Management Plan'.</p>
Part 4 p.24-25, s.51	'Building envelopes'	Include reference to the 'relevant Government range Policy' insert >	s.51(2)(c) minimises the removal of remnant vegetation, provides a suitable area for on-site effluent disposal (if applicable) to meet the requirements of the relevant Government Sewerage Policy, complies with any fire management requirement and minimises erosion and the visual prominence of future buildings.
Part 4 p.26, s.54	'Potable water supply'  (new heading) 'Non-potable water supply'	There is no reference to non-potable water in the GDS. Consider the insertion of a new section that allows for the provision of 'Non-potable water supply' Insert >	<p><b>xx. Non-potable water supply</b></p> <ol style="list-style-type: none"> <li>1. The local government may approve the use of fit-for-purpose (non-potable) water, wastewater recycling and reuse.</li> <li>2. A 'Water Supply Plan' shall identify a secure fit-for-purpose water supply that conserves potable water, minimises wastewater and promotes re-use of all forms of water, including stormwater.</li> </ol>

Page/Section	Topic	Issue	Suggested changes
Part 4 'Zone Development Standards' p.27-28, s.60	'Environmental Conservation zone'	Include reference to the relevant Government Sewerage Policy <b>insert &gt;</b>	60(5) Development and associated effluent disposal systems <b>that comply with the relevant Government Sewerage Policy</b> shall be setback from watercourses, wetlands and environmental assets in order to protect the sensitive environment of the area.
Part 4 p.28-29, s.62	'Priority Agriculture and Rural Zone requirements'	Include a reference to water resources <b>insert &gt;</b> Consider the use of 'potable'	(1) In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will, adversely impact upon the land's agricultural potential or productivity, <b>water resources</b> , biodiversity values, natural resources or landscape values.  6(c) the local government is satisfied that adequate provision can be made for the supply of <b>potable and</b> domestic water and for the disposal of sewage from the additional dwelling/s; and
<b>Part 5 'Special Control Areas'</b>			
Part 5 p.33-35, Table 11	SCA3 - Flood Prone Land	Reference to the 'Blackwood River Flood Study 1983' becomes redundant <b>change &gt;</b>  N.B. floodplain mapping for the Blackwood River in Nannup is in the process of being updated, the 1983 mapping will be superseded once it is finalised.	2(c) "For land identified by the Blackwood River Flood Study 1983 as being within the 5% AEP flood level..." now to read: <b>"For land identified by the latest floodplain mapping available as being within the 5% AEP flood level... "</b>
Part 5 p.35-36, Table 11	SCA4 – Public Drinking Water Source Area	DWER has developed draft text for special	<b>SCA4 - Public Drinking Water Source Areas</b>

Page/Section	Topic	Issue	Suggested changes
		<p>control areas, including Public Drinking Water Source Areas. The Shire may wish to consider replacing the existing text. <b>Replace &gt;</b></p> <p>NOTE: Draft LPS 4 states (in part of the purpose of SCA 4): “To protect existing <u>and</u> <u>future</u> public drinking water sources”. Future drinking water supply areas would not (as yet) have been identified or mapped as SCA’s.</p>	<p><b>1. Purpose</b> To identify and protect public drinking water source areas.</p> <p><b>2. Objective</b></p> <ul style="list-style-type: none"> <li>a. Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use.</li> <li>b. Identify land that has been designated as a public drinking water source area.</li> <li>c. Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area.</li> </ul> <p><b>3. Additional provisions</b></p> <ul style="list-style-type: none"> <li>a. All development in the special control area requiring planning approval shall be subject to the Local Government’s discretion, notwithstanding that the use may be permitted elsewhere in the Scheme.</li> <li>b. The Local Government shall refer all applications for planning approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as ‘compatible with conditions’ or ‘incompatible’ in the relevant priority classification in the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</li> <li>c. Notwithstanding the land use permissibility set out in Table One – Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply.</li> </ul>

Page/Section	Topic	Issue	Suggested changes
			<p>d. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the special control area, the Local Government shall have due regard to:</p> <ul style="list-style-type: none"> <li>i. State Planning Policy 2.9 Planning for Water and associated guidelines.</li> <li>ii. Advice received from the Department of Water and Environmental Regulation.</li> <li>iii. Compliance with the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</li> <li>iv. Recommendations of the relevant drinking water source protection report or land use and water management strategy.</li> <li>v. The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development.</li> <li>vi. The retention of native vegetation and protection of wetlands and waterways.</li> <li>vii. The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</li> </ul> <p>e. Development must be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</p>
Part 5 p.36, Table 11	SCA5 – Infrastructure Area - Waste Water Treatment Plant Buffer	The WWTP operates as Registration No. 1381, under 'Environmental Protection Act, 1986'. If the Nannup townsite the WWTP exceeds the 100 tonnes per annum Category production or design capacity	<p>3. In considering any development application, the local government shall have regard to -</p> <ul style="list-style-type: none"> <li>a) the Water Corporation's advice in relation to compatible land uses within the SCA5; <del>and</del></li> <li>b) the potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant; <del>and</del></li> <li>c) the requirements of the 'Environmental Protection Act 1986' and Schedule 1 of the 'Environmental Protection Regulations 1987'</li> </ul>

Page/Section	Topic	Issue	Suggested changes
		<p>licensing threshold for a Category 61 liquid waste facility, it will require licensing. This is likely to occur (if not already).</p> <p>Insert&gt;</p>	
Part 6 – ‘Terms referred to in Scheme’			No Comment on this model text
Schedule A - Supplemental provisions to the deemed provisions			
Schedule A p.48, Clause 61(1)(v)	Dams	<p>Whereas setbacks from a property boundary vary from LG to LG, appropriate setbacks should apply to ensure dam infrastructure can be constructed without affecting the amenity of neighbouring property. If a dam setback is to be relaxed it must also allow for vehicular access, firebreaks to be constructed and site specific requirements.</p> <p>Replace &gt;</p>	<p>Dams where the external foot of the dam wall, and any other part of the dam including the stored water is further than <del>10 metres</del> <b>20 metres</b> from boundaries of the subject lot.</p>



Page/Section	Topic	Issue	Suggested changes
Schedules 1 - 4			No Comment on this model text
Schedule 5 – 'Additional Uses in Scheme Area'			
p.58, Table, A1	Flood	Additional text <b>insert &gt;</b>	1. New development is to take account and mitigate against flood <b>risks as identified by the latest floodplain mapping available.</b>
Schedule 6 – 'Special Use Zones in Scheme Area'			
p.60, Table, SU3	Special us condition	Government Sewerage Policy applies	The local government will require as a condition of development approval that all habitable buildings shall be connected to a wastewater treatment system <b>that complies with the relevant Government Sewerage Policy</b> <del>with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table.</del>
General comment (if required)		The Department of Water and Environmental Regulation welcomes discussion on any of the above submission, please contact Brendan Kelly on 97264194	

The Chief Executive Officer  
Shire of Nannup  
Po Box 11  
Nannup, WA, 6275



**martin richards**  
town planning · urban design  
21a northgate street  
karrinyup, wa, 6018  
ph. 0437 204 595  
martin@mrplanning.com.au  
ta/ impact urban design  
abn. 69 142 676 030

Our Ref: C014/Ltr02-DAD

1 October 2021

Dear Sir,

Att: Ms Jane Buckland

**RE: DRAFT LOCAL PLANNING SCHEME NO. 4.**  
**LOT 501 BROCKMAN HIGHWAY NANNUP.**

On behalf of the owners of the above property, we are pleased to submit on the Shire's Draft Local Planning Scheme No. 4 ("LPS4") as it relates to Lot 501 Brockman Highway, Nannup.

The purpose of this submission is to ensure that the property is appropriately zoned pursuant to LPS4 such that it can be developed for tourist related purposes. To this extent, the following information is provided.

**Property Details.**

The property is described as Lot 501 on Deposited Plan 302117 on Certificate of Title Volume 1213, Folio 636. The registered proprietors are Perry Joseph and Jill Annette Coleman both of 72 Bayview Crescent, Dunsborough, WA, 6281.

Lot 501 is 28.8098 hectares in area with a frontage to Brockman Highway of approximately 394 metres.

## **Location and Land Use.**

Lot 501 is located on the northern side of Brockman Highway, approximately 1.5 kilometres south-east of the town of Nannup's CBD.

The property has been previously cleared of native vegetation and put to use as a pine tree plantation, forming part of 'Folly's Plantation'. The north-eastern portion of the property also includes an arboretum, which is thought to contain a number of rare pine species.

A large dam of approximately 5 hectares surface area has been constructed in the south-eastern portion of the property. A smaller dam (approximately 0.55 hectares surface area) occupies the south-western extremity of the site. Both dams are used solely for recreational and ornamental purposes and neither fulfills any irrigation or any other agricultural purpose.

The larger dam was commissioned by one of the previous owners of the property.

A 1.8m high (approx.) revegetated earth bund has been constructed adjacent to the southern boundary of the property to provide privacy and noise attenuation to the site.

In August 2020 the Shire of Nannup issued an approval for the development of a single dwelling on the property. The dwelling is a modern, single storey, two bedroom, two bathroom house located on the southern edge of the larger dam. Access to the house is provided from Brockman Highway.

There are no other significant improvements on the property.

## **Topography.**

The property generally rises from the southern portions from 85 metres AHD (Coinciding with the dams) to a maximum height of 135 metres AHD adjacent the central northern and western boundaries.

The Dry Brook, a tributary of the Blackwood River occupies a re-entrant in the central eastern portion of the property, forming a distinct valley in the north-eastern portion of the site.

The maximum height of the elevation forming the eastern portion of the property is 125 metres AHD.

Slopes over much of the property not occupied by the two dams are relatively steep, with gradients generally ranging from 1:2.5 to 1:5.

Two distinct plateaus occupy areas in the northern and north-western portions of the property. These plateaus are approximately 1.5 and 0.7 hectares in area respectively.

## **Flora and Fauna.**

According to an assessment undertaken by Dr. David Deeley, the Site contains approximately 5 hectares of remnant native vegetation, comprising medium woodland; marri (2.31ha) and medium forest; jarrah-marri (2.67ha).

The predominant pine plantation occupying the property provides little opportunity for native species habitat or feeding, however it is anticipated that any development potentially impacting on the remnant native vegetation described above will attract the requirement for a Carnaby's cockatoo (*Calyptorhynchus latorostris*) feeding habitat survey.

## **Heritage.**

The property contains a registered Department of Aboriginal affairs, being;

- Place\_ID: 20434
- Place\_Name: Blackwood River
- Legacy\_ID:
- Status: Registered Site
- Type: Mythological
- Region: Southern
- Restrictions: No Gender Restrictions
- File Restricted: No
- Location Restricted: No
- Protected\_Area: No
- Protected\_Area\_Gazetted\_Date: 18991230
- National\_Estate\_Area:
- Duplicate\_ID: Contact DAA for list of duplicate Places
- Boundary\_Last\_Update\_Date: 20110905.

This Site traverses the southern portion of the property, essentially running parallel with Brockman Highway. A significant portion of the registered site is contained within the existing dams.

It is understood that the registered site does not preclude development or occupation of the affected area. It is anticipated however that meaningful consultation with the local indigenous community will be a precursor to development and that interpretive development and appropriate acknowledgements will be employed.

## **Land Capability.**

The soils of the property comprise Bridgetown steep slopes phase (255LvBT5), typically comprising a relief of 100 – 180m with slopes of between 15 – 50%. These soils are

loamy earths and have a relatively high risk of phosphorus leaching and erosion, due to the steep slopes, and a medium risk of limited microbial purification.

The capacity of the property to accommodate on-site effluent disposal is primarily constrained by the presence of water courses (The Dry Brook) and bodies (the two dams) and the steep slopes occupying much of the site.

Aurora Environmental, however, has undertaken a comprehensive site analysis and identified those areas of the site suitable for onsite effluent disposal in terms of primary units, primary units that will require engineered design, secondary units, secondary units that require engineered design and areas unsuitable for on-site effluent disposal.

### **Agricultural Capability.**

Given the steep slopes and relatively small size of the property, together with the effects that prolonged pine occupation has on soil quality, it is considered that the site has very limited sustainable or viable agricultural potential.

### **Bushfire Management.**

Working on Fire (Dr David Deeley) has prepared a comprehensive Bushfire Management Plan and BAL Assessment for the property which has confirmed that the development of the site for tourist accommodation and activities can be made to comply with the requirements of the State's bushfire management guidelines.

The assessments undertaken by Dr Deeley concluded that many areas of the site are problematic from a bushfire management perspective, primarily due to steep slopes, and identified those areas of the property suitable for development, i.e., those that could achieve an appropriate BAL rating.

To achieve suitable BAL ratings for development areas, modification to the existing vegetation (pines) will be required, and exposed slopes stabilised. However,

disturbance to remnant native vegetation will not be necessary for the implementation of the Bushfire Management Plan.

### **Existing Statutory Framework.**

The property is currently zoned 'Future Development' pursuant to the Shire's current Local Planning Scheme No. 3 ('LPS3'). This zoning provides for the property's development (and/or subdivision) subject to a Structure Plan being adopted and endorsed by the Shire (Clause 3.2, Table 1 – Zoning Table and Schedule 10 of the Scheme).

The material effect of this zoning is to enable the Shire to consider any use which it deems sustainable and urban in nature (Clause 3.2 of the Scheme), subject to the 'zones' and requirements of an endorsed Structure Plan.

The Shire's recently introduced Local Planning Strategy (November 2018) includes the property in the 'Rural' land use classification. Part 5.4 S72) of the Strategy essentially requires that any tourism development of scale (more than six chalets or accommodation exceeding 24 people (other than for camping)) in this land use classification be subject to an amendment to the local planning scheme.

### **Proposed Statutory Framework – Draft Shire of Nannup Local Planning Scheme No. 4.**

The Shire's draft Local Planning Scheme No. 4 proposes to effectively rezone Lot 501 Brockman Highway from 'Future Development' (LPS 3) to 'Rural' (LPS4).

'Tourist Development' is listed as a use not permitted in the Rural zone under LPS4 and accordingly such a zoning will preclude the opportunities for development currently available to the property under the existing planning framework. In particular, in the absence of an amendment to the future Scheme, the development of the site to a high quality and comprehensive tourism development cannot be approved by the Shire.

#### **Proposed Modification to Draft Local Planning Scheme No. 4.**

It is respectfully requested that the Shire of Nannup modify LPS4 to include Lot 501, Brockman Highway, Nannup in the 'Tourism' zone.

Such a modification will facilitate the development of the property into a high quality, unique and comprehensive tourism development in keeping with the site's proximity to the town centre of Nannup and its rural environs. It will also retain many, but not all, the development opportunities available to the property under the existing planning framework.

#### **Proposed Development – Development Scenario.**

The owners of Lot 501 intend developing the site into a high-quality tourist complex offering a range of activities, accommodation types and experiences, catering to a wide range of budgets and expectations.

The facilities provided will be implemented to build upon, enhance and exploit the existing infrastructure and physical characteristics of the property. In particular, the large dam will form the central cornerstone and focus for future development, whilst the

At this stage, the precise nature of the development is yet to be finally determined, requiring considerable market research and further analysis of the tourism industry in a post Covid 19 market.

It is envisaged however that the future development of Lot 501 could incorporate the following tourism focused elements;

- A boat house complex and integrated, interconnected boardwalk and platform system on the large dam.
- Central facilities and reception building with integrated restaurant/café and bar overlooking the large dam and enjoying a northerly aspect.



- Waterside serviced apartments.
- Waterside luxury villas.
- Manager's residence.
- A cabin/tiny house village (short stay only) with central facilities.
- Hill top interconnected villas with shared plunge pools, outdoor kitchen facilities etc.
- A zipline connecting the various nodes and terminating at the main central facilities building.
- A lodge overlooking manicured gardens offering quality and affordable accommodation, function facilities etc. ideally suited to business conferences, weddings etc.
- Chalets ideally suited to families and family & friend groups, school groups, international/interstate tourist package groups etc.
- An integrated walk path system encouraging pedestrian movement throughout the site.
- Rehabilitation of the south western corner of the property, incorporating interpretive walk tracks focusing on heritage, history and nature, shelters, picnic areas and BBQ facilities and viewing platforms.
- Brewery, distillery and/or gallery overlooking the large dam.
- Fishing, canoeing etc. on the large dam.

## **Proposed Structure Plan.**

In accordance with the requirements of the existing Local Planning Scheme, a Structure Plan is currently being finalised for Lot 501.

The Structure Plan identifies those areas suitable for future tourism development, those that require rehabilitation, development exemption areas, internal and external access and servicing arrangements, permissible forms and scale of development, development setbacks, vegetated areas to be retained, the registered heritage site and the existing arboretum and provides a suite of provisions intended to inform the development application and implementation process.

The provisions stipulate suitable types and form of development, the additional assessments required and matters to be addressed to support any development application, requirements for management and implementation plans, built form and servicing arrangement requirements etc. It is anticipated that these will be refined through further negotiation with the Shire following lodgement of the Structure Plan.

The preparation of the Structure plan has been supported by the following assessments;

- Bushfire Management Plan and BAL assessment.
- Land Capability Assessment.
- Cultural Assessment.
- Environmental overview.
- Servicing Assessment.
- Visual Impact Assessment.

It is considered appropriate that the Structure Plan be adopted as an instrument that primarily guides future development to appropriate areas of the site, with detailed analysis being required at the development application stage, when the exact nature, form and scale of the proposed development is settled upon.

The Structure Plan will be formally lodged with the Shire of Nannup in the near future; to be considered under the existing planning framework, and as such is anticipated to be finalised prior to the gazettal of Local planning Scheme No. 4.

### **Conclusion.**

It is respectfully requested that the Shire of Nannup resolve to modify it's draft Local Planning Scheme No. 4 to include Lot 501 Brockman Highway, Nannup in the 'Tourism' zone.

The property is ideally located just 1.5 kilometres south-east of the Nannup town centre for a comprehensive, integrated and high-quality tourism development which caters to a wide variety of budgets and expectations. It is also easily accessible, being on Brockman Highway, and will undoubtedly, once developed, represent the jewel in the crown of Nannup's many tourism offerings.

Planning for this exciting opportunity has progressed through careful consideration and detailed analysis of the various opportunities and constraints presented by Lot 501 and lodgement of a Structure Plan consistent with the requirements of the current Scheme is imminent.

In anticipation of the Structure Plan being endorsed, the proposed Rural zoning of the site under draft Local Planning Scheme No. 4 would ultimately render the Structure Plan non-compliant and potentially in conflict with the Scheme.

Notwithstanding the uses and development permitted by the Structure Plan, the Council may find it unable to legitimately approve such uses if they are prohibited by the Scheme. Such uncertainty will undoubtedly stifle further development and investment.

We trust the above and attached information is sufficient for you to competently consider this submission. Any other information that you require can be provided on request.

Should you have any queries, or require further information, please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Richards', written over a large, stylized, looping flourish.

**Martin Richards**  
Principal

**Rehabilitation and Heritage Conservation Area**

- a. Rehabilitation and conservation works within this area to comply with the Heritage Conservation Plan (Previous/old) and a Landscape Management Plan prepared to the satisfaction of the State of Newswa.
- b. Appropriate recreational facilities may include, inter alia, walk paths, viewing platforms, rest shelters, interpretive signage and informal picnic and BBQ areas.

**Development Nodes A and B**

- a. Appropriate uses include, inter alia, cabins, tiny house village, villa's, recreational facilities, boutique resort, guest house and lodge.

**Development Node C**

- a. Appropriate uses include, inter alia, cabins, tiny house village, villa's, recreational facilities, reception centre, boutique resort, guest house and lodge.

**Development Node D**

- a. Appropriate uses include, inter alia, boat houses, central recreation, restaurant, resort, motel units, serviced apartments, brewery, distillery, gallery, managers' and owners' residences, boardwalks, recreational fishing, aquaculture and passive water-based recreational activities.

**Buffer Protection Zone (BPZ)**

- a. The BPZ is to be implemented and maintained in accordance with the Buffer Management Plan, the Development and Infrastructure Staging Plan and a Landscape Management and Land Substitution Plan approved by the State of Newswa.

**Vegetation Retention Area (VRA)**

- a. The VRA is to be implemented and maintained in accordance with the Buffer Management Plan, the Development and Infrastructure Staging Plan and a Landscape Management Plan approved by the State of Newswa.

**Registered Site - Aboriginal Heritage**

- a. Prior to the commencement of any development within Development Node D a Heritage Conservation Plan shall be prepared in consultation with the Department of Planning, Lands and Heritage and the local Aboriginal community to ensure development within and adjacent to the Registered Site (ID: 20434) recognises and respects the heritage value of the Registered Site.

**Aborethem**

- a. Prior to the commencement of any development in or adjacent to, this area a tree survey shall be undertaken to determine the presence and cultural significance of any rare pine species. A suitable management plan shall be prepared to the satisfaction of the State of Newswa should any proposed development be likely to impact on any culturally significant species found.



Lot 501, Brockman Highway

**Draft Structure Plan - Development Concept**

Nannup



Scale : 1:2,000 @ A1

Client: P Coleman  
 Design: Martin Richards  
 Drawn: MR  
 Drawing No.: P014/CDP/01/G  
 Date: 08 January 2020

As shown on this drawing, the client's approval is required for all works.

Revision	Description	Date
A	Boundaries	13/01/20
B	BM's, Sillings, Aborethem & Provision	24/01/20
C	Provisional servicing (services)	30/01/20
D	Provisional update	06/04/20
E	Provisional update, Owners' residences, BPZ, aborethem, topographic recording, BPZ, aborethem, Village recording, Villa's recording, Emergency Access, BM's, Aborethem, VRA, paths	01/05/20
F	Dwelling, Recreational Serviced Apartments	11/05/20
G	Remove UFS, Catholic Church	20/11/20

**martin richards**  
 town planning · urban design  
 21a northgate street  
 karinyup, wa, 6018  
 0437 204 595  
 martin@mrplanning.com.au  
 abn 69 142 646 630



Separation from Water Resources: On-site Effluent Disposal (SOURCE: Government Sewerage Policy, 2009.)		
Resource	Distance Requirement	Comment
Wellhead protection zone or on Crown land within a reservoir protection zone	Not to be located within zone	Not applicable to subject land
High water mark of a reservoir	100 m	Not applicable to subject land
Bore used for public drinking water supply	100 m	Not applicable to subject land
Private bore used for household/ drinking water purposes	30 m	Not applicable to subject land
Waterway or significant wetland and not within a waterway foreshore area or wetland buffer	100 m (30 m for secondary treatment)	See 100 m setback line for primary treatment, minimum 30 m setback for secondary treatment.
Drainage system that discharges directly into a waterway or significant wetland without treatment	100 m (30 m for secondary treatment)	Design drainage infrastructure at development application stage to prevent direct discharge into the Dry Brook.
Area subject to inundation and/or flooding in a 10% Annual Exceedance Probability (AEP) rainfall event	Not to be located within flood prone area	Except for immediately adjacent to The Dry Brook, flood risk is low.
Groundwater - Vertical Separation for leach drain/ irrigation areas		
Public drinking water source area	2 m	Not applicable
Sewage sensitive area	1.5 m	Not applicable
All other areas	0.6 - 1.5 m depending on soil type and the type of treatment system used.	This site has loams and heavier soils so at least 0.6m separation for treated irrigated waste water/ leach drains is recommended.

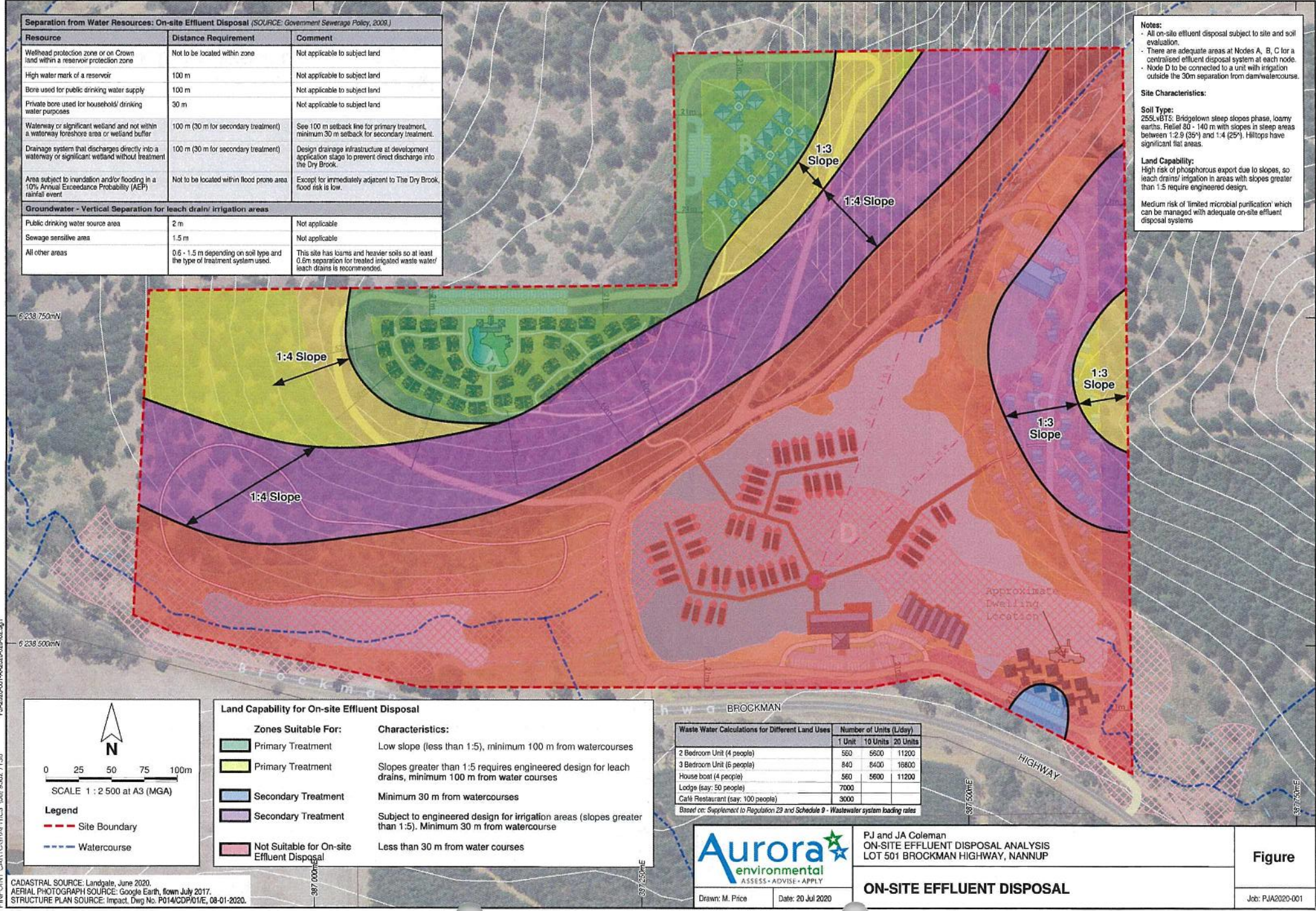
**Notes:**

- All on-site effluent disposal subject to site and soil evaluation.
- There are adequate areas at Nodes A, B, C for a centralised effluent disposal system at each node.
- Node D to be connected to a unit with irrigation outside the 30m separation from dam/watercourse.

**Site Characteristics:**

**Soil Type:**  
25SLvB15: Bridgetown steep slopes phase, loamy earths. Relief 80 - 140 m with slopes in steep areas between 1:2.5 (35°) and 1:4 (25°). Hilltops have significant flat areas.

**Land Capability:**  
High risk of phosphorous export due to slopes, so leach drains/ irrigation in areas with slopes greater than 1:5 require engineered design.  
Medium risk of 'limited microbial purification' which can be managed with adequate on-site effluent disposal systems



6 238 750mN  
6 238 500mN

PINPOINT CARTOGRAPHICS 081 9667 7138

0 25 50 75 100m  
SCALE 1 : 2 500 at A3 (MGA)

**Legend**

- Site Boundary
- Watercourse

**Land Capability for On-site Effluent Disposal**

Zones Suitable For:	Characteristics:
Primary Treatment	Low slope (less than 1:5), minimum 100 m from watercourses
Primary Treatment	Slopes greater than 1:5 requires engineered design for leach drains, minimum 100 m from water courses
Secondary Treatment	Minimum 30 m from watercourses
Secondary Treatment	Subject to engineered design for irrigation areas (slopes greater than 1:5). Minimum 30 m from watercourse
Not Suitable for On-site Effluent Disposal	Less than 30 m from water courses

**Waste Water Calculations for Different Land Uses**

	Number of Units (L/day)		
	1 Unit	10 Units	20 Units
2 Bedroom Unit (4 people)	560	5600	11200
3 Bedroom Unit (6 people)	840	8400	16800
House boat (4 people)	560	5600	11200
Lodge (say: 50 people)	7000		
Cafe/ Restaurant (say: 100 people)	3000		

Based on: Supplement to Regulation 29 and Schedule 9 - Wastewater system loading rates

**Aurora**  
environmental  
ASSESS - ADVISE - APPLY

Drawn: M. Price      Date: 20 Jul 2020

PJ and JA Coleman  
ON-SITE EFFLUENT DISPOSAL ANALYSIS  
LOT 501 BROCKMAN HIGHWAY, NANNUP

**ON-SITE EFFLUENT DISPOSAL**

**Figure**

Job: PJA2020-001

CADASTRAL SOURCE: Landgate, June 2020.  
AERIAL PHOTOGRAPH SOURCE: Google Earth, flown July 2017.  
STRUCTURE PLAN SOURCE: Impact, Dwg No: P014/CDP/01/E, 08-01-2020.



Your Ref: TPL1  
Our Ref: F-AA-17670 D-AA-21/21 288120  
Contact: Franziska Marian 9222 2000

David Taylor  
Chief Executive Officer  
Shire of Nannup  
PO Box 11  
Nannup WA 6275

Attention: Jane Buckland

Via email: jane@nannup.wa.gov.au.

Dear Mr Taylor

## PROPOSED DRAFT LOCAL PLANNING SCHEME No.4 -SHIRE OF NANNUP

Thank you for your letter of 24 June 2021 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:

### 1. **Water Supply and Wastewater Disposal**

The DOH has no objection to the proposed Local Planning Scheme subject to the proposed developments are required to connect to scheme water, reticulated sewerage (if available) and be in accordance with the *Government Sewerage Policy 2019*.

For on-site wastewater disposal systems to be approved, a 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547) is required. A detailed 'site-and-soil evaluation' (SSE) is required to determine:

- appropriate treatment technologies and on-site wastewater disposal management systems;
- establish performance standards/criteria and
- determine management and monitoring options

### 2. **Public Health Impacts**

The Shire of Nannup should also use this opportunity to minimise potential negative impacts of the increased density development such as noise, odour, light and other lifestyle activities.

To minimise adverse impacts on the residential component, the Shire of Nannup could consider incorporation of additional sound proofing/insulation, double glazing on windows or design aspects related to location of air conditioning units and other



appropriate building/construction measures such as ensuring adequate ventilation requirements for wet areas.

Further design elements that should be considered include:

- A range of quality public open spaces should be provided to contribute towards the recreation, physical activity, health and social needs of the community.
- Parks and open spaces should be located within walking distance of most residents along well-lit connected routes and be co-located with other community facilities to encourage access by walking or cycling.
- The design of parks and open space and the infrastructure provided within them should cater for a variety of users to undertake a mix of activities that increase physical activity, provide access to healthy nutritious foods (through community gardens) and prevent injury.

### **3. Medical Entomology**

The Shire of Nannup is located in an area where the risk of mosquitoes and mosquito-borne diseases such as Ross River (RRV) and Barmah Forest (BFV) virus disease is largely unknown, although human cases of RRV disease have been reported from the Shire in the past 5 years. There may be seasonal mosquito breeding habitat within close proximity to future developments within the Shire. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed.

It is the recommendation of the DOH that any future developments under the Scheme be contingent upon a mosquito risk assessment and possibly a management plan. The risk assessment and management plan may include the following components:

- Risk assessment for nuisance and disease-carrying mosquitoes for the Development;
- Identification of major sources (breeding sites) of mosquitoes;
- Methods and feasibility of mosquito control;
- Environmental impacts and acceptability of proposed control options;
- Cultural approaches to mosquito control, and
- Ensuring ongoing resourcing of management and control programs.

Any future development under the Scheme must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:

- Changes to topography resulting from earthworks (e.g. the installation of pipelines, footpaths, roads etc) must prevent run-off from creating surface ponding as it may become mosquito breeding habitat;
- Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. Regular monitoring for mosquito larvae and treatment with larvicide may also be required;

- Waste items (tyres, drums and other water holding receptacles) should be filled with sand/soil; kept undercover or punctured to reduce the chances of these items holding water and becoming mosquito breeding habitat;
- Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, etc) must be located, designed and maintained so they do not create or contribute to mosquito breeding;
- Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, etc) may require regular monitoring and application of herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae, and
- The *Chironomid midge and mosquito risk assessment guide for constructed water bodies* (Midge Research Group, 2007) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised. This document, and other information on mosquito management, is available at: [https://ww2.health.wa.gov.au/Articles/J M/Mosquito-management](https://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management)

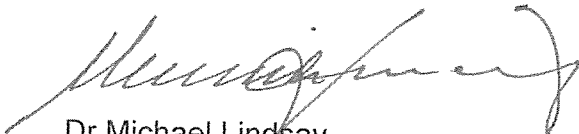
#### 4. **Land Use Planning for Natural Hazards**

A document '*Land Use Planning for Natural Hazards* can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and erosion. Available for download from:

<https://knowledge.aidr.org.au/resources/land-use-planning-for-natural-hazards-handbook/> .

Should you have any queries or require further information please contact Franziska Marian on 9222 2000 or [eh.eSubmissions@health.wa.gov.au](mailto:eh.eSubmissions@health.wa.gov.au)

Yours sincerely



Dr Michael Lindsay  
**EXECUTIVE DIRECTOR**  
**ENVIRONMENTAL HEALTH DIRECTORATE**

28 September 2021



Department of  
Education



Your ref: TPL1  
Our ref: D21/0548797  
Enquiries: Matthew Cosson – 9264 4008

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

Attention: Jane Buckland  
Development Services Officer

Dear Sir/Madam

#### Shire of Nannup Draft Local Planning Scheme No. 4

Thank you for your letter dated 24 June 2021 providing the Department of Education (Department) with the opportunity to comment on The Shire of Nannup's draft Local Planning Scheme No. 4 (LPS4). The Department has reviewed the information submitted in support of the amendment and wishes to provide the following comments:

##### Dwelling Projections

The Shire's Local Planning Strategy indicates that its population is projected to experience relatively slow growth (+250) through to 2030. The Department is satisfied that the current enrolment capacities of the existing schools within the area can accommodate for the additional number of students expected to be yielded from this growth.

Notwithstanding this, the Department will continue to monitor the situation to ensure that any unexpected growth can be adequately planned for in the future. The Department would therefore welcome the opportunity to work with the Shire to ensure that it can adequately deliver upon the future educational needs of the area.

##### Nannup District High School

The Department notes that the location of the Government Services – Education reservation for the Nannup District High School on the scheme maps for Local Planning Scheme No. 3 and draft LPS4 is incorrect. The reservation should apply to the entirety of Lot 500 on Deposited Plan 415399 and should not protrude into Lot 251 on Deposited Plan 412171. The Department requests that the scheme maps be amended to rectify this inaccuracy.

Subject to the consideration of the above matters, the Department offers no in principle objections to draft LPS4. Should you have any questions in relation to the above, please do not hesitate to contact Matthew Cosson, Senior Consultant – Land Planning on (08) 9264 4008 or by email at [matthew.cosson@education.wa.edu.au](mailto:matthew.cosson@education.wa.edu.au).

Yours sincerely

Ikmal Ahmad  
Manager Land and Property  
Asset Planning and Services

4 October 2021

## Attachment 11.4.3

### Draft Shire of Nannup Local Planning Scheme No. 4 Schedule of Submissions

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
1	<p><b>Development WA</b></p> <p>Locked Bag 5, Perth Business Centre WA 6485</p> <p>Matthew Whyte</p>	<p>No direct interest as a government agency.</p> <p>Does not propose any amendments to the Draft Local Planning Scheme No.4.</p>	That the submission be noted.	No modification to the Shire of Nannup Local Planning Scheme No. 4 (LPS4) is required.
2	<p><b>Department of Mines, Industry Regulation and Safety</b></p> <p>Locked Bag 100, East Perth WA 6892</p> <p>Dr Steven Batty Senior Geologist – Land Use Planning</p>	<p>Determines that the proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>No objections lodged.</p>	That the submission be noted.	No modification to LPS4 is required.
3	<p><b>Wayne Reed</b></p> <p><a href="mailto:waynefreed@hotmail.com">waynefreed@hotmail.com</a></p>	<p>Comments directed to Clauses 9 (d), (e), (j) and (m).</p> <p>Steps that may assist to achieve some of the above:</p> <ol style="list-style-type: none"> <li>1. Convenience store not open after 12pm on Saturdays leaving many tourists and some locals inconvenienced.</li> <li>2. The pub needs a major overhaul for both locals and tourists.</li> <li>3. It is critical that the brewery opens as soon as possible to provide another restaurant.</li> </ol> <p>Suggests that for the big picture and to satisfy all of the above noted clauses the development and operation of a world class restaurant in Nannup should be encouraged as people would travel from all over the world to visit.</p>	That the submission be noted.	No modification to LPS4 is required.
4	<p><b>Department of Fire and Emergency Services</b></p> <p>PO Box P1174, Perth WA 6844</p> <p>Joel Gajic</p>	<p>It is unclear from the documentation provided what the scope of changes are, and whether the Shire of Nannup has applied <i>State Planning Policy 3.7 – Planning in Bushfire Prone Area</i> (SPP3.7) to this proposal.</p> <p>Exemptions from the requirements of SPP3.7 should be applied pragmatically by the decision maker and are identified in Planning Bulletin 111/2016.</p>	<p>That the submission be noted.</p> <p>The matters raised by DFES have been addressed through the review of the Local Planning Strategy.</p>	No modification to LPS4 is required.

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
	Senior Land Use Planning Officer	<p>A Bushfire Management Plan (BMP) is typically required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or areas with a bushfire hazard level above low.</p> <p>The BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of details increases. The level of details provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application.</p> <p>Should SPP3.7 be applied then the Department requests the relevant information pursuant to this policy be forwarded to DFES to allow review and comment prior to the Shire's endorsement of the Planning Scheme.</p>	<p>Strategic level bushfire risks were addressed in the Local Planning Strategy (2018). This was informed by the Nannup Townsite Bushfire Hazard Level Assessment in 2016.</p> <p>Amongst matters, the Local Planning Strategy deleted various development investigation areas due to bushfire risks. The Local Planning Strategy supported a 'rounding off' approach to existing rural living areas, conditional on providing secondary access for emergency evacuation.</p> <p>LPS4 does not zone additional residential or rural residential land compared to LPS3. Accordingly, bushfire risks are not increased.</p>	
5	<p><b>Department of Planning, Lands and Heritage</b></p> <p>Locked Bag 2506, Perth WA 6001</p> <p>Adelyn Siew Director Heritage Development</p>	<p>The aims of the Scheme include the recognition and protection of places considered to be important to the heritage of the Shire, which is a positive aspect.</p> <p>The Heritage List established under the former Scheme will continue under this Scheme, and is taken to be the heritage list established under part 3 Clause 8 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>	That the submission be noted.	No modification to LPS4 is required.
6	<b>Department of Primary Industries and Regional Development</b>	Acknowledges that most of the land in the Shire of Nannup is either State Forest or land reserved for Environmental Conservation and that the small amount of	That the submission be noted.	No modification to LPS4 is required.

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
	<p>Locked Bag 4, Bentley Delivery Centre WA 6983</p> <p>Dr Melanie Strawbridge Director Agriculture Resource Management and Assessment</p>	<p>cleared land must be managed carefully to ensure on-going, sustainable agricultural production of this land.</p> <p><u>9. Aims of Scheme</u></p> <p><i>“To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.”</i></p> <p>DPIRD agrees it is important that rural land should be used for agricultural purposes and other activities can be introduced if it is a supplementary use that does not negatively affect or stop the intended agricultural use.</p> <p><u>16. Zones</u> Priority Agriculture</p> <p><i>“To retain priority agricultural land for agricultural purposes.”</i></p> <p>DPIRD supports this statement.</p> <p><i>“To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.”</i></p> <p>DPIRD agrees with this statement as it is very important to properly scrutinise possible sensitive uses to ensure that it does not negatively impact existing or potential future agricultural production.</p> <p>Rural</p> <p><i>“To protect broad acre agricultural activities such as cropping and grazing, and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.”</i></p> <p>DPIRD agrees that other compatible uses can be accommodated, but it is very important that these uses must remain a secondary use.</p> <p><u>52. Development of tourist uses</u></p> <p><i>“The following provisions apply to Holiday Accommodation and Holiday House land uses on land zoned Priority Agriculture, Rural, Rural Residential, Rural Smallholdings and Environmental Conservation –</i></p> <p>a) <i>A maximum of 6 dwellings used to provide short-term accommodation, or a total occupancy of 24 people, whichever is the greater.</i></p>		

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p>b) <i>Notwithstanding Clause 52(1)(a), on land zoned Rural Residential, a maximum of 3 dwellings used to provide short-term accommodation, or a total occupancy of 12 people, whichever is the greater.</i></p> <p>c) <i>The local government will not support any further dwelling entitlements used for short-term accommodation than specified in Clause 52(1)(a) and (b), until such time as the land is rezoned to Tourism zone.</i></p> <p>d) <i>Prior to any development approval being granted for the development referred to in sub clause (1)(a) or (b), the applicant will be required to demonstrate that the proposed development:</i></p> <p style="padding-left: 20px;">(i) <i>will not have any adverse effect on rural production activities on the subject land; and</i></p> <p style="padding-left: 20px;">(ii) <i>will result in the retention and enhancement of existing vegetation on the land ad that the visual and rural character of the property will not be adversely affected.”</i></p> <p>Agriculture should be the primary use on Priority Agriculture and Rural zoned land and holiday accommodation should therefore be a secondary use on rural lots. It is very important to ensure that the existing and potential future agricultural uses are not negatively affected by holiday accommodation</p> <p><u>62. Priority Agriculture and Rural Zone requirements</u></p> <p>1) <i>In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will adversely impact upon the land’s agricultural potential or productivity, biodiversity values, natural resources or landscape values.</i></p> <p>2) <i>Subdivision will only be considered in accordance with the West Australian Planning Commission’s Development Control Policy 3.4: Subdivision of rural land and there is a general presumption against the further subdivision of land in the Rural and Priority Agriculture zones.</i></p> <p>3) <i>The existence of a second dwelling on a rural lot is not considered justification for subdivision.</i></p> <p>4) <i>The local government will not recognise the existing historic pattern of subdivision in a locality as justification to support further subdivision.”</i></p> <p>DPRID agrees with these statements regarding the subdivision of rural land.</p>		
7	<b>Department of Water and Environmental Regulation</b>	<p><u>Part 4 General Development Standards</u></p> <p>There is no specific heading ‘Drainage’ in the General Development Standards (GDS) of TPS4. Consider the insertion of a new section that allows for the provision of ‘Drainage’ as follows:</p>	That the submission be noted.	No modification to LPS4 is required.

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
	PO Box 261, Bunbury WA 6231  Brendan Kelly Senior Natural Resource Management Officer	<p><b>xx. Drainage</b></p> <p>1) <b>The Local Government requires that structure plans include efficient drainage that manages stormwater and the volume, timing, and quality of runoff.</b></p> <p>2) <b>Structure plan conditions may include the removal of pollutants and nutrients from surface water and groundwater discharges from the subject land in accordance with the 'Decision process for stormwater management in Western Australia, DWER, 2017'.</b></p>		
		<p><u>Part 4 General Development Standards</u></p> <p><u>Landscaping</u></p> <p>There is no reference to water supply. Insert as indicated in <b>bold</b> type:</p> <p><i>s.37(iv) landscaping is to be fully reticulated, <b>with an identified secure water supply</b>, and maintained to the satisfaction of the local government;</i></p>	<p>That the submission be noted.</p>	<p>No modification to LPS4 is required.</p>
		<p><u>Part 4 General Development Standards</u></p> <p><u>Workforce Accommodation</u></p> <p>Water supply and waste water disposal require attention, particularly where the accommodation may not have reticulated services available. Insert as indicated in <b>bold</b> type:</p> <p><i>s.44(1) Applications for development approval for workforce accommodation shall address the following, to the satisfaction of the local government –</i></p> <p><b>h) a suitable water supply and adequate wastewater disposal capability</b></p>	<p>Support the change as suggested by DWER.</p>	<p>Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.</p>
		<p><u>Part 4 General Development Standards</u></p> <p><u>Tree Farms</u></p> <p>Trees use more water than annual crops and absorb more rainfall than pastures, potentially resulting in reductions in stream flows and groundwater. Insert as indicated in <b>bold</b> type:</p>	<p>That the submission be noted.</p> <p>Suggest there may be a need for a state-wide review of water resource licensing and the impact of tree farms on these resources.</p>	<p>No modification to LPS4 is required.</p>



No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p>1) <i>The following matters are to be considered when determining applications for development approval of tree farms –</i></p> <p>a) <i>protection of existing water courses, <b>impacts on stream flows and groundwater resources</b>, vegetation corridors, agricultural production, and mitigation of wind erosion, waterlogging and salinity;</i></p>		
		<p><u>Part 4 General Development Standards</u></p> <p><u>Vegetation Protection</u></p> <p>There is no specific messaging for ecological (vegetation) linkages. Insert as indicated in <b>bold</b> type:</p> <p>s.48(4) <i>The local government will, when presented with an application to clear land, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed, <b>the nature of the vegetation as an ecological linkage</b> and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land, or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a detrimental environmental, amenity or landscape impact.</i></p>	Support the change as suggested by DWER.	Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.
		<p><u>Part 4 General Development Standards</u></p> <p><u>Waterway resource management and protection</u></p> <p>The title 'Waterway resource management and protection' does not include all water resources, as 'waterway' is exclusive. Modify the title as follows:</p> <p><b>49. Water resource management and protection</b></p> <p>The Shire should consider amending this text to include groundwater. Water Management Plans must be developed concurrent with Bushfire Management Plans, to prevent conflict. Insert as indicated in <b>bold</b> type:</p> <p>1) <i>Development proposals that may have <b>the</b> potential to impact on the State's water resources <b>shall</b> be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water <b>source</b>, management and protection issues.</i></p>	Support a majority of the changes as suggested by DWER.  Water Management Plans may be required in areas that are not subject to bushfire planning requirements, therefore in these instances a Bushfire Management Plan should not be required.	Modify LPS4 as follows:  1) <i>Development proposals that may have the potential to impact on the State's water resources <b>may</b> be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures</i>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p>2) In considering any development <b>application</b> which may have an impact on any waterway, including rivers, creeks, drainage lines, swamps and other <b>and</b> wetlands, <b>groundwater, or significant water-dependent ecosystems</b>, the local government shall have regard to –</p> <p>a) managing water balance;  b) maintaining and where possible enhancing water quality;  c) encouraging water conservation and water sensitive design;  d) maintaining, and where possible enhancing water related environmental values, recreational and cultural values.  <b>e) the protection of vegetation corridors, agricultural production, and mitigation of erosion.</b></p> <p>3) The local government may require proponents, <b>or other agreed party, to:</b></p> <p>a) prepare a foreshore management plan, <b>drainage and nutrient management plans</b>, strategy or other document to manage impacts of proposed development and subdivision, and will require the proponent, or other agreed party, to  b) appropriately implement the plan or strategy to the satisfaction of the local government,</p> <p><b>The aforementioned plans must be developed concurrently with a ‘Bushfire Management Plan’.</b></p>		<p>deemed appropriate by the local government to address water <b>source</b>, management and protection issues.</p> <p>2) In considering any development application which may have an impact on any waterway, including rivers, creeks, drainage lines, swamps and other and wetlands, groundwater, or significant water-dependent ecosystems, the local government shall have regard to –</p> <p>a) managing water balance;  b) maintaining and where possible enhancing water quality;  c) encouraging water conservation and water sensitive design;  d) maintaining, and where possible enhancing water related environmental values, recreational and cultural values.</p>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
				<p>e) <i>the protection of vegetation corridors, agricultural production, and mitigation of erosion.</i></p> <p>3) <i>The local government may require proponents, or other agreed party, to:</i></p> <p>a) <i>prepare a foreshore management plan, drainage and nutrient management plans, strategy or other document to manage impacts of proposed development and subdivision, and will require the proponent, or other agreed party, to</i></p> <p>b) <i>appropriately implement the plan or strategy to the satisfaction of the local government.</i></p>
		<p><u>Part 4 General Development Standards</u></p> <p><u>Building Envelopes</u>            Include reference to the 'relevant Government Sewerage Policy'. Insert as indicated in <b>bold</b> type:</p>	<p>Support the change as suggested by DWER.</p>	<p>Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.</p>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p>s.51(2)(c) <i>minimises the removal of remnant vegetation, provides a suitable area for on-site effluent disposal (if applicable) <b>to meet the requirements of the relevant Government Sewerage Policy</b>, complies with any fire management requirement and minimises erosion and the visual prominence of future buildings.</i></p>		
		<p><u>Part 4 General Development Standards</u></p> <p><u>Potable water supply</u></p> <p>There is no reference to non-potable water in the GDS. Consider the insertion of a new section that allows for the provision of 'Non-potable water supply' as follows:</p> <p><b>xx. Non-potable water supply</b></p> <p>1) <b>The local government may approve the use of fit-for-purpose (non-potable) water, wastewater recycling and reuse.</b></p> <p>2) <b>A 'Water Supply Plan' shall identify a secure fit-for-purpose water supply that conserves potable water, minimises wastewater and promotes re-use of all forms of water, including stormwater.</b></p>	<p>Support the change as suggested by DWER with minor changes.</p>	<p>Modify LPS4 as follows:</p> <p>xx. <i>Non-potable water supply</i></p> <p>1) <i>The local government may approve the use of fit-for-purpose (non-potable) water, wastewater recycling and reuse.</i></p> <p>2) <i>A 'Water Supply Plan' as required shall identify a secure fit-for-purpose water supply that conserves potable water, minimises wastewater and promotes re-use of all forms of water, including stormwater.</i></p>
		<p><u>Part 4 Zone Development Standards</u></p> <p><u>Environmental Conservation Zone</u></p> <p>Include reference to the relevant Government Sewerage Policy. Insert as indicated in <b>bold</b> type:</p> <p>60(5) <i>Development and associated effluent disposal systems <b>that comply with the relevant Government Sewerage Policy</b> shall be setback from watercourses, wetlands and environmental assets in order to protect the sensitive environment of the area.</i></p>	<p>Support the change as suggested by DWER.</p>	<p>Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.</p>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p><u>Part 4 Zone Development Standards</u></p> <p><u>Priority Agriculture and Rural Zone</u></p> <p>Include a reference to water resources and consider the use of 'potable'. Insert as indicated in <b>bold</b> type:</p> <p>1) <i>In considering any rezoning or subdivision within the Priority Agriculture and Rural zones, the local government will have due regard to State Planning Policy 2.5 – Rural Planning and whether the proposal will, adversely impact upon the land's agricultural potential or productivity, <b>water resources</b>, biodiversity values, natural resources or landscape values.</i></p> <p>6(c) <i>the local government is satisfied that adequate provision can be made for the supply of <b>potable and</b> domestic water and for the disposal of sewage from the additional dwelling/s; and</i></p>	Support the change as suggested by DWER.	Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.
		<p><u>Part 5 Special Control Areas</u></p> <p><u>SCA3 – Flood Prone Land</u></p> <p>Reference to the 'Blackwood River Flood Study 1983' becomes redundant. Change as follows:</p> <p>2(c) <i>"For land identified by the Blackwood River Flood Study 1983 as being within the 5% AEP flood level..." now to read:</i></p> <p><b><i>"For land identified by the latest floodplain mapping available as being within the 5% AEP flood level..."</i></b></p> <p>N.B. floodplain mapping for the Blackwood River in Nannup is in the process of being updated, the 1983 mapping will be superseded once it is finalised.</p>	Support the change as suggested by DWER.	Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.
		<p><u>Part 5 Special Control Areas</u></p> <p><u>SCA4 – Public Drinking Water Source Area</u></p> <p>DWER has developed draft text for special control areas, including Public Drinking Water Source Areas. The Shire may wish to consider replacing the existing text as follows:</p> <p><b><i>SCA4 - Public Drinking Water Source Areas</i></b></p>	Support the change as suggested by DWER.	Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p><b>1. Purpose</b>  <i>To identify and protect public drinking water source areas.</i></p> <p><b>2. Objective</b></p> <ul style="list-style-type: none"> <li><i>a. Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use.</i></li> <li><i>b. Identify land that has been designated as a public drinking water source area.</i></li> <li><i>c. Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area.</i></li> </ul> <p><b>3. Additional provisions</b></p> <ul style="list-style-type: none"> <li><i>a. All development in the special control area requiring planning approval shall be subject to the local government's discretion, notwithstanding that the use may be permitted elsewhere in the Scheme.</i></li> <li><i>b. The local government shall refer all applications for planning approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</i></li> <li><i>c. Notwithstanding the land use permissibility set out in Table One – Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply.</i></li> <li><i>d. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the special control area, the local government shall have due regard to:</i> <ul style="list-style-type: none"> <li><i>i. State Planning Policy 2.9 Planning for Water and associated guidelines.</i></li> </ul> </li> </ul>		

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p><i>ii. Advice received from the Department of Water and Environmental Regulation.</i></p> <p><i>iii. Compliance with the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas.</i></p> <p><i>iv. Recommendations of the relevant drinking water source protection report or land use and water management strategy.</i></p> <p><i>v. The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development.</i></p> <p><i>vi. The retention of native vegetation and protection of wetlands and waterways.</i></p> <p><i>vii. The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</i></p> <p><i>e. Development must be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</i></p> <p>NOTE: Draft LPS 4 states (in part of the purpose of SCA 4): “To protect existing and future public drinking water sources”. Future drinking water supply areas would not (as yet) have been identified or mapped as SCA’s.</p>		
		<p><u>Part 5 Special Control Areas</u></p> <p><u>SCA5 – Infrastructure Area – Waste Water Treatment Plant Buffer</u></p> <p>The WWTP operates as Registration No. 1381, under ‘Environmental Protection Act, 1986’. If the Nannup townsite WWTP exceeds the 100 tonnes per annum Category production or design capacity licensing threshold for a Category 61 liquid waste facility, it will require licensing. This is likely to occur (if not already). Insert as indicated in <b>bold</b> type:</p> <p>1. <i>In considering any development application, the local government shall have regard to –</i></p> <p><i>a. the Water Corporation’s advice in relation to compatible land uses within the SCA5; and</i></p> <p><i>b. the potential odour impact of the wastewater treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant; and</i></p>	Support the change as suggested by DWER.	Modify LPS4 as per the suggestions made by DWER and noted in the ‘Summary of Submissions’ column.

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p><b>c. the requirements of the 'Environmental Protection Act 1986' and Schedule 1 of the 'Environmental Protection Regulations 1987'</b></p> <p><u>Schedule A – Supplemental Provisions to the Deemed Provisions</u></p> <p><u>Clause 61(1)(v) Dams</u></p> <p>Whereas setbacks from a property boundary vary from LG to LG, appropriate setbacks should apply to ensure dam infrastructure can be constructed without affecting the amenity of neighbouring property. If a dam setback is to be relaxed it must also allow for vehicular access, firebreaks to be constructed and site specific requirements. Replace as indicated in <b>bold</b> type:</p> <p><i>Dams where the external foot of the dam wall, and any other part of the dam including the stored water is further than <del>40 metres</del> <b>20 metres</b> from boundaries of the subject lot.</i></p> <p><u>Schedule 5 – Additional Uses in Scheme Area</u></p> <p><u>A1 Lot 20 Brockman Street, Nannup</u></p> <p>Additional text. Insert as indicated in <b>bold</b> type:</p> <p>1. <i>New development is to take account and mitigate against flood risks <b>as identified by the latest floodplain mapping available.</b></i></p> <p><u>Schedule 6 – Special Use Zones in Scheme Area</u></p> <p><u>SU3 – Lot 3 on Plan 12565 Balingup-Nannup Road, Nannup</u></p> <p>Government Sewerage Policy applies. Insert and delete as indicated in <b>bold</b> type:</p> <p><i>The local government will require as a condition of development approval that all habitable buildings shall be connected to a wastewater treatment system <b>that complies with the relevant Government Sewerage Policy with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table.</b></i></p>	<p>That the submission be noted.</p> <p>Support the change as suggested by DWER.</p> <p>Support the change as suggested by DWER.</p>	<p>No modification to LPS4 is required.</p> <p>Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.</p> <p>Modify LPS4 as per the suggestions made by DWER and noted in the 'Summary of Submissions' column.</p>
8	Martin Richards Town Planning + Urban Design	Submission on behalf of the owners of Lot 501 Brockman Highway, Nannup.	Support the change as suggested by Martin	Modify draft LPS4 Scheme Maps Nos.2 & 7 to show Lot 501



No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
	<p>21a Northgate Street, Karrinyup WA 6018</p> <p>Martin Richards Principal</p>	<p>The rezoning of Lot 501 Brockman Highway, Nannup from 'Future Development' to 'Rural' would preclude the opportunities for tourist development currently available to the property under the existing planning framework.</p> <p>Requests that the Shire of Nannup modify LPS4 to include Lot 501 Brockman Highway, Nannup in the 'Tourism' zone. Such a modification would facilitate the development of the property into a high quality, unique and comprehensive tourism development in keeping with the site's proximity to the town centre of Nannup and its rural environs, and will retain many of the development opportunities available to the property under the existing planning framework.</p> <p>A Structure Plan is currently being finalised for Lot 501 and it is considered appropriate that this Plan be adopted as an instrument that primarily guides future development of the site. The Structure Plan will be formally lodged with the Shire of Nannup in the near future to be considered under the existing planning framework and anticipated to be finalised prior to the gazettal of LPS4.</p>	<p>Richards Town Planning + Urban Design.</p>	<p>Brockman Highway as "Tourism".</p> <p>Modify LPS4 Clause 67 Table 5 to add ASR7 Lot 501 Brockman Highway, Nannup with the following requirements:</p> <p>a) With the exception of minor residential development, a Structure Plan will be required.</p> <p>b) In considering land use, due regard shall be given to the zones delineated in a Structure Plan adopted in accordance with the deemed provisions.</p>
9	<p><b>Department of Health</b></p> <p>PO Box 8172, Perth Business Centre WA 6849</p> <p>Dr Michael Lindsay Executive Director Environmental Health Directorate</p>	<p><u>Water Supply and Waste Water Disposal</u></p> <p>The DOH has no objection to the proposed LPS4 subject to the proposed developments are required to connect to scheme water, reticulated sewerage (if available) and be in accordance with the <i>Government Sewerage Policy</i>.</p> <p><u>Public Health Impacts</u></p> <p>The Shire of Nannup should use this opportunity to minimise potential negative impacts of the increased density development such as noise, odour, light and other lifestyle activities.</p> <p>To minimise adverse impacts on the residential component, the Shire of Nannup could consider incorporation of additional sound proofing/insulation, double glazing on windows or design aspects related to air conditioning units and other appropriate building/construction measures such as ensuring adequate ventilation requirements for wet areas.</p> <p>Further design elements that should be considered include a range of quality public open spaces, parks and open spaces being located within walking</p>	<p>That the submission be noted.</p> <p>All identified areas will be assessed as appropriate through future development applications or other proposals.</p>	<p>No modification to LPS4 is required.</p>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
		<p>distance of most residents and co-located with other community facilities, and the design of parks, open space and associated infrastructure catering for a variety of users.</p> <p><u>Medical Entomology</u></p> <p>The Shire of Nannup is located in an area where the risk of mosquitoes and mosquito-borne diseases such as Ross River (RRV) and Barmah Forest (BFV) virus disease is largely unknown, although human cases of RRV have been reported from the Shire in the last 5 years.</p> <p>It is recommended that any future developments under the Scheme be contingent upon a mosquito risk assessment and possibly a management plan.</p> <p>Any future development under the Scheme must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat.</p> <p><u>Land Use Planning for Natural Hazards</u></p> <p>The document titled <i>Land Use Planning for Natural Hazards</i> can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding, fire, landslide, earthquake, strong wind and erosion.</p>		
10	<p><b>Department of Education</b></p> <p>151 Royal Street East Perth WA 6004</p> <p>Ikmal Ahmad Manager Land and Property Asset Planning and Services</p>	<p>Subject to consideration of the below matters, the Department offers no in principle objections to draft LPS4.</p> <p><u>Dwelling Projections</u></p> <p>The Department is satisfied that the current enrolment capacities of the existing schools within the area can accommodate for the additional number of students expected to be yielded for the predicted slow growth of the Shire through to 2030.</p> <p>The Department would welcome the opportunity to work with the Shire to ensure it can adequately deliver upon the future educational needs of the area.</p> <p><u>Nannup District High School</u></p> <p>The Department notes that the location of the Government Services – Education reservation for the Nannup District High School on the scheme maps for Local Planning Scheme No.3 and draft LPS4 is incorrect. The reservation should apply to the entirety of Lot 500 on Deposited Plan 415399 and should not protrude into Lot 251 on Deposited Plan 412171. The Department requests that the scheme maps be amended to rectify this inaccuracy.</p>	<p>That the submission be noted.</p> <p>The Scheme maps for draft LPS4 show Lot 500 on DP415399 partially as Residential R15 and partially as Local Scheme Reserve – Education.</p> <p>Lot 251 of DP412171 is correctly shown as Local Scheme Reserve – Public Purposes on the draft LPS4 Scheme maps however the</p>	<p>Modify draft LPS4 Scheme Map No.7 to extend the Local Scheme Reserve – Education over the entirety of Lot 500 on DP415399 (Reserve 26684) and move the label on this reserve so that it is centred on Lot 500.</p>

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
			<p>position of the label for Lot 500 is confusing.</p> <p>The Scheme maps for Local Planning Scheme No.3 were created prior to the amalgamation of the adjoining residential lots into Reserve 26684 and the creation of the new Reserve 53247. No amendments to the current LPS3 are to be made at this time.</p>	



Department of  
Local Government, Sport  
and Cultural Industries

## Attachment 11.5.1

# Local Government Reform – Summary of Proposed Reforms

---



## Local Government Reform – Consultation on Proposed Reforms

---

Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change
- continuous focus on the effective delivery of services
- respectful and constructive policy debate and democratic decision-making
- an environment of transparency and accountability to ensure effective public engagement on important community decisions.

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.

### Local Government Reforms

These reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

## Consultation

Comments on these proposed reforms are invited. Comments can be made against each proposed reform in this document. For details on how to make a submission, please visit [www.dlgsc.wa.gov.au/lgactreform](http://www.dlgsc.wa.gov.au/lgactreform).

**Theme 1: Early Intervention, Effective Regulation and Stronger Penalties**

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<b>1.1 Early Intervention Powers</b>		
<ul style="list-style-type: none"> <li>• The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to:               <ul style="list-style-type: none"> <li>○ Suspend or dismiss councils</li> <li>○ Appoint Commissioners</li> <li>○ Suspend or, order remedial action (such as training) for individual councillors.</li> </ul> </li> <li>• The Act also provides the Director General with the power to:               <ul style="list-style-type: none"> <li>○ Conduct Authorised Inquiries</li> <li>○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal</li> <li>○ Commence prosecution for an offence under the Act.</li> </ul> </li> <li>• Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government.</li> <li>• The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to establish a Chief Inspector of Local Government (the <b>Inspector</b>), supported by an Office of the Local Government Inspector (the <b>Inspectorate</b>).</li> <li>• The Inspector would receive minor and serious complaints about elected members.</li> <li>• The Inspector would oversee complaints relating to local government CEOs.</li> <li>• Local Governments would still be responsible for dealing with minor behavioural complaints.</li> <li>• The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.</li> <li>• The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation.</li> <li>• The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.</li> <li>• The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.</li> <li>• The Inspector would be supported by a panel of <b>Local Government Monitors</b> (see item 1.2).</li> <li>• The existing Local Government Standards Panel would be replaced with a new <b>Conduct Panel</b> (see item 1.3).</li> <li>• <b>Penalties</b> for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4).</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>• These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6).</li> </ul>	
<b>1.2 Local Government Monitors</b>		
<ul style="list-style-type: none"> <li>• There are currently no legislative powers for the provision of monitors/ temporary advisors.</li> <li>• The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>• A panel of <b>Local Government Monitors</b> would be established.</li> <li>• Monitors could be appointed by the Inspector to go into a local government and try to resolve problems.</li> <li>• The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence.</li> <li>• Monitors would be qualified specialists, such as:                         <ul style="list-style-type: none"> <li>○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators</li> <li>○ Dispute resolution experts - to address the breakdown of professional working relationships</li> <li>○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues</li> <li>○ Governance specialists and lawyers - to assist councils resolve legal issues</li> <li>○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.</li> </ul> </li> <li>• Only the Inspector would have the power to appoint Monitors.</li> <li>• Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</li> </ul> <p><b>Monitor Case Study 1 – Financial Management</b></p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises</p>	<p><b><u>Administration Recommendation</u> - Supported.</b></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p><b>Monitor Case Study 2 – Dispute Resolution</b></p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	
<b>1.3 Conduct Panel</b>		
<ul style="list-style-type: none"> <li>• The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour.</li> <li>• Currently, the Panel makes findings about alleged breaches based on written submissions.</li> <li>• The City of Perth Inquiry report made various recommendations that functions of</li> </ul>	<ul style="list-style-type: none"> <li>• The Standards Panel is proposed to be replaced with a new Local Government <b>Conduct Panel</b>.</li> <li>• The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel.</li> <li>• The Inspector would provide evidence to the Conduct Panel for adjudication.</li> <li>• The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>In addition to the above, WALGA’s position is that Items 1.1, 1.2 and 1.3 <b>generally align</b> with WALGA Advocacy Position 2.6.8 - ‘Establish Office of Independent Assessor’, as follows:  <i>The Local Government sector supports:</i></p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<p>the Local Government Standards Panel be reformed.</p>	<p>councillors for up to three months, with an appeal mechanism.</p> <ul style="list-style-type: none"> <li>• For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts.</li> <li>• Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision.</li> </ul>	<ol style="list-style-type: none"> <li>1. <i>Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries.</i></li> <li>2. <i>Remove the CEO from being involved in processing complaints.</i></li> <li>3. <i>That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.</i></li> <li>4. <i>An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.</i></li> </ol> <p><u>WALGA Comment</u>                      The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state 'Local</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><i>Governments would still be responsible for dealing with minor behavioural complaints' and therefore do not go as far as the Sector's recent request for an external oversight model for the independent assessment of local level complaints (State Council Res: 264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</i></p> <p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p><b>WALGA Recommendation</b></p> <ol style="list-style-type: none"> <li><b>1. Support the proposed reforms as they align with the sectors position on external oversight and support.</b></li> <li><b>2. Request the Minister to explore alternate mechanisms for</b></li> </ol>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><b>resolving local level complaints.</b></p> <p>It is recommended Council support WALGA's recommendation.</p>
<b>1.4 Review of Penalties</b>		
<ul style="list-style-type: none"> <li>There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act.</li> </ul>	<ul style="list-style-type: none"> <li>Penalties for breaching the Local Government Act are proposed to be strengthened.</li> <li>It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion.</li> <li>Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address).</li> <li>It is proposed that a councillor who is suspended multiple times may become disqualified from office.</li> <li>Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>Items 1.4 and 1.5 <b><u>expand upon</u></b> WALGA's Advocacy Position 2.6.9 - 'Stand Down Proposal'</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p> <p>1. That the Department of Local Government endeavour to ensure established principles of</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><i>natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and</i></p> <p>2. <i>That activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p><b>Comment</b> The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members. Officers recommend that Council Support WALGA’s recommendation.</p>
<b>1.5 Rapid Red Card Resolutions</b>		
<ul style="list-style-type: none"> <li>Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1).</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported, subject to clearer guidance on process.</b></p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<p>powers provided in the local government standing orders local laws.</p> <ul style="list-style-type: none"> <li>• Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings.</li> <li>• Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> <li>○ Require the Presiding Member to issue a clear first warning</li> <li>○ If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions</li> <li>○ If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting.</li> </ul> </li> <li>• Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector.</li> <li>• Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.</li> </ul>	
<b>1.6 Vexatious Complaint Referrals</b>		
<ul style="list-style-type: none"> <li>• No current provisions.</li> <li>• The Act already provides a requirement for Public Question Time at council meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner.</li> <li>• Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person’s query.</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>The Act has been expanded significantly in recent years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious.</li> </ul>	<p>complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p>
<b>1.7 Minor Other Reforms</b>		
<ul style="list-style-type: none"> <li>Other minor reforms are being considered to enhance the oversight of local government.</li> <li>Ministerial Circulars have traditionally been used to provide guidance to the local government sector.</li> </ul>	<ul style="list-style-type: none"> <li>Potential other reforms to strengthen guidance for local governments are being considered.</li> <li>For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</li> <li>It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>Specific guidance to ensure compliance across the local government sector is supported to build capacity and understanding. Although, adequate resourcing across the State Government sector seems to be an issue.</p>

**Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>2.1 Resource Sharing</b>		
<ul style="list-style-type: none"> <li>The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs.</li> <li>Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.</li> </ul>	<ul style="list-style-type: none"> <li>Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</li> <li>Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>It is recommended Council support this proposed reform.</p> <p>Item 2.1 <b>aligns</b> with WALGA’s Advocacy Position 2.6 – Local Government Legislation – ‘Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act’ and Advocacy Position 2.3.1 - ‘Regional Collaboration’.</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p><b>Comment</b></p> <p>The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>2.2 Standardisation of Crossovers</b>		
<ul style="list-style-type: none"> <li>• Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences.</li> <li>• This can create confusion and complexity for homeowners and small businesses in the construction sector.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads.</li> <li>• A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</li> <li>• The DLGSC will work with the sector to develop standardised design and construction standards.</li> </ul>	<p><b><u>Administration Recommendation</u> - Not Supported.</b></p> <p>Whilst the standardisation of crossovers may work in metropolitan areas, it is considered that the standard proposed will not work in regional areas as there are:</p> <ul style="list-style-type: none"> <li>• Limited resources in overseeing crossover works/enforcing compliance;</li> <li>• Dramatic difference in verge sizes;</li> <li>• It does not take into account ecological communities and Environmentally Sensitive Areas; and</li> <li>• A 'one size fits all' approach does not take into consideration of site specific overland stormwater flow issues.</li> </ul>
<b>2.3 Introduce Innovation Provisions</b>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> <li>The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket).</li> </ul>	<ul style="list-style-type: none"> <li>New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for:                             <ul style="list-style-type: none"> <li>Short-term trials and pilot projects</li> <li>Urgent responses to emergencies.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>It is in the interest of local government to have broader legislative abilities to address community needs and issues where appropriate. This proposed reform has the ability to facilitate efficient and effective outcomes.</p>
<p><b>2.4 Streamline Local Laws</b></p>		
<ul style="list-style-type: none"> <li>Local laws are required to be reviewed every eight years.</li> <li>The review of local laws (especially when they are standard) has been identified as a burden for the sector.</li> <li>Inconsistency between local laws is frustrating for residents and business stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local laws would only need to be reviewed by the local government every 15 years.</li> <li>Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.</li> <li>Local governments adopting Model Local Laws will have reduced advertising requirements.</li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>The proposed reform to Local Laws is welcomed by Shire officers. The Local Law process is considered overly onerous, inefficient and costly to the Shire organisation.</p> <p>Furthermore, it is recommended that the Minister review the role of the Joint Standing Committee on Delegated Legislation (JSCDL) in the determination of Local Laws. Whilst it is appreciated that the JSCDL has a role to play in the approval of legislation, it should consider all Local Laws prior to gazettal and report its findings back to the relevant local government as the cost to amend a Local Law that is legislatively</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		incorrect can be financially expensive.
<b>2.5 Simplifying Approvals for Small Business and Community Events</b>		
<ul style="list-style-type: none"> <li>Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities.</li> </ul>	<ul style="list-style-type: none"> <li>Proposed reforms would introduce greater consistency for approvals for:                             <ul style="list-style-type: none"> <li>alfresco and outdoor dining</li> <li>minor small business signage rules</li> <li>running community events.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u> - Support, subject to further clarification.</b></p> <p>It is recommended that Council support this reform, however it is unclear as to what the ramifications are in terms of:</p> <ul style="list-style-type: none"> <li>practical impacts on existing and future alfresco and outdoor dining areas;</li> <li>the level of risk the local government would be assuming; and</li> <li>whether such a reform impacts on the Shire's level of insurance.</li> </ul>
<b>2.6 Standardised Meeting Procedures, Including Public Question Time</b>		
<ul style="list-style-type: none"> <li>Local governments currently prepare individual standing order local laws.</li> <li>The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public.</li> <li>Inconsistency among the meeting procedures between local governments is a common source of complaints.</li> </ul>	<ul style="list-style-type: none"> <li>To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State.</li> <li>Regulations would introduce standard requirements for public question time, and the procedures for meetings generally.</li> </ul>	<p><b><u>Administration Recommendation</u> - Support.</b></p> <p>Standardisation of meeting procedures across all local governments will assist in better engagement with the community.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"><li>Members of the public across all local governments would have the same opportunities to address council and ask questions.</li></ul>	

2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> <li>• Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC.</li> <li>• These initiatives typically have to be managed by a lead local government.</li> <li>• In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>.</li> <li>• So far, no Regional Subsidiary has been formed.</li> </ul>	<ul style="list-style-type: none"> <li>• Work is continuing to consider how Regional Subsidiaries can be best established to:                             <ul style="list-style-type: none"> <li>○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments</li> <li>○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds</li> <li>○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk</li> <li>○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u> - Supported.</b></p> <p>Under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. Whilst the Shire of Nannup has no plans for a Regional Subsidiary this reform is supported. The easier development of Regional Subsidiaries will create opportunities for councils to pool resources and obtain better community outcomes.</p>

**Theme 3: Greater Transparency & Accountability**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> <li>• Currently, local governments are only required to make written minutes of meetings.</li> <li>• While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings.</li> <li>• Complaints relating to behaviours and decisions at meetings constitute a large</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed that all local governments will be required to record meetings.</li> <li>• Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</li> <li>• Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment.</li> </ul>	<p><b><u>Administration Recommendation</u> - Supported, subject to:</b></p> <ul style="list-style-type: none"> <li>• <b>The State Government making a significant financial contribution to the purchase and installation of the appropriate hardware</b></li> </ul>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>proportion of complaints about local governments.</p> <ul style="list-style-type: none"> <li>• Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors<sup>1</sup> such as:                             <ul style="list-style-type: none"> <li>○ Growth and development</li> <li>○ Strategic planning issues</li> <li>○ Demands and diversity of services provided to the community</li> <li>○ Total expenditure</li> <li>○ Population</li> <li>○ Staffing levels.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</li> <li>• Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings.</li> <li>• Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.</li> <li>• Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings.</li> <li>• All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.</li> </ul>	<p><b>and software to implement livestreaming of Council Meetings.</b></p> <ul style="list-style-type: none"> <li>• <b>Where Council Meetings are held outside of the Council Chamber (e.g. in another town) legislative provision be made for an audio recording of that meeting being deemed sufficient.</b></li> </ul> <p>Whilst supportive, the implementation of livestreaming of Council meetings does not impact on the Shire of Nannup. Connectivity to stream from outer town locations of the Council Chambers is limited by a number of factors.</p> <p>Whilst livestreaming allows Councils to reach a wider audience, there is real risk in that recordings of meetings may be used to the detriment of local governments. It is recommended that legislative provisions be included to allow the DLGSC to investigate and prosecute for the misuse of recordings, and protect staff, Councillors and members of the public from libellous behaviour</p>

<sup>1</sup> See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		and deliberate misrepresentation by others.
<b>3.2 Recording All Votes in Council Minutes</b>		
<ul style="list-style-type: none"> <li>A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting.</li> <li>The existing provision does not mandate transparency.</li> </ul>	<ul style="list-style-type: none"> <li>To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber.</li> <li>Regulations would prescribe how votes are to be consistently minuted.</li> </ul>	<p><b><u>Administration</u></b>  <b><u>Recommendation</u> - Supported.</b>  Easily implement, Nannup already records the names of those who vote against and therefore are in essence already doing a similar outcome.</p>
<b>3.3 Clearer Guidance for Meeting Items that may be Confidential</b>		
<ul style="list-style-type: none"> <li>The Act currently provides broad definitions of what type of matters may be discussed as a confidential item.</li> <li>There is limited potential for review of issues managed as confidential items under the current legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.</li> <li>It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public.</li> <li>Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.</li> <li>All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC.</li> </ul>	<p><b><u>Administration</u></b>  <b><u>Recommendation</u> - Supported.</b></p> <p>The Shire supports WALGA’s commentary around this matter in that the confidentiality provisions need to be clarified. Reform to prescribing what is and isn’t confidential is supported.</p> <p>However, the requirement to provide the DLGSC an audio copy of all confidentially made decisions purports to a distinct lack of trust in local government decision-making process by the DLGSC. This is considered unnecessary, when the DLGSC can request a recording of a confidential matter from a local government.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>3.4 Additional Online Registers</b>		
<ul style="list-style-type: none"> <li>Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online.</li> <li>Consistent online publication of information can substitute for certain material in annual reports.</li> <li>Consistency in online reporting across the sector will provide ratepayers with better information.</li> <li>These registers supplement the simplification of financial statements in Theme 6.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to require local governments to report specific information in online registers on the local government’s website. Regulations would prescribe the information to be included.  The following new registers, each updated quarterly, are proposed:                             <ul style="list-style-type: none"> <li><b>Lease Register</b> to capture information about the leases the local government is party to (either as lessor or lessee)</li> <li><b>Community Grants Register</b> to outline all grants and funding provided by the local government</li> <li><b>Interests Disclosure Register</b> which collates all disclosures made by elected members about their interests related to matters considered by council</li> <li><b>Applicant Contribution Register</b> accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u> - Supported, subject to:</b></p> <ul style="list-style-type: none"> <li>Clear legislative provisions/DLGSC guidance providing protection of lessee details.</li> </ul> <p>This proposal follows recent Act amendments that ensure a range of information is published on Local Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment. Clear guidance also needs to be provided either by the DLGSC, or through the Act as to how personal</p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>○ <b>Contracts Register</b> that discloses all contracts above \$100,000.</li> </ul>	<p>details are to be protected on these registers.</p> <p>In terms of community grants, this proposed reform could become onerous in that the register would need to be continually updated for small amounts donated to community groups, clubs, etc. It is recommended that the Minister include a provision for a non-disclosure cap of \$500 to cover small donations to eliminate the need to continually update the proposed Community Grants Register.</p>
<b>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</b>		
<ul style="list-style-type: none"> <li>• It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually.</li> <li>• The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.</li> <li>• Additional performance criteria can be used for performance review by agreement between both parties.</li> </ul>	<ul style="list-style-type: none"> <li>• To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:                             <ul style="list-style-type: none"> <li>○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)</li> <li>○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)</li> <li>○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u> - Supported, in principle, subject to:</b></p> <ul style="list-style-type: none"> <li>• Conditionally support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;</li> <li>• Do not support mandate of the results of performance</li> </ul>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>reviews being published. This should be an individual CEO and Council mutual agreement to publish.</p> <p>It is important to note that this level of scrutiny is not given to CEO's in any other public or private sector. This is a very unique reform being proposed, and requires careful consideration by the Minister.</p> <p>In principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.</p> <p>It would be prudent for exemptions to be provided, based on matters of confidentiality. Given the local government landscape evolves rapidly, there seems to be no measure of flexibility to allow for CEO's to manage unexpected situations, that may impact on their ability to deliver their agreed KPI's.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		organisation.

**Theme 4: Stronger Local Democracy and Community Engagement**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>4.1 Community and Stakeholder Engagement Charters</b>		
<ul style="list-style-type: none"> <li>• There is currently no requirement for local governments to have a specific engagement charter or policy.</li> <li>• Many local governments have introduced charters or policies for how they will engage with their community.</li> <li>• Other States have introduced a specific requirement for engagement charters.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community.</li> <li>• A model Charter would be published to assist local governments who wish to adopt a standard form.</li> </ul>	<p><b><u>Administration Recommendation</u></b>  <b>- Supported.</b></p> <p>It is the opinion of Shire Officers that the current status quo in community engagement be maintained. A community engagement charter may have an adverse effect in that it could potentially stymie development and decision making within a local government if consultation is legislated any further.</p> <p>In any case, should Council believe that further consultation on a community activity or decision making proposal need to be undertaken prior to a decision, it has the ability to determine that further consultation with the community on a matter is required. Council can also determine the limits of that consultation. It is additionally expected that unnecessarily widening the scope for consultation would have cost implications to the local government.</p>
<b>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</b>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> <li>Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers.</li> <li>These surveys provide valuable data on the performance of local governments.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey.</li> <li>Results would be required to be reported publicly at a council meeting and published on the local government's website.</li> <li>All local governments would be required to publish a response to the results.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - <b>Supported.</b></p> <p>This requirement doesn't impact the Shire of Nannup directly, however Shire's already undertake this proposed action as part of its review of the Strategic Community Plan every 4 years.</p>
<b>4.3 Introduction of Preferential Voting</b>		
<ul style="list-style-type: none"> <li>The current voting method for local government elections is first past the post.</li> <li>The existing first-past-the-post does not allow for electors to express more than one preference.</li> <li>The candidate with the most votes wins, even if that candidate does not have a majority.</li> <li>Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice.</li> </ul>	<ul style="list-style-type: none"> <li>Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.</li> <li>In preferential voting, voters number candidates in order of their preferences.</li> <li>Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect.</li> <li>All other states use a form of preferential voting for local government.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - <b>Not supported.</b></p> <p>WALGA's position on Item 4.3 is that preferential voting <b><u>does not align</u></b> with its Advocacy Position 2.5.1 – 'First Past the Post voting system'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <li>Four year terms with a two year spill</li> <li>Greater participation in Local Government elections</li> <li>The option to hold elections through: <ul style="list-style-type: none"> <li>Online voting</li> <li>Postal voting, and</li> <li>In-person voting</li> </ul> </li> <li>Voting at Local Government elections to be voluntary</li> <li>The first past the post method of counting votes</li> </ol>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><b>WALGA Comment</b></p> <p>It should be noted that the sector’s advocacy against compulsory voting and “All in All out” 4 year terms has been successful and these items are not included in the reform proposals.</p> <p>The introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act</i> 1995. The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported.</p>
<p><b>4.4 Public Vote to Elect the Mayor and President</b></p>		
<ul style="list-style-type: none"> <li>• The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> <li>○ by the electors of the district through a public vote; or</li> <li>○ by the council as a resolution at a council meeting.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Mayors and Presidents of all local governments perform an important public leadership role within their local communities.</li> <li>• Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.</li> <li>• Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.</li> <li>• A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - <b>Not supported.</b></p> <p>WALGA’s position is that Item 4.4 <b><u>does not align</u></b> with Advocacy Position 2.5.2 - ‘Election of Mayors and Presidents be at the discretion of Local Government.’</p> <p><i>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i></p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><b>WALGA Comment</b></p> <p>There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President:                      Band 1: 15                      Band 2: 7</p> <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as intended. There is no evidence of elector support for uniform direct election of Mayors/Presidents.</p> <p>Public vote for the direct election of the Mayor or President presents significant risk. One major risk being the election to the position of 'one issue' candidates. Direct election is considered more likely to create unaligned councils that eventually become dysfunctional, polarised and ineffective in delivering good governance to their communities. Therefore, this proposed reform is not supported.</p>
<p><b>4.5 Tiered Limits on the Number of Councillors</b></p>		
<ul style="list-style-type: none"> <li>The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to limit the number of councillors based on the population of the entire local government.</li> </ul>	<p><b><u>Administration Recommendation</u></b>  <b>- Not supported.</b></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>Government Advisory Board, and if approved by the Minister.</p> <ul style="list-style-type: none"> <li>The Panel Report recommended electoral reforms to improve representativeness.</li> </ul>	<ul style="list-style-type: none"> <li>Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.</li> <li>The <a href="#">Local Government Panel Report</a> proposed:                             <ul style="list-style-type: none"> <li>For a population of up to 5,000 – five councillors (including the President)</li> <li>population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)</li> <li>population of above 75,000 – nine to fifteen councillors (including Mayor).</li> </ul> </li> </ul>	<p>Local Governments should be able to determine the number of councillors it needs to ensure effective representation of their communities.</p> <p>The lower the number of Councillors the easier it is for specific interest groups to become majority elected which can lead to dysfunctional councils.</p>
<p><b>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</b></p>		
<ul style="list-style-type: none"> <li>A local government can make an application to be divided into wards, with councillors elected to those wards.</li> <li>Only about 10% of band 3 and 4 local governments currently have wards.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that the use of wards for councils in bands 3 and 4 is abolished.</li> <li>Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government’s election.</li> <li>In smaller local governments, the population of wards can be very small.</li> <li>These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes.</li> <li>There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.</li> </ul>	<p><b><u>Administration Recommendation – Not Supported.</u></b></p> <p>It is important that individual local governments be allowed to determine this for themselves and their community/geographical circumstances.</p>

4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> <li>• A person with a lease in a local government district is eligible to nominate as a candidate in that district.</li> <li>• A person with a lease in a local government district is eligible to apply to vote in that district.</li> <li>• The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.</li> </ul>	<ul style="list-style-type: none"> <li>• Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council.</li> <li>• The City of Perth Inquiry Report identified sham leases as an issue.</li> <li>• Electoral rules are proposed to be strengthened:                             <ul style="list-style-type: none"> <li>○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council.</li> <li>○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address.</li> <li>○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council.</li> </ul> </li> <li>• The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases.</li> <li>• The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p>
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> <li>• Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.</li> </ul>	<ul style="list-style-type: none"> <li>• Further work will be undertaken to evaluate how longer candidate profiles could be accommodated.</li> <li>• Longer candidate profiles would provide more information to electors, potentially through publishing profiles online.</li> <li>• It is important to have sufficient information available to assist electors make informed decisions when casting their vote.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p>

4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> <li>• Other minor reforms are proposed to improve local government elections.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor other electoral reforms are proposed to include:                             <ul style="list-style-type: none"> <li>○ The introduction of standard processes for vote recounts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required)</li> <li>○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u></b>  <b>- Supported.</b></p> <p>These proposed changes will serve to remove any ambiguity about election outcomes and the use of information.</p>

**Theme 5: Clear Roles and Responsibilities**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>5.1 Introduce Principles in the Act</b>		
<ul style="list-style-type: none"> <li>The Act does not currently outline specific principles.</li> <li>The Act contains a short “Content and Intent” section only.</li> <li>The Panel Report recommended greater articulation of principles</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to include new principles in the Act, including:                             <ul style="list-style-type: none"> <li>The recognition of Aboriginal Western Australians</li> <li>Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</li> <li>Community Engagement</li> <li>Financial Management.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p> <p>The Shire supports a flexible, principles-based framework on the basis that the level of regulation is workable.</p>
<b>5.2 Greater Role Clarity</b>		
<ul style="list-style-type: none"> <li>The Act provides for the role of council, councillor, mayor or president and CEO.</li> <li>The role of the council is to:                             <ul style="list-style-type: none"> <li>govern the local government’s affairs</li> <li>be responsible for the performance of the local government’s functions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Act Review Panel</a> recommended that roles and responsibilities of elected members and senior staff be better defined in law.</li> <li>It is proposed that these roles and responsibilities are further defined in the legislation.</li> <li>These proposed roles will be open to further consultation and input.</li> <li>These roles would be further strengthened through <b>Council Communications Agreements</b> (see item 5.3).</li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p> <p>Clear definition of roles, supported by legislation allows for better understanding between Councillors, President/mayor and staff.</p>
	<p><b>5.2.1 - Mayor or President Role</b></p> <ul style="list-style-type: none"> <li>It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</li> <li>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:                             <ul style="list-style-type: none"> <li>Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p> <p>Clear definition of roles, supported by legislation allows for better understanding between Councillors, President/Mayor and staff.</p> <p>The interpretation of the role needs to be succinct, providing useful clarity around roles and responsibilities.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act</li> <li>○ Developing and maintaining professional working relationships between councillors and the CEO</li> <li>○ Performing civic and ceremonial duties on behalf of the local government</li> <li>○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.</li> </ul>	<p>Linking this proposal back to Theme 1, there must be a meaningful consequences for breaches of the Act.</p>
	<p><b>5.2.2 - Council Role</b></p> <ul style="list-style-type: none"> <li>● It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President.</li> <li>● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> <li>○ Making significant decisions and determining policies through democratic deliberation at council meetings</li> <li>○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council</li> <li>○ Providing a safe working environment for the CEO;</li> <li>○ Providing strategic direction to the CEO;</li> <li>○ Monitoring and reviewing the performance of the local government.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u></b> <b>- Supported.</b></p> <p>Clear definition of roles, supported by legislation allows for better understanding between Councillors, President/mayor and staff.</p> <p>The interpretation of the role needs to be succinct, providing useful clarity around roles and responsibilities.</p> <p>Linking this proposal back to Theme 1, there must be a meaningful consequences for breaches of the Act.</p>
	<p><b>5.2.3 - Elected Member (Councillor) Role</b></p> <ul style="list-style-type: none"> <li>● It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.</li> </ul>	<p><b><u>Administration Recommendation</u></b> <b>- Supported.</b></p> <p>Clear definition of roles, supported by legislation allows for better</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for:                             <ul style="list-style-type: none"> <li>○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward)</li> <li>○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council</li> <li>○ Applying relevant law and policy in contributing to the decision-making of the council</li> <li>○ Engaging in the effective forward planning and review of the local governments’ resources, and the performance of its operations, services, and functions</li> <li>○ Communicating the decisions and resolutions of council to stakeholders and the public</li> <li>○ Developing and maintaining professional working relationships with all other councillors and the CEO</li> <li>○ Maintaining and developing their knowledge and skills relevant to local government</li> <li>○ Facilitating public engagement with local government.</li> </ul> </li> <li>• It is proposed that elected members should not be able to use their title (e.g. “Councillor”, “Mayor”, or “President”) and associated resources of their office (such as email address) unless they are performing their role in their official capacity.</li> </ul>	<p>understanding between Councillors, President/mayor and staff.</p> <p>The interpretation of the role needs to be succinct, providing useful clarity around roles and responsibilities.</p> <p>Linking this proposal back to Theme 1, there must be a meaningful consequences for breaches of the Act.</p>
	<p><b>5.2.4 - CEO Role</b></p> <ul style="list-style-type: none"> <li>• The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council.</li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>Clear definition of roles, supported by legislation allows for better</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>• To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.</li> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for:                             <ul style="list-style-type: none"> <li>○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions</li> <li>○ Facilitating the implementation of council decisions</li> <li>○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council</li> <li>○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council</li> <li>○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)</li> <li>○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council</li> <li>○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.</li> </ul> </li> </ul>	<p>understanding between Councillors, President/mayor and staff.</p> <p>The interpretation of the role needs to be succinct, providing useful clarity around roles and responsibilities.</p> <p>Linking this proposal back to Theme 1, there must be a meaningful consequences for breaches of the Act.</p>
<b>5.3 Council Communication Agreements</b>		
<ul style="list-style-type: none"> <li>• The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions.</li> <li>• The availability of information is sometimes a source of conflict within local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</li> <li>• It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</li> <li>• These Council Communication Agreements would clearly specify the information that is to be provided to councillors,</li> </ul>	<p><b><u>Administration Recommendation</u></b> <b>- Not Supported.</b></p> <p>The imposition of Council Communication Agreements seems onerous and inefficient. They may also simply create a dispute between Council and the CEO</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>how it will be provided, and the timeframes for when it will be provided.</p> <ul style="list-style-type: none"> <li>• A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.</li> </ul>	<p>should agreement not be reached on information provision. The Act should just simply legislate the type, timeframe and availability of information to Elected Members for State-wide consistency.</p> <p>The proposed reform also lacks clarity over the safeguarding of records. This needs to be articulated clearly in legislation.</p>
<p><b>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</b></p>		
<ul style="list-style-type: none"> <li>• Elected members are eligible to receive sitting fees or an annual allowance.</li> <li>• Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund.</li> <li>• Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances.</li> <li>• Superannuation is widely recognised as an important entitlement to provide long term financial security.</li> <li>• Other states have already moved to allow councils to make superannuation contributions for councillors.</li> <li>• Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people.</li> <li>• Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p>
<p><b>5.5 Local Governments May Establish Education Allowances</b></p>		
<ul style="list-style-type: none"> <li>• Local government elected members must complete mandatory training.</li> <li>• There is no specific allowance for undertaking further education.</li> </ul>	<ul style="list-style-type: none"> <li>• Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council.</li> </ul>	<p><b><u>Administration Recommendation</u></b> - Supported.</p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>• Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members.</li> <li>• Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government.</li> <li>• Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors.</li> </ul>	<p>This proposed reform allows Councillors to have the choice to seek further relevant local government training if they see fit.</p>
<b>5.6 Standardised Election Caretaker period</b>		
<ul style="list-style-type: none"> <li>• There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures.</li> <li>• This is commonly a point of public confusion.</li> </ul>	<ul style="list-style-type: none"> <li>• A statewide caretaker period for local governments is proposed.</li> <li>• All local governments across the State would have the same clearly defined election period, during which:                             <ul style="list-style-type: none"> <li>○ Councils do not make major decisions with criteria to be developed defining ‘major’</li> <li>○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities.</li> <li>○ There are consistent election conduct rules for all candidates.</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation</u></b> <b>- Supported.</b></p> <p>This proposed reform would serve to depoliticise Council decision-making in the lead up to a local government election. The election caretaker period should begin with the closure of candidate nominations.</p>
<b>5.7 Remove WALGA from the Act</b>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> <li>The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>.</li> <li>The Local Government Panel Report and the Select Committee Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Panel Report</a> recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>.</li> <li>Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.</li> </ul>	<p><b><u>Administration Recommendation</u></b>  <b>- Not supported, subject to further clarity on the future impacts on the Local Government Insurance Scheme, tendering and pre-qualified supplier panels.</b></p> <p>The Shire of Nannup is supportive of the WALGA position. WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p>
<p><b>5.8 CEO Recruitment</b></p>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> <li>Recent amendments introduced provisions to standardise CEO recruitment.</li> <li>The recruitment of a CEO is a very important decision by a local government.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.</li> <li>Councils will be able to select an independent person from the approved list.</li> <li>Councils will still be able to appoint people outside of the panel with the approval of the Inspector.</li> </ul>	<p><b><u>Administration Recommendation</u></b>  <b>- Supported.</b></p> <p>It is anticipated that local governments would be required to foot the cost of an independent person, in addition to any human resources consultant brought in to recruit a CEO. Should this proposed reform move ahead, all costs associated with the creation and maintenance of the panel should be borne by the State Government.</p>

**Theme 6: Improved Financial Management and Reporting**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<b>6.1 Model Financial Statements and Tiered Financial Reporting</b>		
<ul style="list-style-type: none"> <li>The financial statements published in the Annual Report is the main financial reporting currently published by local governments.</li> <li>Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity.</li> <li>The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information.</li> </ul>	<ul style="list-style-type: none"> <li>The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government.</li> <li>It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects.</li> <li>Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</li> <li>The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity.</li> <li>Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments.</li> <li>It is proposed to establish standard templates for <b>Annual Financial Statements</b> for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4.</li> <li><b>Online Registers</b>, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments.</li> </ul>	<p><b><u>Administration Recommendation - Support, in principle.</u></b></p> <p>It is noted that local governments are to meet the Australian Accounting Standards Board (AASB) requirements. This is not clear how the standards required by the AASB will be factored into the legislative reform. It seems to be duplicating an existing process.</p> <p>In the event that the reform is approved, any templates produced by the DLGSC should align with the requirements of the AASB as well as meeting the audit needs of the Office of the Auditor General.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>• <b>Simpler Strategic and Financial Planning</b> (item 6.2) would also improve the budgeting process.</li> </ul>	
<b>6.2 Simplify Strategic and Financial Planning</b>		
<ul style="list-style-type: none"> <li>• Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.</li> <li>• There is also the Integrated Planning and Reporting (IPR) framework.</li> <li>• While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making.</li> <li>• The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public.</li> <li>• In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers.</li> <li>• Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments.</li> <li>• It is proposed that the plans that are required are:             <ul style="list-style-type: none"> <li>○ Simplified <b>Council Plans</b> that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC</li> <li>○ Simplified <b>Asset Management Plans</b> to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape</li> <li>○ Simplified <b>Long Term Financial Plans</b> will outline any long term financial management and sustainability</li> </ul> </li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>It is recommended that the DLGSC consider creating a working group to deliver this reform or consult further with the public and sector with more specific detail as to how these plans are to be constituted, particularly Council Plans.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</p> <ul style="list-style-type: none"> <li>○ A new <b>Rates and Revenue Policy</b> (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years)</li> <li>○ The use of simple, one-page <b>Service Proposals</b> and <b>Project Proposals</b> that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become <b>Service Plans</b> and <b>Project Plans</b> added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments.</li> </ul>	
<b>6.3 Rates and Revenue Policy</b>		
<ul style="list-style-type: none"> <li>• Local governments are not required to have a rates and revenue policy.</li> <li>• Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>• The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure.</li> <li>• A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services.</li> <li>• The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</li> <li>• A template would be published for use or adaption by all local governments.</li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>Councils’ deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community’s willingness and capacity to pay. A policy on this matter would be considered a useful tool in managing ratepayer expectations by giving considered reasoning for an increase or reduction</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Panel Report</a> included this recommendation.</li> </ul>	<p>in rates raised by Council. This Rates Policy would best be contained within the Long Term Financial Plan as ultimately that document is setting the spend and subsequent rating level for the next 10 years.</p>
<b>6.4 Monthly Reporting of Credit Card Statements</b>		
<ul style="list-style-type: none"> <li>No legislative requirement.</li> <li>Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.</li> </ul>	<ul style="list-style-type: none"> <li>The statements of a local government’s credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis.</li> <li>This provides oversight of incidental local government spending.</li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid. The Shire of Nannup already includes these transactions.</p>
<b>6.5 Amended Financial Ratios</b>		
<ul style="list-style-type: none"> <li>Local governments are required to report seven ratios in their annual financial statements.</li> <li>These are reported on the MyCouncil website.</li> <li>These ratios are intended to provide an indication of the financial health of every local government.</li> </ul>	<ul style="list-style-type: none"> <li>Financial ratios will be reviewed in detail, building on work already underway by the DLGSC.</li> <li>The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.</li> </ul>	<p><b><u>Administration Recommendation - Supported.</u></b></p> <p>Financial ratios are increasingly used across Australia as an important performance indicator for public sector entities, including local government.</p> <p>Across Australia, local governments are required to calculate and publish different ratios. The lack of consistency makes the comparison of financial performance across local governments around the country more complex. Likewise, methods of valuation used to</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>calculate ratios under the International Valuation Standard can vary, which means that ratios are a guide or indicator rather than a definitive account of financial health.</p> <p>Altering the financial ratios that local governments are required to calculate and report may improve awareness and understanding of local government financial performance.</p> <p>The choice of ratios used in Western Australia has been the subject of criticism. Some in the sector view the ratios as an ineffective metric that can be misrepresented and that do not give a true reflection of financial performance and asset management.</p> <p>The publication of the Financial Health Indicator on the MyCouncil website, which uses financial ratios in its calculations, has brought greater attention to financial health and highlighted the role that ratios can perform aggregating otherwise complex financial data.</p> <p>In the opinion of Shire Officers, if the Department of Local Government Sport and Cultural Industries and Office of Auditor General are going to use ratios as measurements for performance and sustainability of local governments, then the underlying data used to calculate the ratios must be</p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>reviewed. Due to the varying topography, asset base, community needs etc ratios should not be compared across Local Governments, rather they should measure the performance of the local government in question from one year to the next and viewed over many years to see performance trends.</p> <p>One of the most critical anomalies that must be addressed is the removal of depreciation from non-asset based ratios. The sector is made up of many different sizes and shapes of local government areas with different asset burdens, and due to the need to include roads in assets, small local governments in population may have major asset bases and appear unsustainable.</p> <p>Typically local government budgets fluctuate from year to year, ratios can be distorted by many things including Carry Forwards from previous years, Advance Payments from the Grants Commission or timing of grant payments. Local governments in conjunction with auditors should be able to remove the anomalies from a particular year to demonstrate core business making the analysis of trends more effective.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>The overall revaluation process and depreciation calculation is flawed due to the significant variations in techniques and depreciation rates across the sector. A clear direction from the DLGSC or through reform must be given related to method of valuation and depreciation rates for there to be any 'apples for apples' comparison between local governments. Currently, some local governments see this as an opportunity to use an outcome based approach through asset management rather than a relief skewing the health performance impression given to rate payers.</p>

6.6 Audit Committees		
<ul style="list-style-type: none"> <li>Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members.</li> <li>The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act.</li> <li>The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.</li> </ul>	<ul style="list-style-type: none"> <li>To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government.</li> <li>Audit Committees would also need to consider proactive risk management.</li> <li>To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees.</li> <li>The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.</li> </ul>	<p><b><u>Administration Recommendation - Not supported.</u></b></p> <p>WALGA does not support this proposed reform either, the Shire shares WALGA's position in that audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</p> <p>The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p>

		<p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet separately with each Local Government within the region? There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p>
<p><b>6.7 Building Upgrade Finance</b></p>		
<ul style="list-style-type: none"> <li>• The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements.</li> <li>• This is not currently provided for under the Act.</li> <li>• The Local Government Panel Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>• Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.</li> <li>• This would allow local governments to lend funds to improve buildings within their district.</li> <li>• Limits and checks and balances would be established to ensure that financial risks are proactively managed.</li> </ul>	<p><b><u>Administration Recommendation</u> - Not supported.</b></p> <p>Currently the local government can provide for self-supporting loans, granted under certain conditions.</p> <p>This proposed reform carries significant organisational financial risk and needs further development, with clarity as what ‘checks and balances’ would be included.</p>

<b>6.8 Cost of Waste Service to be Specified on Rates Notices</b>		
<ul style="list-style-type: none"><li>• No requirement for separation of waste changes on rates notice.</li><li>• Disclosure will increase ratepayer awareness of waste costs.</li><li>• The Review Panel Report included this recommendation.</li></ul>	<ul style="list-style-type: none"><li>• It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).</li><li>• This would provide transparency and awareness of costs for ratepayers.</li></ul>	<b><u>Administration Recommendation</u> - Supported.</b>



# NANNUP STRATEGIC COMMUNITY PLAN

Our Future Nannup

# 2021-2036

Strategic update completed 2021

# CONTENTS PAGE

Acknowledgement of Country	3
Message from Shire President	3
Our Shire	4
About Nannup	5
Location	6
History	7
Our Community Snapshot	8
What is a Strategic Community Plan?	9
A vision shaped by the community	10
Consultation results and feedback on the Strategic Community Plan	11
Community Priorities	11
What we did with the information	12
Scope	13
Our Future Nannup Strategic themes	14
Our Future Nannup	16
What Happens Next	24
Current Resource Capacity	24
Links with other plans	26
Shire of Nannup Community Plan 2021 – 2036	27



# ACKNOWLEDGEMENT OF COUNTRY

The Shire of Nannup acknowledges the Wardandi and Bibbulmun people as the native title holders of the lands and waters in and around Nannup together with all native title holders throughout the Shire.

We pay respect to the Elders, past, present and emerging, and of the Wardandi and Bibbulmun people and extend that respect to all Aboriginal Australians living within the Shire of Nannup.

# MESSAGE FROM THE SHIRE PRESIDENT



It gives me great pleasure to present the Shire of Nannup Strategic Community Plan 2021 – 2036 which is the first step towards the Shire's Integrated Planning and Reporting (IPR) framework.

This Plan is Council's key planning document which, following consultation with our community, details our community's vision for the future and sets Council's priorities and direction for the Shire for over the next 15 years.

The ever-growing visitor economy and people wanting to relocate to our magnificent community creates a range of different pressures on the way things currently exist. This Plan plays an integral role in Council's decision-making processes and will help create real benefits to our community's priorities and future. It will strengthen strategic relationships between the Shire, business and community in economic and community development and see new opportunities present themselves in this area.

In closing I would like to take this opportunity to thank each and every one of you for being involved in the process and this document of which we can all be very proud.

Cr Tony Dean  
SHIRE PRESIDENT



## **OUR SHIRE**

### **VISION**

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

### **MISSION STATEMENT**

“The Shire of Nannup will deliver quality services, facilities and representation in order to achieve our Vision.”

### **VALUES**

We promote and enhance the following values in all our relationships with our community:

Honesty in our dealings

Integrity in our actions

Consistency in decision making

Teamwork in our operations

Respect for others and their decisions

Caring for people in our community

Commitment to decisions and roles

Responsive to the needs of others

Effective communication with all

## **ABOUT NANNUP**

**“Nestled in a peaceful environment, the Shire of Nannup is a supportive, connected community that encourages the unique aspirations of those who engage in it.”**



# LOCATION



**Nannup is situated 288km south of Perth, and is geographically in the centre of the South West.**

The Shire of Nannup covers over 3,000 square kilometres, with a total population of 1,363 (REMPAN data). Eighty-five percent of the Shire is under forest, however the rich soils, high rainfall and an excellent climate also provides ideal conditions for farming. Environment and heritage play a large role in the community's culture. Nannup boasts a variety of successful industries including beef cattle, horticulture, tourism, arts and crafts, floriculture, aquaculture, viticulture and timber processing.

With National Parks and State Forest being a prominent feature in the Shire, it makes us a significant tourist attraction for the region and is popular with outdoor adventure enthusiasts. Nannup hosts several significant

local events including the Nannup Music Festival, Flower and Garden Festival, Forest Car Rally and major cycling events such as ToMR and Seven.



# HISTORY

**Nannup was an important meeting place for the four different local family groups; Wardandi, Bibbulmun, Minang and Kaneang to gather. It is understood that the Wardandi people's country took in Busselton to Margaret River and Nannup with the Blackwood River being the boundary between the two clans. The Bibbulmun people's country ran to the south of the Blackwood River to Donnelly River and Broke Inlet to Augusta.**

The Minang would travel from the Southern forests and Kaneang from Eastern Black Hills to meet, celebrate and trade. Territories were bordered by natural landscape such as rivers, valleys and hills. Travel routes would usually follow waterways, known as inherited songlines.

Nyungar people would travel the land determined by their six seasons, spending the summer on the coast and travelling up the Blackwood River to Nannup Brook where they would camp over winter and then when the river subsided, travel north to Busselton and then south to Donnelly and across to the coast at Margaret River.

There are 35 registered heritage cultural Nyungar sites within the Shire of Nannup which includes Lake Jasper, Black Point, the Kybra site on private property, artefacts, ceremonial sites, engravings, burial sites, scarred and modified trees, mythological and historical sites. A full register with maps is stored on the Department of Indigenous Affairs website.

Aboriginal people helped the first European settlers as they explored along the Blackwood River in 1834 to source fresh water and food. A small party headed by Thomas Turner set out from Augusta to trace the Blackwood River upstream to its source. Nannup is reportedly named after one of the Aboriginal guides on his expedition and means "place to stop and rest".

The first settlers arrived in Nannup in the early 1860's to take up pastoral runs. Early families took up land at Biddelia, Balingup Road, Darradup, Cundinup and East Nannup. The early farmers milked cows, bred horses and later produced fat lambs which were brought to the area from interstate.

The township of Nannup has a truly agricultural base with the first shop located on the Northern side of the traffic bridge at "Macroon". The first Town Hall was built by the Farmers and Graziers of the district from the timber they retrieved from their land clearing operations. The farmers and Graziers petitioned the State Government for finance to extend the Railway line to Nannup because of the potential for the dairy and potato industry and the fact that there was also a timber resource to be had.

The line was opened in 1909 and Barrabup Mill commenced in 1908. This closed in 1925 and the timber industry moved to the present site, where Nannup Timber Processing now operates. The Farmers and Graziers Association also sought and received Government finance for the Recreation ground and a new school.

Perth was once 17-20 days away from Nannup by horse and buggy. Today with the new Forrest Highway the journey takes two and a half hours. With the restructure of the timber industry, viticulture, aquaculture and tourism businesses now diversify the economic base of the Shire.



# OUR COMMUNITY SNAPSHOT

Population  
**1363**



Gender

Male: 52%



Female: 48%



SHIRE OF NANNUP

Population  
Growth Rate  
(2008 – 2018)  
**0.54%**



Median  
Age  
**52**



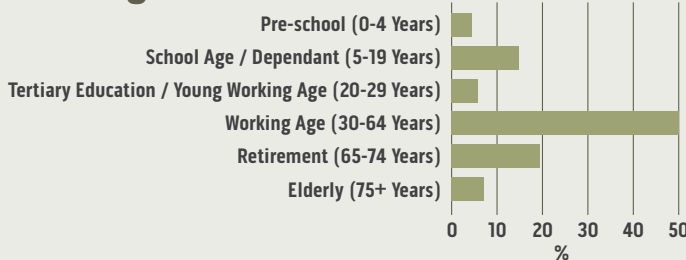
Land Area  
**305,394ha**



Gross Regional  
Product  
**\$84mil**



## Lifestage



## Employment by Industry

Agriculture, Forestry and Fishing	<b>22.5%</b>
Manufacturing	<b>16.5%</b>
Accommodation and Food Services	<b>12.3%</b>

## Home Ownership

Owned outright:	<b>46%</b>
Owned with a mortgage:	<b>27%</b>
Rented:	<b>21%</b>
Other:	<b>6%</b>

## Dwellings

Separate house:	<b>92%</b>
Caravan, cabin, houseboat, other:	<b>8%</b>

## Number of People in Family

2 people:	<b>48.9%</b>
3 people:	<b>17.29%</b>
4 people:	<b>17.07%</b>
5 people:	<b>11.89%</b>
6 people:	<b>4.85%</b>

## Need for Assistance with Core Activities

Does not have need for assistance with core activities:	<b>86%</b>
Has need for assistance with core activities:	<b>4.14%</b>
Not stated:	<b>10%</b>

(SOURCE REMPLAN: Data Sources ABS 2016 Census Place of Work Employment (Scaled), ABS 2016 / 2017 National Input Output Tables, ABS June 2018 Gross State Product, ABS 2016 Census of Population and Housing (Scaled), ABS 2017 / 2018 Tourism Satellite Account, TRA 2015 Australia's South West Regional Tourism Profile)

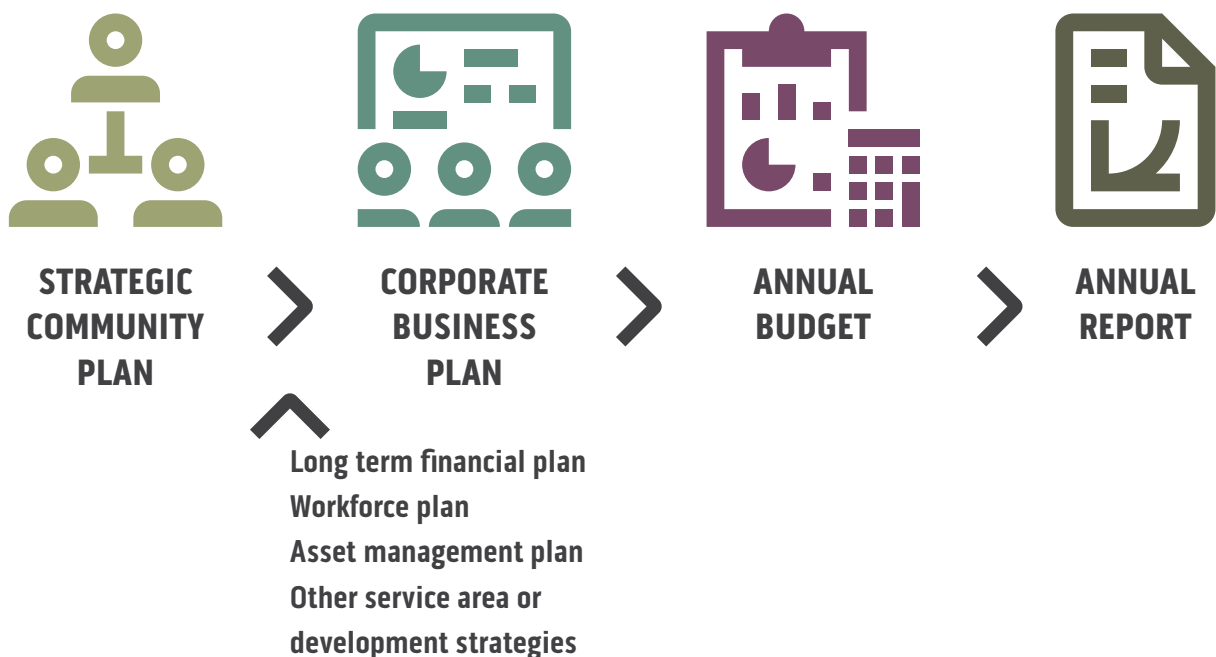


Daniela Tommasi Photography

## WHAT IS A STRATEGIC COMMUNITY PLAN?

The West Australian State Government requires all local governments to develop an integrated planning and reporting framework.

The Strategic Community Plan (shortened to the 'Community Plan' in this document) is part of the integrated planning and reporting framework, and is the most significant document for setting the Shire's direction. The Community Plan expresses the community's vision and priorities for the next ten years and beyond. The plan gives us a method for establishing priorities and aligning them to operational functions. It will also support the development of improved services and outcomes for the community and will continue to evolve to support the needs of our community. It also sets the foundation for the Corporate Business Plan, and helps determine priorities for the annual budgeting process, and is reported upon in the Annual Report. The Integrated Planning and Reporting framework is depicted below:



Successfully implementing our Community Plan will require a commitment from all stakeholders, including the Shire of Nannup, residents, businesses, visitors, community organisations and all levels of government.

An aerial photograph of a lush, green forested valley. A dirt road winds through the trees, and a person is riding a bicycle on it. The scene is bathed in warm, golden light, suggesting early morning or late afternoon. The background shows a misty or hazy sky over the distant hills.

## **A VISION SHAPED BY THE COMMUNITY**

**The first iteration of our Community Plan was launched in 2017 and was developed through community consultation. It has now been four years, and we have conducted a strategic review of the plan, and we have updated it to reflect the views and feedback provided by the community.**

**Community engagement is a process that allows people to participate in decisions that affect them, and at a level that meets their expectations. It helps strengthen the relationship between communities and government, enabling all the concerned groups to become part of the process.**

**In order to conduct a review of this plan, the Shire engaged with members of the community through a survey that was made available to all residents and provided on the Shire's website to be completed online. The survey explored how relevant the Community Plan remains for residents, and sought feedback on specific elements of the Community Plan and residents' level of satisfaction with Shire services.**

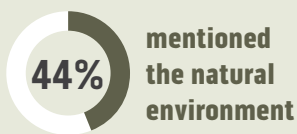
**The survey responses provided valuable insight into residents' priorities, and these responses have been used to inform this updated version of the Community Plan.**

# CONSULTATION RESULTS AND FEEDBACK ON THE STRATEGIC COMMUNITY PLAN

## OUR COMMUNITY

Our respondents to the survey and face to face meetings provided a range of comments to share what they felt made Nannup special, what challenges Nannup faces, and what their desire was for Nannup's future.

### WHAT MAKES NANNUP SPECIAL?



### WHAT CHALLENGES DOES NANNUP HAVE?



### OUR FUTURE – WHAT IS YOUR GREATEST DESIRE FOR NANNUP?



(responses not cumulative to 100% – many responded mentioned more than one theme)

## COMMUNITY PRIORITIES:

### TOP 3 PRIORITIES FOR RESPONDENTS FOR FURTHER INVESTMENT:

#### Priority

1



Aged persons and people with disability

39%



Children and youth

21%



Environmental management and sustainability

21%

#### Priority

2



Tourism

21%



Art culture and heritage

19%



Environmental management and sustainability

19%

#### Priority

3



Waste management

17%



Environmental management and sustainability

16%



Community consultation and engagement

15%





## WHAT WE DID WITH THE INFORMATION

**We used the information from this survey to review and update the Community Plan, to ensure it is a clear, concise document that reflects the priorities of the community.**

The survey showed that the existing themes of Community, Economy, Built Environment, Natural Environment and Leadership remain relevant to residents. As such we have retained these themes but refined them to reflect the feedback we received through consultation.

We have made adjustments to the Community Plan to reflect key priorities from respondents, including:

- Attraction and retention of residents, tourists and businesses
- The importance of the environment and protecting and showcasing natural assets
- Economic development and diversifying the economy
- Engagement and leadership
- Supporting young people and the aged
- Infrastructure and amenity
- Planning, and retaining and protecting the unique character of the town

It's important to remember that consultation is an ongoing process and new and evolving trends will be incorporated during subsequent reviews.



# SCOPE

This plan outlines the scope of the Shire’s strategic themes, focus areas, strategies and the role the Shire plays in delivering these outcomes.

The roles and responsibilities of the Shire of Nannup include:



**Community infrastructure and asset management**



**Road maintenance and traffic management**



**Waste management**



**Economic Development**



**Environmental health and ranger services**



**Planning and building services and approvals**



**Community and welfare services**



**Administration of facilities**



**Governance and administration services**

Where we are directly responsible for an activity and resources permit, we are committed to delivering the aspirations set out in the Community Plan. Where we do not have direct responsibility or influence on the aspirations, we will advocate to those responsible and will work in partnership with them to deliver outcomes for the Shire of Nannup and its residents.

Our scope and activities are constrained by resources (both human and capital), budget, and legislation and common-sense play a defining role in what can be achieved in our future direction.

# OUR FUTURE NANNUP STRATEGIC THEMES

Our Community Plan is underpinned by a Community Statement that expresses what matters to our community and is supported by the key themes that make up the statement. These themes have been updated in this version to reflect the feedback from the community through the consultation process.



**Our Shire**



**Our Natural Environment**

We are a unique Shire that role models sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events. We embrace innovation and encourage investment to attract visitors and create opportunities for our residents. We have a charming historic town centre, which we value and our future development will be in keeping with this unique character. We are surrounded by nature, which we strive to celebrate and protect. Our leaders listen to the community, are transparent, and act with integrity.



**Our Community**



**Our Built Environment**



**Our Economy**

## **Our Community Statement:**

We are a unique Shire that role models sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events. We embrace innovation and encourage investment to attract visitors and create opportunities for our residents. We have a charming historic town centre, which we value and our future development will be in keeping with this unique character. We are surrounded by nature, which we strive to celebrate and protect. Our leaders listen to the community, are transparent, and act with integrity.

### **Our Community**

We role model sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events.

- We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live
- We respect and value our aged, and we seek to ensure they are supported
- Youth and young families are important and we will focus on making Nannup a great place to grow up where families can thrive

### **Our Economy**

Well planned, managed, sustained growth is the key to Nannup's future.

- We will grow our economy in ways that add value to our community and create diverse opportunities for our residents
- We will work together to attract people, investment and innovation to our Shire
- Our Shire will be recognised as an important source of food production for Western Australia, and we will support the agriculture sector to grow and diversify

### **Our Built Environment**

Keep the charm and fabric of Nannup while expanding infrastructure, housing and amenity.

- We will protect and enhance the charm and fabric of our unique Shire
- We will develop the amenity and housing in line with the existing character of the town
- We will provide quality planning outcomes for community benefit through quality consultation
- We will advocate to increase the coverage of our communication systems

### **Our Natural Environment**

We are surrounded by nature, which we strive to celebrate and protect.

- We will protect, manage and enhance our natural assets, including our forests, managed bushland, rivers, agriculture and our pristine coastline
- We will continue to ensure that our built environments exist in harmony with our natural landscapes
- We will strive to transition to cleaner sources of energy, and to incorporate and support environmental sustainability through our built environment, our economy, and to create unique experiences for our visitors.

### **Our Shire**

We listen to our community, are transparent, and act with integrity.

- We will listen to, engage and partner with our community leaders and groups, including the Traditional Owners, the Wardandi and Bibbulmun people
- We will support our community groups and encourage them to work together
- We will communicate the plans and decisions of the Shire with our residents, and seek input and insight from all our diverse groups
- We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community

# OUR FUTURE NANNUP:

We will achieve these themes and focus areas through applying key strategies. These strategies will inform actions to be included in our Corporate Business Plan, and the outcomes will be measured through our annual reporting process.

The Shire plays different roles in delivering outcomes and projects within the community, depending on whether it is responsible for the delivery of a service or program, or whether it is an enabler (partner), facilitator or advocate.



## DELIVER:

The Shire is responsible for funding, planning and delivering the service.



## PARTNER:

The Shire is actively involved, either leading or supporting, through the process of planning and implementing new or enhanced services or facilities in partnership with other entities.



## FACILITATE:

The Shire provides support or incentives for other agencies or private entities to develop a service or facility, or increase their service delivery within the community.



## ADVOCATE:

The Shire encourages or requests other agencies or private entities to develop a service or facility, or increase their service delivery within the community.

# OUR COMMUNITY:

**WE ROLE MODEL SUSTAINABILITY, FRIENDLINESS, AND WE ARE PROUD OF AND ENGAGE WITH OUR HERITAGE, FESTIVALS AND EVENTS.**

FOCUS POINT	STRATEGIES	SHIRE RESPONSIBILITY
<p><b>1.1 WHO WE ARE</b></p> <p>We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live</p>	<p>Promote a connected, safe and healthy community through environmental health services, emergency management and community development</p> <p>Value, support and enhance inclusive events and festivals that bring our community together and attract visitors to our Shire</p> <p>Support the continued growth and enhancement of our local culture, heritage and arts</p> <p>Support our community to be resilient, independent and self-sufficient</p>	<p>Deliver Partner</p> <p>Facilitate</p> <p>Partner Facilitate</p> <p>Facilitate</p>
<p><b>1.2 OUR AGED</b></p> <p>We respect and value our aged, and we seek to ensure they are supported</p>	<p>Provide an aged friendly environment that is accessible, supportive and inclusive</p> <p>Advocate for continued improvements in services from other levels of government and the private sector that facilitate living and aging well in our community</p> <p>Support the continued provision of an exemplary health services in the community</p>	<p>Deliver Facilitate</p> <p>Advocate</p> <p>Facilitate</p>
<p><b>1.3 OUR YOUTH</b></p> <p>Youth and young families are important and we will focus on making Nannup a great place to grow up where families can thrive</p>	<p>Partner with the Nannup District High School to retain students, and become a school of choice</p> <p>Support youth leadership, employment opportunities, and involvement in the community</p> <p>Create a family friendly town that attracts and retains young families</p>	<p>Advocate</p> <p>Partner Facilitate</p> <p>Facilitate</p>

# OUR ECONOMY:

WELL PLANNED, MANAGED, SUSTAINED GROWTH IS THE KEY TO NANNUP'S FUTURE.

FOCUS POINT	STRATEGIES	SHIRE RESPONSIBILITY
<p><b>2.1 THE BIG PICTURE</b></p> <p>We will grow our economy in ways that add value to our community and create diverse opportunities for our residents</p>	Encourage economic growth by supporting and advocating research, innovation and development initiatives, in collaboration with local industry	Facilitate
	Work collaboratively with State and Federal Government agencies to position the Shire as a location of choice for contracts and investment	Advocate
	Attract and support new industry, businesses and employment into our Shire, and develop existing industries	Facilitate
	Promote the Shire as being a Small Business Friendly Local Government by working with the Small Business Development Corporation to provide support for business sustainability	Advocate Facilitate
<p><b>2.2 TOURISM AND ATTRACTION</b></p> <p>We will work together to attract people, investment and innovation to our Shire</p>	Support tourism providers to enable visitors to experience all that Nannup has to offer	Deliver Facilitate
	Deliver marketing and branding initiatives for our Shire and Region to attract visitors, and to promote regional experiences, produce and services	Deliver Facilitate
	Increased and varied trails throughout the district, and promoted as a unique point of attraction for visitors	Advocate
<p><b>2.3 AGRICULTURE</b></p> <p>Our Shire will be recognised as an important source of food production for Western Australia, and we will support the agriculture sector to grow and diversify</p>	Collaborate with industry to reduce barriers to growth and diversification for growers, farmers and producers	Partner
	Support agriculture by encouraging local consumption, establishing and supporting local distribution channels and promoting the Shire as a premium food destination	Advocate

# OUR BUILT ENVIRONMENT:

**KEEP THE CHARM AND FABRIC OF NANNUP WHILE EXPANDING INFRASTRUCTURE, HOUSING AND AMENITY.**

FOCUS POINT	STRATEGIES	SHIRE RESPONSIBILITY
<p><b>3.1 OUR SHIRE AND STREETScape</b></p> <p>We will protect and enhance the charm and fabric of our unique Shire</p>	<p>Well-maintained quality infrastructure for our community and visitors and to promote activity</p> <p>Protect and promote our unique charm, heritage and fabric within the local planning scheme</p> <p>Maintain our town's distinct look and feel through a strategic approach to enhancing our iconic places, such as the Main Street</p>	<p>Deliver</p> <p>Deliver</p> <p>Deliver</p>
<p><b>3.2 OUR AMENITY</b></p> <p>We will develop the amenity and housing in line with the existing character of the town</p>	<p>Investigate opportunities to ensure there are affordable and appropriate housing opportunities available for residents, to support sustainable growth</p> <p>Enhance, develop and attract amenities and develop recreation facilities that create enjoyment for residents and visitors alike</p> <p>Support sport and recreation groups to promote an active and healthy community.</p>	<p>Facilitate</p> <p>Deliver Facilitate</p> <p>Facilitate</p>
<p><b>3.3 PLANNING AND BUILDING</b></p> <p>We will provide quality planning outcomes for community benefit through quality consultation</p>	<p>Sustainable growth for the benefit of the community, with development that enhances quality of life, enabled by our local planning scheme</p> <p>Work with State Government agencies and stakeholder groups to improve our coastal access and recreational opportunities</p>	<p>Deliver</p> <p>Advocate</p>
<p><b>3.4 OUR COMMUNICATIONS</b></p> <p>We will advocate to increase the coverage of our communication systems</p>	<p>Improve coverage of all forms of telecommunication within the Shire, including internet, radio, mobile phone and television</p>	<p>Advocate</p>



# OUR NATURAL ENVIRONMENT:

WE ARE SURROUNDED BY NATURE, WHICH WE STRIVE TO CELEBRATE AND PROTECT.

FOCUS POINT	STRATEGIES	SHIRE RESPONSIBILITY
<b>4.1 OUR SANCTUARY</b>  We will protect, manage and enhance our natural assets, including our forests, managed bushland, rivers, agriculture and our pristine coastline	Protect our range of natural assets by working with Government agencies to ensure protection and sustainable management of natural and managed bush land, forests, rivers, agriculture and coast	Advocate
	Support the management of hazards to our natural assets and community, including pests and fire risk	Facilitate
	Improve awareness and increase public responsibility for protecting our environment by engaging the community in initiatives to reduce our impact on the environment	Facilitate
<b>4.2 OUR LOCATION</b>  We will continue to ensure that our built environments exist in harmony with our natural landscapes	Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies	Deliver
	Increase community awareness and preparedness for the impacts of changing environments	Facilitate
<b>4.3 OUR SUSTAINABLE FUTURE</b>  We will strive to transition to cleaner sources of energy, and to incorporate and support environmental sustainability through our built environment, our economy, and to create unique experiences for our visitors.	Support a sustainable community and promote self-sufficiency through energy saving initiatives, and increased renewable energy sources for Shire assets	Deliver Facilitate
	Explore collaborative regional solutions for waste processing and recycling	Partner
	Promote initiatives and programs to support the community to reduce our impact on the environment	Facilitate
	Promote a healthy lifestyle and alternative methods of transport	Deliver

# OUR SHIRE:

WE LISTEN TO OUR COMMUNITY, ARE TRANSPARENT, AND ACT WITH INTEGRITY.

FOCUS POINT	STRATEGIES	SHIRE RESPONSIBILITY
<p><b>5.1 LISTEN</b></p> <p>We will listen to, engage and partner with our community leaders and groups, including the Traditional Owners, the Wardandi and Bibbulmun people</p>	Listen to our community by conducting community engagement to shape the strategic direction for our Shire, and regarding significant projects and other activities	Deliver
	Enable open communications for residents with Shire staff and Councillors	Partner
<p><b>5.2 WORKING TOGETHER</b></p> <p>We will support our community groups and encourage them to work together</p>	Recognise and support existing and emerging community volunteers and groups, and provide opportunities to contribute to our community	Deliver
	Support the connecting and networking of major community groups to share resources and goals	Facilitate
<p><b>5.3 LEAD, LISTEN, ADVOCATE, REPRESENT AND PROVIDE</b></p> <p>We will communicate the plans and decisions of the Shire with our residents, and seek input and insight from all our diverse groups</p>	Provide a listening leadership that represents the people through ongoing community engagement	Deliver
	Be a role model for a cohesive and connected community	Deliver
<p><b>5.4 WE ARE ONE</b></p> <p>We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community</p>	Incorporate and deliver balanced outcomes including social, environmental, and financial, through triple bottom line decision making	Deliver
	Provide a stable, consistent and honest government	Deliver
	Maintain good working relationships with neighbouring Shires	Partner



# WHERE TO FROM HERE?



# WHAT HAPPENS NEXT

Your Council will provide an update on its progress in achieving the strategies in this document, by providing an update in our annual report to the community. A full review will be conducted every four years, and the document will be updated to reflect community feedback through the review process. This is to reflect changing priorities, the external economic environment, other external regulations and available funding.

## Planning our Resources and Performance

To support the successful implementation of the Community Plan, we have developed a Corporate Business Plan, Asset Management Plan, Workforce Plan and Long Term Financial Plan. These documents direct the Shire's resources, assets and funding toward the priorities, key projects and activities set out in our Community Plan.

These Plans can be accessed by contacting Council Staff or through the Shire of Nannup website.

The Community Plan was developed with an understanding of our current resource capacity, both financial, workforce and asset resources. Whilst future resource capacity is not known with certainty, expectations of relative future resource capacity have been considered.

---

# CURRENT RESOURCE CAPACITY

THE 2020/21 AUDITED ANNUAL FINANCIAL REPORT REFLECTED THE FOLLOWING SHIRE RESOURCE PROFILE AS AT 30 JUNE 2021.

RESOURCE	LEVEL
Workforce	33 FTE
Infrastructure Assets	\$95,583,034
Property Plant and Equipment	\$12,590,034
Cash Backed Reserves	\$3,065,456
Borrowings	\$556,302
Annual Rate Revenue	\$1,772,136
Annual Expenditure	\$5,279,377



### **Future Resource Capacity**

Future resource capacity is partially dependent on other levels of government however the following plans set the direction and long term strategy for the Shire in managing its resources.

### **Asset Management Plan:**

This plan assigns an agreed service level, a strategy and the required investment to maintain that asset at the agreed level for the whole of its life. The plan shows what funds are required to maintain the Council's buildings over the next 10 years. The Council has already started to provide for this need in its asset management reserve.

A review of the Council's infrastructure assets shows that they are in good condition and it is anticipated that current maintenance budgets are sufficient to maintain them at an acceptable condition.

### **Long Term Financial Plan:**

This document sets out the financial resources required to deliver the objectives in the Community Plan. This shows the underlying financial resources of the Council are strong.

The plan shows the Council reliance on external sources of funding to deliver its priorities. The workforce plan allows for dedicated support to identify and source this external funding.

### **Workforce Plan:**

This plan identifies the human resources and skills required to deliver the communities priorities for the next ten years.

### **Corporate Business Plan:**

Identifies and prioritises the principal strategies and activities that Council will undertake in response to the aspirations and objectives stated in the Community Plan. It sets out in greater detail the resources required to deliver our priorities.

### **Annual Budget:**

The annual budget sets the resources for Council's day to day operations and capital projects. The majority of day to day operations are not referenced in the Community Plan as this document concentrates on the priorities identified by the community



# LINKS WITH OTHER PLANS

Located in the South West region, our community is part of the Blackwood subregion; with the plans and aspirations of other communities surrounding us influencing what happens in our lives. Aligning our long term planning with the priorities of State Government and other relevant, external agencies provides for stronger partnerships and greater coordination of decision-making in the use of available resources. We have considered these documents in developing our Community Plan.

## Commonwealth/Federal

- Regional Development Australia Business Plan

## State

- Regional Investment Blueprint
- Royalties for Regions Act
- State Planning Strategy (1997)
- Forest Management Plan WA
- State Sustainability Strategy
- Acts and legislation, eg; WA Local Government Act, Health, Building, Dog and Cat, etc.

## Region

- South West Development Commission
- South West Regional Blueprint
- Augusta – Walpole Coastal Strategy

## Sub Region

- Warren Blackwood Strategic Alliance
- Blackwood River Flood Study
- Bush Fire Hazard Strategy

## Local

- Shire Documents to assist in guiding and achieving our goals:

- Adverse Event Plan
- Asset Management Plan
- Bike and Trails Plan
- Community Engagement Plan
- Corporate Business Plan
- Cultural Plan
- Delegation Register
- Disability Access and Inclusion Plan
- Health Plan
- Local Drug Action Group Plan
- Local Emergency Management Plans
- Local Planning Scheme 3
- Long Term Financial Plan
- Main Street Guidelines
- Nannup Cycle Master Plan
- Nannup Trail Town Business Case
- Policy Register Record Keeping Plan
- Trail Town Marketing Plan
- Waste Management Strategy
- Workforce Plan



Daniela Tommasi Photography

# SHIRE OF NANNUP COMMUNITY PLAN 2021 – 2036

About this document

Effective From: xxx

Expires on: xxx

**TO BE PROVIDED /  
REFORMATTED**

Adopted by Council: xxx

Any modifications to the Shire of Nannup Strategic Community Plan 2021- 2036 will be done in accordance with sub regulation 9 of the Administration Regulations of the Western Australian Local Government Act.

We thank the people of Nannup who engaged with and shaped our Community Plan, including those who generously donated their time and creative talents and allowed us to use their beautiful local photographs.





[nannup.wa.gov.au](http://nannup.wa.gov.au)