



Minutes

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Confirmed

Special Council Meeting

14 May 2026

4:30pm at The Council Chambers

15 Adam Street Nannup

The purpose of the special meeting is for Council to adopt

- Amendment No 4 to the Shire of Nannup Local Planning Scheme No4. Advertising Proposed Amendment.
- Development Application for Tourist Development Lot 500 on Deposited Plan 54957 Brockman Highway Nannup
- Confidential Item - Chief Executive Officer Annual Review.

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Risk Management:

The Shire of Nannup considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Assessing Risk:

Shire Nannup Consequence Guide							
Rating Level	Health	Financial	Reputational	Compliance	Service disruption	Assets	Environment
Low (Minor)	First Aid Injury	Less than \$5,000	Unsubstantiated	Negligible statutory impact	Little disruption	Inconsequential Damage	Contained and minimal
			No real impact				
Medium (Moderate)	Lost Time Injury <30 days	\$25,001 to \$100,000	Substantial public embarrassment moderate news profile	Short term but significant regulatory imposts	Temporary interruption and additional resources needed	Localised damage requiring external sources to rectify	Contained reversible impact with external agencies
High (Major – Extreme)	Lost time injury >30 days or a fatality	\$100,001 To \$500,000+	Substantiated prolong public embarrassment with widespread news	Non-Compliance resulting in litigation or criminal charges	Prolonged interruption greater than 1 month+	Excessive damage to complete loss of asset.	Uncontained irreversible impact

Shire Nannup Likelihood Guide			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur sat sometimes	At Least three per year
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may occur in exceptional circumstances	Less than once in 15 years

Shire Nannup Risk Matrix			
Likelihood \ Consequence	Low (1)	Medium (2)	High (3)
5 – Almost Certain	Medium (5)	High (10)	Extreme (15)
4 – Likely	Medium (4)	High (8)	High (12)
3 – Possible	Low (3)	Medium (6)	High (9)
2 – Unlikely	Low (2)	Medium (4)	Medium (6)
1 – Rare	Low (1)	Low (2)	Medium (3)

Shire Nannup Acceptance Criteria Guide			
Rating Level	Description	Criteria	Responsibility
Low (Minor)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operations Managers and Coordinators
Medium (Moderate)	Attention Required	Risk Acceptable with excellent controls, managed by senior staff subject to regular (1-3 Month) monitoring	Manager Corporate Services/CEO
High (Major – Extreme)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level authority and subject to continuous monitoring	CEO and Council

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:

The Deputy Shire President declared the meeting open at 4.30pm and welcome the public gallery.

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

Audio Recording

The Presiding Member advised that the meeting is being audio recorded in accordance with the Local Government Act 1995 and will be published on the Shire's website within 14 days.

Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.

2. ATTENDANCE/APOLOGIES:

2.1 ATTENDANCE

Councillor	Vicki Hansen
Councillor	Lynette Curtis
Councillor	Cr Patricia Fraser
Councillor	Cheryle Brown
Councillor	Nancy Tang
Chief Executive Officer	David Taylor
Executive Manager Works and Services	Richard Denby

2.2 APOLOGIES

PUBLIC GALLERY

Tina Duncan, Anne Bennetts, David Bennettes, Ian Gibb, Keith Harrow, Caryl Harroway, Ellen Nelson, Todd Nelson, Jan Breakmam, Anneli Salo, Mathew Newton, C McFarlane

3. PUBLIC QUESTION TIME:

Nil.

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

Shire President Cr Anthony Dean is on approved leave of absence for April, May and June.

No new applications for Leave of Absence have been received.

5. CONFIRMATION OF MINUTES:

Nil

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

7. DISCLOSURES OF INTEREST:

Cr Hansen declared an Impartial Interest in Agenda Item 10.1– Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment due to the following: President of Friends of Community House Inc, Operates the Nannup Op-Shop and provides administrative support.

Cr Tang declared an Impartial Interest in Agenda Item 10.1– Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment due to the following: She is a member of The CWA which benefits from the Op-Shop function.

Cr Curtis declared a Financial Interest in Agenda Item 10.2 – Development Application for Tourist Development. Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup due to the following: Her business could be directly affected financially as she owns Chalet Accommodation, camping and a function centre.

The Chief Executive Officer has made a Financial Declaration in relation to Confidential Item 12.1 – Chief Executive Officer Annual Review.

The Shire of Nannup Disclosure of Interest Register is on our website [here](#).

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

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

AGAINST

10.1 – Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment

Tina Duncan of Mc Citrick Street Nannup.

Carlotta. She is the secretary for Friends of Community House and is a committee member and volunteer at the Op-Shop.

The Op-Shop has a very important role within the community and has donated thousands of dollars to a variety of local groups and families.

Twenty one volunteers per week some of which are on Centrelink and patients at Cyrenian House.

AGAINST

10.2 Todd Nelson and Ellen Nelson

Three main elements of concern

- Scale – This doesn't stay in line with the Strategic plan.
- Road safety- Pedestrian and motorists
- Privacy – This had not been addressed.

- Water management – Still to be addressed.

Drainage and storm water management – We have massive flooding issues every year. Where is the water getting diverted to.

Privacy concerns – Driveway pointing directly to their property.

Dunnet Road – Serious issues with drainage and road safety. The traffic report is inaccurate.

Moonlight Ridge has issues of drainage that impact properties on the lower side. There has been no engagement with property owners to discuss solutions.

The public urge the Shire to seek further consultation and seek clarity before they make a decision to avoid further problems in the future.

10. REPORTS OF OFFICERS:

Cr Hansen declared an Impartial Interest in Agenda Item 10.1– Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment due to the following: She is President of Friends of Community House Inc, Operates the Nannup Op-Shop and provides administrative support.

Cr Tang declared an Impartial Interest in Agenda Item 10.1– Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment due to the following: She is a member of The CWA which benefits form the Opp-Shop function.

AGENDA NUMBER & SUBJECT:	10.1 – Amendment No.4 to the Shire of Nannup Local Planning Scheme No 4: Advertising Proposed Amendment
LOCATION/ADDRESS:	Lot 37 Warren Road & Lot 38 Grange Road, Nannup
NAME OF APPLICANT:	Lateral Planning and Uniting Church in Australia Property Trust (WA)
FILE REFERENCE:	TPL2-04
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 October 2025
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS	10.1.1 – Location Map 10.1.2 – Documentation from Applicant

BACKGROUND:

The applicant seeks Council’s adoption of a scheme amendment to rezone Lot 37 Warren Road, Nannup from the ‘Civic and Community’ Local Reserve to the ‘Commercial’ zone with a density code of R40 and to rezone Lot 38 Grange Road, Nannup from the ‘Civic and Community’ Local Reserve to the ‘Residential’ zone with a density code of R30. The Amendment, if approved by the Minister for Planning, would enable the owners of the land to develop the sites to enhance the economic activity within the Shire town centre.

The site location is shown in Attachment 10.1.1. The total area of the two lots is 4,489m². Lot 37 Warren Road has two structures on site, these being a former church and an outbuilding. Lot 38 Grange Road does not have any structures on site but is currently being used as a community garden. Lot 37 is generally flat while Lot 38 slopes down towards the eastern boundary

The applicant’s documentation is set out in Attachment 10.1.2. The documentation provides the necessary information and justification required by the Shire of Nannup Local Planning Scheme No. 4 (LPS4) including details of the current and surrounding land uses, physical characteristics, infrastructure and access, and supporting rationale. The documentation provides background information which is generally not repeated in this report.

COMMENT:

The scheme amendment request is supported and adoption (initiation) by Council is recommended. The church building is now not required by the Uniting Church, and the community garden (located on freehold land) is suitable for housing.

This Report seeks Council resolution to proceed to request approval to advertise the proposed amendment, without modification, under section 83A of the Act from the Western Australian Planning Commission (WAPC).

Should approval to advertise be granted by WAPC advertising of the proposal would occur calling for submissions. At the close of the submission period any submissions must be considered by Council, and the local government must pass a resolution —

(a) to support the proposed amendment without modification; or

(b) to support the proposed amendment with proposed modifications to address issues raised in the submissions; or

(c) not to support the proposed amendment.

On balance, the requested Amendment has merit for various reasons including those set out in Attachment 10.1.2. The site's physical features (slight slope, utility availability) and location are suitable for the proposed zones.

The amendment is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;
- The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a complex or basic amendment.

Subject to the Council's decision, the documentation will be forwarded to the Environmental Protection Authority (EPA) seeking environmental clearance. Following this, the amendment will be submitted to the Western Australian Planning Commission (WAPC) to assess its suitability for advertising and approval to advertise. Should approval to advertise be granted then the Shire will publicly advertise the amendment for 6 weeks by writing to stakeholders, placing notices in local papers, placing details on the Shire's website and having information available at the Shire office.

Following the close of the consultation period, the matter will again be considered by the Council to determine whether or not to support final adoption of the scheme amendment. After this, the WAPC will assess the scheme amendment request with the final decision made by the Minister for Planning.

Officers also note that the land subject to the proposal is currently utilised by Local Community groups, advice has been received that the Uniting Church no longer has an active congregation within the Nannup community and for this reason the Property Trust has resolved to dispose of the land.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS4.

The Council has a number of options available to it as summarised below:

- Adopt (initiate) the scheme amendment without modification - to facilitate advertising of the amendment
- Adopt the scheme amendment with modification(s) - to facilitate advertising of the amendment
- Not adopt the scheme amendment - this would mean the scheme amendment could not proceed; or
- Defer the scheme amendment - request and seek additional information from the applicant.

There is no right of appeal for the applicant if Council resolves to not adopt the amendment request. If this amendment request is not adopted by Council, it is open to the applicant to request that the Minister for Planning order the Shire to initiate a scheme amendment. Clause 77A(1) of the *Planning and Development Act 2005* sets out that the Minister may, on the recommendation of the WAPC, order a local government to prepare and submit for the approval of the Minister, an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a State planning policy.

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS:

The applicant has paid the required scheme amendment fee in accordance with adopted 2025/26 Schedule of Fees and Charges. **RISK MANAGEMENT MATRIX:**

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment which is shown below:

Risk	Likelihood	Consequence	Risk Rating	Risk Description	Mitigation/Controls
Environmental impact due to rezoning and	Unlikely (2)	Medium – (2) Contained reversible impact with	Medium – (4)	Rezoning may lead to increased development	Referral to EPA for environmental clearance; adherence to

future development		external agencies involved		pressure, potentially affecting local biodiversity and landform, especially on Lot 38 which slopes toward the eastern boundary.	Planning and Development Act 2005; public consultation and environmental review.
Non-compliance with planning regulations	1 – Rare	High – (3) – Non-compliance resulting in litigation or criminal charges	Medium (3)	Risk of procedural error or oversight in scheme amendment process.	Compliance with Planning and Development Act 2005 and Local Planning Scheme Regulations 2015; review by WAPC and Minister for Planning.
Displacement of community groups due to sale and redevelopment of land	4 – Likely	Medium – (2) Loss of access to informal community space and disruption to existing activities	High – (8)	The Uniting Church has indicated its intention to sell the land, which is currently used by community groups (e.g., community garden). Sale and redevelopment may result in displacement without guaranteed alternative provisions.	Proactive engagement with affected groups; explore relocation options or alternative community land; ensure public consultation includes community use considerations; encourage developer-community dialogue.
Loss of heritage or cultural asset (former church)	2 – Unlikely	Medium – Localised damage requiring external sources to rectify	Medium	Potential loss of heritage value if former church is demolished or altered.	Heritage assessment; planning controls; potential adaptive reuse encouraged.

STRATEGIC IMPLICATIONS:

2.1 The Big Picture

- 2.1.1 Encourage economic growth by supporting and advocating research, innovation and development initiatives, in collaboration with local industry.

4.2 Our Location

- 4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council,

1. In accordance with Section 75 of the Planning and Development Act 2005 and Regulation 46A of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act Amendment 4 to the Shire of Nannup Local Planning Scheme No.4, as follows:
 - a) Rezone Lot 37 Warren Road, Nannup from the 'Civic and Community' Local Reserve to the 'Commercial' zone with a density code of R40.
 - b) Rezone Lot 38 Grange Road, Nannup from the 'Civic and Community' Local Reserve to the 'Residential' zone with a density code of R30.
2. In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 4 of the Shire of Nannup Local Planning Scheme No. 4 is a standard amendment for the following reasons:
 - a) The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone.
 - b) The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
 - c) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - d) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - e) The amendment is not a complex or basic amendment.
3. Refer Scheme Amendment 4 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.
4. Submit Scheme Amendment 4 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the Planning and Development Act 2005.
5. Once the Minister approves the proposed Amendment for advertising, advertise the proposed Scheme Amendment 4 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 42 days.
6. Notes that after the advertising of the proposed Amendment any submissions must be considered by Council and the local government must pass a resolution —
 - (a) to support the proposed amendment without modification; or
 - (b) to support the proposed amendment with proposed modifications to address issues raised in the submissions; or
 - (c) not to support the proposed amendment.

COUNCIL RESOLUTION 140526.1**MOVED: CR CURTIS****SECONDED: CR TANG****That Council:**

1. In accordance with Section 75 of the Planning and Development Act 2005 and Regulation 46A of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act Amendment 4 to the Shire of Nannup Local Planning Scheme No.4, as follows:
 - a) Rezone Lot 37 Warren Road, Nannup from the 'Civic and Community' Local Reserve to the 'Commercial' zone with a density code of R40.
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2. In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 4 of the Shire of Nannup Local Planning Scheme No. 4 is a standard amendment for the following reasons:
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 - b) The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
 - c) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
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 - e) The amendment is not a complex or basic amendment.
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5. Once the Minister approves the proposed Amendment for advertising, advertise the proposed Scheme Amendment 4 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 42 days.
6. Notes that after the advertising of the proposed Amendment any submissions must be considered by Council and the local government must pass a resolution —
 - (a) to support the proposed amendment without modification; or
 - (b) to support the proposed amendment with proposed modifications to address issues raised in the submissions; or
 - (c) not to support the proposed amendment.

LOST**TOTAL VOTES FOR: 0****TOTAL VOTES AGAINST: Cr Hansen, Cr Tang, Cr Curtis, Cr Brown, Cr Fraser**

Cr Curtis declared a Financial Interest in Agenda Item 10.2 – Development Application for Tourist Development. Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup due to the following: Her business could be directly affected financially as she owns Chalet Accommodation, camping and a function centre.

AGENDA NUMBER & SUBJECT:	10.2 – Development Application for Tourist Development
LOCATION/ADDRESS:	Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup
NAME OF APPLICANT:	Paul Meschiati & Associates Pty Ltd
FILE REFERENCE:	TPL4-03
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive a payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	7 May 2026
PREVIOUS MEETING REFERENCE:	23 January 2025 and 28 August 2025
ATTACHMENT	10.2.1 – Location map 10.2.2 – Plans and information from applicant 10.2.3 – Submissions 10.2.4 – Applicant response to submissions 10.2.5 – Local Planning framework extract of key documents, including approved Local Development Plan 10.2.6 – Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

A Development Application has been lodged for a tourist development at Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup. The site is shown in Attachment 10.2.1.

The development proposes a large scale tourist development incorporating holiday accommodation, staff accommodation, restaurant, shops, reception centre, kids playground and ancillary development. Details submitted by the applicant are outlined in Attachment 10.2.2.

The Council, at its Ordinary Meeting on 28 August 2025, resolved (Resolution 280825.4):

‘That Council:

1. *Approves the Local Development Plan for Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup (set out in Attachment 11.1.1) subject to minor modifications to the development provisions and the report to the satisfaction of the Shire’s Chief Executive Officer.*
2. *Authorises the Chief Executive Officer to approve the Local Development Plan following the receipt of the modified development provisions and report that address resolution number 1.*
3. *Advise the applicant and submitters of the above.’*

The site:

- Is located on the eastern edge of the Nannup townsite, generally bounded by Dunnet Road to the west, Lot 41 Folly Road to the north and east, Asplin Road to the southeast and Brockman Highway to the south;
- Is 8.5945 hectares in area;
- Is zoned 'Tourism' and is partly within Special Control Area 3 Flood Prone Land under the *Shire of Nannup Local Planning Scheme No.4* (LPS4);
- Is allocated as 'Tourism' in the *Shire of Nannup Local Planning Strategy*;
- Contains a storage shed which supports the current use of the site for the grazing of stock;
- Is dissected by Dry Brook;
- Is mostly cleared, with native vegetation focused near Dry Brook; and
- Is subject to various constraints including it is within a declared bushfire prone area, there is a memorial associated with a contaminated site, an easement, and is it partly impacted by flood risk.

A Local Development Plan (LDP), prior to development of the site, is a requirement of LPS4 under Clause 66 for land zoned Tourism. This states 'Development of a site shall be generally in accordance with an approved Structure Plan and/or an approved Local Development Plan.' As outlined above, the LDP has been prepared to satisfy the LPS4 requirement and approved by Council. The LDP was supported by a Traffic Impact Statement, Bushfire Management Plan and a Local Water Management Strategy.

The proposal

Attachment 10.2.2 outlines details submitted by the applicant. The development is a mix of 1 and 2 storey buildings which generally have a high pitch roof.

In summary, the Development Application proposes:

- 10 chalets;
- 100 motel suites;
- 40 bed lodge;
- Various amenities including a restaurant, café, shops, reception centre, exercise gazebo, gymnasium, swimming pool and spa, and kids playground; and
- Bike storage lockers and bike maintenance / wash-down facilities.

Additionally, the development proposes vehicular roadways and parking (for guests, staff and service vehicles), pedestrian footpaths, rainwater tanks and landscaping.

The below outlines the proposed buildings at the Nannup Alpine Resort:

Building No.	Building Use
1	Main reception, restaurant, reception centre
2	Tourist retail shops, café, reception centre
3	Lodge x 40 beds
4	Caretaker's dwelling (manager's residence)
5	Workshop, maintenance and storage
6	Staff accommodation units x 2
7	Gymnasium (recreation – private)
8	Bike storage and maintenance

9	Exercise gazebo
10	Utility building
11	25 x room motel (x4 buildings)
12	Chalet x 6
13	Chalet x 4

The resort is intended to be open 24 hours a day, 7 days a week. The applicant advises the buildings within the resort will be subject to their own hours of operation. With regards to the resort swimming pool and spa, the proposed operating hours are between 6:00am until 10:00pm, 7 days a week.

At full capacity, the Development Application will have over 500 people staying overnight. It is expected the average number of people staying overnight may be around 300. The applicant notes the development is expected to be staged based on market requirements,

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days through providing details on the website, Facebook and writing to neighbours within 300m of the application site, seeking comments from the Department of Water and Environmental Regulation (DWER), and seeking advice from relevant Shire officers.

The Shire received 7 submissions on the Development Application as set out in Attachment 10.2.3. One submitter attached a copy of their previous submission on the LDP. DWER did not object to the application but provided advice and recommended conditions. The other submitters raised concerns and objections.

The submissions which raised concerns and/or opposed the application included the following matters:

- Scale of development;
- Inconsistent with the Council's Community Strategic Plan;
- Drainage, flooding, water management and associated impacts;
- Negative impact on the watercourse – hydrology, risk and safety;
- Amenity impacts including noise, loss of tranquillity and incompatibility with locality;
- Dunnet Road access – impacts on privacy, headlights shining into houses and safety;
- Negative impact on the environment;
- Light pollution of the night sky;
- Negative impact on the current potable water and sewage capacity of Nannup;
- Housing of construction workers in an already tight housing market;
- Visual/landscape impacts;
- Traffic and safety impacts on local roads;
- Impacts on property values; and
- Impacts of the proposed restaurant/café on other businesses in Nannup.

Shire officers raise no objection to the Development Application but recommend conditions and advice.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has provided their response to the concerns and objections raised as set out in Attachment 10.2.4.

Previously, the Shire undertook consultation on the LDP.

Planning framework

Attachment 10.2.5 sets out an extract of key local planning documents relevant to this Development Application, including the approved LDP. Local planning documents relevant to the proposal include the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*, *Shire of Nannup Local Planning Strategy*, *Local Planning Policy 2 Stormwater Management and Connection*, *Local Planning Policy 9 Tourism Land Uses and Short-Term Accommodation*, *Local Planning Policy 10 Car Parking and Vehicular Access* and *Local Planning Policy 14 Developer and Subdivider Contributions*.

The site is zoned 'Tourism' in LPS4. The development consists of a number of uses which individually can be considered on this site. It is suggested the proposed development is best described as 'tourist development' which is a 'D' use in the Tourism Zone as set out in the LPS4 Zoning Table. This means the Council has the legal power under LPS4 to approve the Development Application.

Schedule 1 of LPS4 sets out development standards for the Tourism zone are generally based on an approved LDP. This requirement is suitably met for this Development Application.

The *Shire of Nannup Local Planning Strategy* states in Section 5.4 Tourism that its aims are to:

- A45) encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- A46) encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

The *Shire of Nannup Community Strategic Plan 2021-2036* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

The application and the site are subject to a range of State planning, environmental, servicing policies and documents. This includes *State Planning Policy 2.0 Environment and Natural Resources Policy*, *State Planning Policy 2.9 Water*, *State Planning Policy 3.7 Bushfire* and *State Planning Policy 7.0 Design of the Built Environment*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

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

Attachment 10.2.6 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application. Some matters raised in the submissions are not planning considerations e.g. impacts on property prices or business competition impacts.

COMMENT:**A) Overview**

Following an assessment of the Development Application against the planning framework, the submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS4, strategies and policies. It is accordingly recommended that Council conditionally approve the Development Application given:

- It is overall consistent with the planning framework including it is consistent with the approved LDP;
- The proposed scale of development and servicing are appropriate for the site;
- It supports diversifying and growing the local economy, supporting job creation and supports tourism;
- No clearing of native vegetation is proposed;
- The proposed landscaping will increase the tree canopy compared to the existing situation;
- There are expected to be manageable environmental impacts given the development footprint is cleared and the development will be connected to the reticulated sewerage system;
- Increased traffic can be accommodated on Brockman Highway;
- The external design is of a high standard which complements Nannup's character;
- There are no objections from other Shire officers/units, no objections from DWER and previously no objections from other State Government agencies at the LDP stage; and
- Development conditions can assist to control the use and management of the development.

The site is considered to be well located for a larger scale tourist development given the site:

- Is not within the Heritage Special Control Area in LPS4;
- Adjoins the townsite and is within walking and riding distance of the town centre;
- Can be fully serviced; and
- Adjoins Brockman Highway which facilitates access for non-locals.

B) Key issues

While noting the above, there are various issues associated with the proposed development, which should be considered by the Council in determining the Development Application. Some of these issues are outlined below including:

- Bushfire risks and emergency management;
- Environmental impact;
- Amenity and noise impacts;
- Traffic impacts, vehicle access and safety;
- Water management and other servicing;
- Visual impact and landscaping;
- On-going management; and
- Other approvals.

C) Bushfire risks and emergency management

Tourist development is a vulnerable land use. There are risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire can pose a significant risk to people and property.

The submitted Bushfire Management Plan and Bushfire Emergency Plan suitably address *State Planning Policy 3.7 Bushfire*. The development needs to suitably mitigate risks to visitors/guests and to surrounding areas. Recommended development conditions require implementation of these plans.

D) Environmental impact

These are expected to be manageable environmental impacts given the development footprint is cleared, DWER raise no objections, development will be connected to the reticulated sewerage system, there is a requirement for appropriately designed and constructed stormwater mitigation and the applicant has committed to various sustainability measures.

It is highlighted the applicant, at the LDP stage, removed the water feature/dam. This assisted to address various Aboriginal heritage and environmental impact issues. The applicant, at the LDP stage, also proposed to remove the amphitheatre which assists to reduce noise impacts from amplified music.

Lighting impacts can be mitigated through addressing *AS 4282-1997 Control of the Obstructive Effects of Outdoor Lighting*.

E) Amenity and noise impacts

During the consultation process, various issues and concerns were raised in relation to the compatibility of the proposed development in relation to the area's amenity. Concerns included the scale of development, noise and lighting/vehicle headlight impacts.

Various development conditions and advice are recommended relating to amenity and noise. Subject to the proposed development being effectively managed, it is suggested that impacts of proposed development can be mitigated.

The Shire acknowledges the concerns from various submitters with regards to noise. Some of the concerns are addressed through statutory requirements set out in the *Environmental Protection (Noise) Regulations 1997*. The proposed development is required to address the *Environmental Protection (Noise) Regulations 1997*. Should written complaints on noise be received in the future, the Shire will separately investigate.

As outlined above, the applicant has previously proposed to remove the amphitheatre.

In regard to the Dunnet Road vehicle access point, the applicant seeks to minimise the impact of vehicle headlights and visual sightlines into off-site properties and residences. The applicant advises, as part of detailed design, mitigation measures will be identified and implemented.

F) Traffic impacts, vehicle access and safety

Various submissions raised issues and objections relating to traffic and transport impacts. This included Dunnet Road and Brockman Highway are not able to safely accommodate additional traffic

from the development, the development will create safety concerns for pedestrians, cyclists and motorists, and Dunnet Road is unsuitable for any increased traffic.

At the LDP stage, Level 5 Design (Traffic Engineers) prepared a Traffic Management Statement and associated advice including considering expected traffic volumes, the capacity of roads and intersections, safety and parking provision. Level 5 Design are satisfied the 4-way intersection with Brockman Highway, Hitchcock Drive and the resort's main entry is suitable and safe. The Shire's Manager of Works and the Council previously accepted this finding.

There is a need for appropriate traffic management measures which are progressed and suitably addressed through detailed design.

The proposal includes 12 x electric vehicle recharge bays which are provided in the general carpark for guest use.

The Development Application proposes that vehicle access is split into 3 separate entry points, along with a separate entry point for emergency vehicles to the fire break. The applicant notes:

- Brockman Highway is a local road, under the control of the Shire. This is the main development entry and exit point. It is estimated that approximately 83% of motorised trips will utilise this main entry. The proposed main entry off Brockman Highway is opposite the existing Hitchcock Drive intersection and new work will include a new slip lane when turning right into the resort;
- Dunnet Road is proposed to provide access to 6 chalets only. Access to Dunnet Road will always remain as an emergency exit in case of fire and emergency evacuation;
- Asplin Road is proposed to provide access for the manager, staff and workshop vehicles only;
- All deliveries to the resort will occur via the main service yard of the reception/restaurant (Building 1) or the resort workshop/storage facility (Building 5). Loading/unloading, as well as location and arrangement of goods and supplies, will be managed by the resort management; and
- Tourist development is expected to be generally at 60% capacity. This will accordingly reduce traffic volumes and impacts.

The proposed development will increase traffic volumes. The Traffic Management Statement provided at the LDP stage considered and addressed this.

Pedestrian access around the resort is provided via designated pathways along with low-speed internal roads. This will provide a suitably constructed path to near the corner of Dunnet Road and Brockman Highway. To avoid pedestrians/cyclists crossing Brockman Highway twice to access the town centre, it is suggested the developer meet the cost of providing a short path (with culvert) linking Dunnet Road and Grange Road (north side of Brockman Highway).

Based on the scale and location of development, the Shire administration suggests that the developer is responsible for suitably designing and meeting the costs of:

- Slip lane on Brockman Highway (right lane turn);
- Sealing and draining Dunnet Road between Brockman Highway and the crossover to the chalets;
- Traffic management and signage on Dunnet Road;
- Sealing and draining Asplin Road between Brockman Highway and the crossover to the manager, staff and workshop; and
- Constructing a path between Dunnet Road and Grange Road (northern side of Brockman Highway) along with a culvert and suitable railings/barriers.

G) Water management and other servicing

At the LDP stage, the applicant commissioned David Wills and Associates (Consulting Engineers) to prepare a Local Water Management Strategy (LWMS). DWER, the Shire administration and the Council supported the LWMS. The LWMS demonstrates the development can suitably manage water quantity and quality on site without creating detrimental off-site impacts. The LWMS has modelled required mitigation/storage areas for different rainfall events and provides confidence that the development footprint is suitable.

The LWMS proposes that the development will be connected to reticulated water and reticulated sewerage. As part of detailed design, the applicant/project team need to suitably address supply and connection to Water Corporation's standards.

The Council has previously confirmed the Shire will address the impact of drainage from Moonlight Ridge. It is expected that drainage from Moonlight Ridge will be diverted from entering and traversing Lot 500 Brockman Highway but instead be contained in the Brockman Highway reserve and directly towards Dunnet Road.

As part of detailed design, there is a need to suitably address matters such as waste management via a Waste Management Plan.

H) Visual impact

The proposed development will be visible when viewed from Brockman Highway. It is suggested there will be manageable visual impacts given the proposed development is well setback from Brockman Highway and there is a requirement for the applicant to undertake appropriate replanting to reduce visual impacts and enhance the site.

The applicant has submitted a landscaping plan. The applicant proposes that landscaping on the site will be a mix of native and exotic species. Landscaping and an associated berm are proposed along Brockman Highway to create a buffer between the resort and traffic, and to improve the visual amenity of the development streetscape. The landscaping plan will be separately assessed and once approved is required to be suitably implemented and maintained.

I) On-going management

In terms of management of the proposed resort, the development is consistent with Council's *Local Planning Policy 9 Tourism Land Uses and Short-Term Accommodation* given the manager will live on site. The applicant has set out some proposed management measures and commitments.

The applicant sets out that resort management is required to comply with the approved patron capacity of the resort short term accommodation premises and its facilities as prescribed in the development consent and any liquor licence approval. The resort will have visible internal signage alongside the licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

The resort reception will be managed by staff 24 hours a day, 7 days a week to manage guest check-in/outs, members of the public and any building related enquiries. A short stay drop-off/pick-up zone is proposed outside the resort reception doors should reception be closed for unforeseen reasons.

It is suggested the planning consideration relates to effective management including being a 'good neighbour'. The responsibility for appropriate on-going management rests with the land owner/operator to ensure that the development does not create inappropriate impacts.

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. It is suggested that the Management Plan, amongst other matters, should:

- Address the responsibility of guest/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
- Consider and address impacts from guests/visitors including amplified music and other noise;
- Outline the approach to maximise the safety and security of guests and visitors;
- Seek the operation to be a good neighbour and be considerate including noise, litter, trespass and the approach to reducing fire risks;
- Advise guests to avoid driving on Dunnet Road north of accessing Balingup-Nannup Road;
- Restrict and/or manage pets and address biosecurity;
- Ensure that no outside fires are lit during periods of restricted and prohibited burning and bushfire warnings of any level;
- Outline fire equipment which will be provided on site; and
- Establish emergency evacuation procedures.

J) Other approvals

Subject to the Council's decision, there is a separate requirement for the applicant to address a number of matters in greater detail and to obtain relevant approvals. This includes a registration under the Health Local Laws, liquor licensing and a Building Permit.

K) Conclusion

Based on the above, it is recommended that Council approve the Development Application subject to conditions. Given the scale of the development, it is suggested the approval period to undertake substantial commencement is extended from 2 to 4 years. 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 or approve it with alternate conditions.

STATUTORY ENVIRONMENT:

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

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. Relevant policies include *LPP8 Development in Flood Prone Land, LPP9 Tourism Land Uses and Short-Term Accommodation, and LPP10 Car Parking and Vehicular Access.*

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *State Planning Policy 2.9 Water*, *SPP 3.7 Bushfire* and *SPP 7.0 Design of the Built Environment*.

FINANCIAL IMPLICATIONS:

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

The Council has previously agreed to address drainage from Moonlight Ridge.

The developer is required to meet the cost of new infrastructure to service development and provide safe and suitable vehicle, pedestrian and cyclist infrastructure in accordance with State and local planning policies/guidelines.

RISK MANAGEMENT MATRIX

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment which is shown below:

Risk	Likelihood	Consequence	Risk Rating	Risk Description	Mitigation/Controls
Bushfire risk to guests and property.	Possible (3)	High (3) – Safety and Compliance impact	High	Guests may be unfamiliar with bushfire risks, increasing vulnerability during emergencies.	The site is located within the designated bushfire prone area. Preparation and implementation of a Bushfire Emergency Plan.
Amenity and noise impacts on nearby residents.	Possible (3)	Low (1) – Reputational and Community impact	Medium	Noise or guest behaviour may disturb neighbours.	Management Plan required; noise restrictions; guest behaviour protocols.
Motorist, pedestrian and cyclist safety.	Possible (3)	High (3) – Safety and Compliance impact	High	Proposed development will increase traffic and transport movements.	The developer is required to provide appropriate new or upgraded infrastructure and traffic management.

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that the key risks are as follows:

- Reputational risk - Failure to consult with the community resulting in complaints. This has been managed through the consultation process and the risk is considered low.
- Strategic risk – Most risks associated with the project will be borne by the proponent. The risk to the Shire is considered medium-low.
- Financial risk - Refer to the financial implications section above. The risk is considered low.

STRATEGIC IMPLICATIONS:

The proposed development is considered consistent with the planning framework 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 2021-2036*.

- 2.2 We will work together to attract people, investment and innovation to our Shire
- 3.1 We will protect and enhance the charm and fabric of our unique Shire
- 4.2 We will continue to ensure that our built environments exist in harmony with our natural landscapes

Approval and implementation will provide economic benefits to the local economy supporting enhanced and additional services.

VOTING REQUIREMENTS:

Simple majority.

RECOMMENDATION:

That Council, pursuant to Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* in Schedule 2 and Part 9, and the *Shire of Nannup Local Planning Scheme No. 4*, grants development approval, for the tourist development at Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup in accordance with the plans and information set out in Attachment 10.2.2 subject to the following conditions and advice notes:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of four (4) 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 documentation set out in Attachment 10.2.2, 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. The applicant is to submit and gain local government approval for a Management Plan, prior to occupation, 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.

4. A manager/caretaker is required to reside on the property. Other than the manager and staff, no person is permitted to stay on the property for more than 3 months in any 12-month period.
5. The owner/operator is to ensure that noise levels from the development (including visitors and their pets) are considerate of adjoining properties and are to be especially low in volume between 7.00pm and 7.00am.
6. The development is connected to the reticulated sewerage system prior to occupation. Additionally, trade waste approval must be obtained from Water Corporation with appropriate implementation prior to occupation.
7. The development is connected to the reticulated water system prior to occupation.
8. Prior to any works being undertaken, a Stormwater Management Plan is to be prepared to the satisfaction of the local government, in consultation with the Department of Water and Environmental Regulation, which is to provide detailed design supported by the results of geotechnical and groundwater investigations. Stormwater is to be appropriately managed, constructed and disposed of to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
9. The minimum floor level for habitable buildings is 68.7m AHD with details to be shown on the Building Application plans.
10. The intersections/crossovers, access ways, car parking spaces and vehicle manoeuvring areas are to be designed, constructed, sealed (such as paved), drained and line marked out to the satisfaction of the local government in accordance with *Australian Standard AS 2890.1-1993* and the Shire's standards and specifications. A detailed engineering plan is to be submitted for local government approval prior to commencement of works showing construction details including pavement levels, thickness, cross fall, drainage disposal including drainage pipe inverts, sump connections detail and slow release. These areas are to be constructed prior to occupation for their approved purpose and those areas shall thereafter be permanently maintained by the owner/occupier as vehicle access, vehicle parking and manoeuvring areas to the satisfaction of the local government.
11. The developer to provide suitable plans/specifications for local government approval and then undertake associated implementation prior to occupation for the following:
 - a) Slip lane on Brockman Highway (right lane turn);
 - b) Sealing and draining Dunnet Road between Brockman Highway and the crossover to the chalets;
 - c) Traffic management and signage on Dunnet Road;
 - d) Sealing and draining Asplin Road between Brockman Highway and the crossover to the manager, staff and workshop; and
 - e) Constructing a path between Dunnet Road and Grange Road (northern side of Brockman Highway) along with a culvert and suitable railings/barriers.
12. Internal footpaths/dual use paths are suitably constructed prior to occupation to the satisfaction of the local government. Following this, the paths are suitably maintained to the satisfaction of the local government.

13. A Waste Management Plan is prepared to the satisfaction of the local government prior to occupation to ensure that recycling and rubbish are effectively removed from the site to the satisfaction of the local government. The owner/operator to then appropriately implement the approved Waste Management Plan on an on-going basis to the satisfaction of the local government. Additionally, rubbish enclosure areas, adequate to service the development, are to be constructed and provided in accordance with the *Shire of Nannup Health Local Laws* prior to occupation.
14. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. In particular, lighting should be designed in accordance with *AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting*.
15. A smoke alarm must be installed, on or near the ceiling:
 - a) in every bedroom; and
 - b) 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.
16. A system of emergency lighting must be installed, prior to occupation, to assist evacuation of occupants in the event of fire and this lighting must:
 - a) be activated by a smoke alarm(s) (required by the previous Condition); and
 - b) consist of:
 - i) a light incorporated within the smoke alarm(s) itself; or
 - ii) lighting located within the corridor, hallway or area served by the required smoke alarm(s).
17. A detailed Landscape Plan shall be prepared and submitted to the local government for approval prior to the commencement of development. The Landscape Plan shall be drawn to a scale and show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers;
 - b) Any lawns and paved areas to be established;
 - c) Any street verge landscaping; and
 - d) Bonding.Landscaping shall be implemented prior to occupation of the development and shall be maintained at all times to the satisfaction of the local government.
18. A Construction Management Plan is prepared to the satisfaction of the local government prior to the commencement of works.
19. The applicant shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with *Main Roads Western Australia Traffic Management Code of Practice* and *Australian Standards AS1742.3-2002* for any works on or within the road reserve (including roads) prior to the commencement of works.
20. The applicant shall submit to the local government a Dust Management Plan for approval prior to the commencement of works. The plan must include mitigation measures such as installation of sprinklers, mulching or other land management measures to prevent or control dust nuisance.

21. A Bushfire Management Plan is to be approved by the local government prior to commencement of works. Following this, measures and recommendations in the approved Bushfire Management Plan are to be implemented prior to occupation and then suitably maintained to the satisfaction of the local government.
22. A Bushfire Emergency Plan is to be approved by the local government and then implemented prior to occupation. Following this, measures in the approved Bushfire Emergency Plan are to be maintained to the satisfaction of the local government.
23. The landowner meets the costs of adding a 70A notification to the Certificate of Title setting out that the property is within a bushfire prone area and is subject to a Bushfire Management Plan. This occurs prior to occupation to the satisfaction of the local government.
24. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes or odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.
25. Prior to the construction and fit out of food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the local government for approval.

Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works. Building plans are to show building floor levels and levels of driveways and parking areas in relation to the crown of the road adjacent to the site to Australian Height Datum (AHD).
- B) In relation to Condition 3, the Management Plan is to:
 - i) Address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
 - ii) Consider and address impacts from guests/visitors including amplified music and other noise;
 - iii) Outline the approach to maximise the safety and security of guest and visitors;
 - iv) Seek the operation to be a good neighbour and be considerate including noise, litter, trespass and the approach to reducing fire risks;
 - v) Advise guests to avoid driving on Dunnet Road between Balingup-Nannup Road and the development crossover to the 6 chalets on Dunnet Road;
 - vi) Restrict and/or manage pets;
 - vii) Ensure that no outside fires are lit during periods of restricted and prohibited burning and bushfire warnings of any level;
 - viii) Adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, fireworks, flame-based décor or open fires are to be used during the restricted fire season; and
 - ix) Establish emergency evacuation procedures.
- C) In relation to Condition 5:
 - i) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of off-site premises;

- ii) Noise from the construction site before 7.00am hours or after 7.00pm on any day, or at any time on Sundays and public holidays, should not exceed the assigned levels prescribed in the Environmental Protection (Noise) Regulations 1997; and
 - iii) Any external fan, air conditioner or similar equipment should be located and installed so that there is no loss of amenity to the locality.
- D) In relation to Condition 8, the Stormwater Management Plan will include detailed engineering plans and specifications is to be submitted for approval prior to commencement of works showing drainage details, levels, drainage pipe inverts, sump connections details, slow release, offsite connection and infrastructure details. Upgrading of the Shire's drainage system, if required to cope with the stormwater requirements of the development, are to be at the developer's cost. In accordance with the *Decision Process for Stormwater Management in WA (DWER 2017)*, there is a requirement to manage the first 15mm, for water quality, as close to source as possible. In mimicking the pre-development conditions, this could require detention and/or retention.
- E) In relation to Condition 10, the overflow parking for events is not required to be sealed.
- F) In relation to Condition 12, disabled bays are to be designed in accordance with *2890.6 2009 Part 6 – Off Street Parking for People with Disabilities*.
- G) In relation to Condition 20, the Construction Management Plan to include but not be limited to the following:
- i) Pre start meeting with Shire officers;
 - ii) Protection of existing infrastructure;
 - iii) Protection of vegetation;
 - iv) Working in Shire road reserves;
 - v) Ensuring proper approvals have been obtained;
 - vi) Access points to building site;
 - vii) Materials lay down;
 - viii) Haulage routes;
 - ix) Construction workers parking;
 - x) Fencing of building sites;
 - xi) Scaffolding and protection works;
 - xii) Litter and building rubbish control;
 - xiii) Stormwater, sedimentation and erosion control;
 - xiv) Dust control;
 - xv) Working hours;
 - xvi) Construction noise;
 - xvii) Minimum facilities to be provided;
 - xviii) Storage of goods;
 - xix) Insurances for construction related use of public areas; and
 - xx) Infrastructure development bond.
- H) The applicant is advised that the approved development must comply with the following:
- i) Other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Nannup Health Local Laws;
 - ii) All relevant provisions of the National Construction Code (Building Code of Australia) including for access for people with disabilities;
 - iii) The food business is required to be registered with the Shire of Nannup. A Food Business Notification / Registration Form is to be submitted for approval by an Environmental Health Officer;

- iv) A building or place or part of a building or place where persons may assemble is a public building and is required to comply with the Health (Miscellaneous Provisions) Act 1911; the Health (Public Building) Regulations 1992 and the Building Code of Australia. Prior to construction, applicant to submit a Form 1 Application To Construct Extend or Alter a Public Building. Following completion of electrical work A Form 5 Certificate of Electrical Compliance for the building is required to be completed by a licensed electrical contractor;
 - v) Part of the development is assessed as a Lodging House and accordingly shall comply with the Shire of Nannup's Health Local Laws 2003 – refer to Part 8 Lodging Houses. An application for registration of the Lodging House shall be submitted to the Shire and the activity shall not commence until registration is confirmed; and
 - vi) Compliance with Health (Aquatic Facilities) Regulations 2007. Please note that the construction, alteration or extension of public swimming pools requires the approval of the Executive Director Public Health, Department of Health (WA). Full details to be submitted with the Building Permit application.
- I) Some signage does not require Shire development approval while other signage requires development approval before it can be installed. Please contact the Shire for details.
- J) It is the responsibility of the proponent/landowner to advise the Shire when all conditions relating to the development have been satisfied.
- K) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be made within 28 days of the determination.

COUNCIL RESOLUTION 140526.2

MOVED: CR BROWN

SECONDED: CR HANSEN

That Council

pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 in Schedule 2 and Part 9, and the Shire of Nannup Local Planning Scheme No. 4, grants development approval, for the tourist development at Lot 500 on Deposited Plan 54957 Brockman Highway, Nannup in accordance with the plans and information set out in Attachment 10.2.2 subject to the following conditions and advice notes:

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of four (4) 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 documentation set out in Attachment 10.2.2, 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. The applicant is to submit and gain local government approval for a Management Plan, prior to occupation, 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.**
- 4. A manager/caretaker is required to reside on the property. Other than the manager and staff, no person is permitted to stay on the property for more than 3 months in any 12-month period.**
- 5. The owner/operator is to ensure that noise levels from the development (including visitors and their pets) are considerate of adjoining properties and are to be especially low in volume between 7.00pm and 7.00am.**
- 6. The development is connected to the reticulated sewerage system prior to occupation. Additionally, trade waste approval must be obtained from Water Corporation with appropriate implementation prior to occupation.**
- 7. The development is connected to the reticulated water system prior to occupation.**
- 8. Prior to any works being undertaken, a Stormwater Management Plan is to be prepared to the satisfaction of the local government, in consultation with the Department of Water and Environmental Regulation, which is to provide detailed design supported by the results of geotechnical and groundwater investigations. Stormwater is to be appropriately managed, constructed and disposed of to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.**
- 9. The minimum floor level for habitable buildings is 68.7m AHD with details to be shown on the Building Application plans.**
- 10. The intersections/crossovers, access ways, car parking spaces and vehicle manoeuvring areas are to be designed, constructed, sealed (such as paved), drained and line marked out to the satisfaction of the local government in accordance with Australian Standard AS 2890.1-1993 and the Shire's standards and specifications. A detailed engineering plan is to be submitted for local government approval prior to commencement of works showing construction details including pavement levels, thickness, cross fall, drainage disposal including drainage pipe inverts, sump connections detail and slow release. These areas are to be constructed prior to occupation for their approved purpose and those areas shall thereafter be permanently maintained by the owner/occupier as vehicle access, vehicle parking and manoeuvring areas to the satisfaction of the local government.**
- 11. The developer to provide suitable plans/specifications for local government approval and then undertake associated implementation prior to occupation for the following:**
 - a) Slip lane on Brockman Highway (right lane turn);**
 - b) Sealing and draining Dunnet Road between Brockman Highway and the crossover to the chalets;**
 - c) Traffic management and signage on Dunnet Road;**

- d) Sealing and draining Asplin Road between Brockman Highway and the crossover to the manager, staff and workshop; and*
- e) Constructing a path between Dunnet Road and Grange Road (northern side Of Brockman Highway) along with a culvert and suitable railings/barriers.*

12. Internal footpaths/dual use paths are suitably constructed prior to occupation to the satisfaction of the local government. Following this, the paths are suitably maintained to the satisfaction of the local government.

13. A Waste Management Plan is prepared to the satisfaction of the local government prior to occupation to ensure that recycling and rubbish are effectively removed from the site to the satisfaction of the local government. The owner/operator to then appropriately implement the approved Waste Management Plan on an on-going basis to the satisfaction of the local government. Additionally, rubbish enclosure areas, adequate to service the development, are to be constructed and provided in accordance with the Shire of Nannup Health Local Laws prior to occupation.

14. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. In particular, lighting should be designed in accordance with AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

15. A smoke alarm must be installed, on or near the ceiling:

- a) in every bedroom; and*
- b) 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.*

16. A system of emergency lighting must be installed, prior to occupation, to assist evacuation of occupants in the event of fire and this lighting must:

- a) be activated by a smoke alarm(s) (required by the previous Condition); and*
- b) consist of:*
 - i) a light incorporated within the smoke alarm(s) itself; or*
 - ii) lighting located within the corridor, hallway or area served by the required smoke alarm(s).*

17. A detailed Landscape Plan shall be prepared and submitted to the local government for approval prior to the commencement of development. The Landscape Plan shall be drawn to a scale and show the following:

- a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers;*
- b) Any lawns and paved areas to be established;*
- c) Any street verge landscaping; and*
- d) Bonding.*

Landscaping shall be implemented prior to occupation of the development and shall be maintained at all times to the satisfaction of the local government.

18. A Construction Management Plan is prepared to the satisfaction of the local government prior to the commencement of works.

19. The applicant shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with Main Roads Western Australia Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including roads) prior to the commencement of works.

20. The applicant shall submit to the local government a Dust Management Plan for approval prior to the commencement of works. The plan must include mitigation measures such as installation of sprinklers, mulching or other land management measures to prevent or control dust nuisance.

21. A Bushfire Management Plan is to be approved by the local government prior to commencement of works. Following this, measures and recommendations in the approved Bushfire Management Plan are to be implemented prior to occupation and then suitably maintained to the satisfaction of the local government.

22. A Bushfire Emergency Plan is to be approved by the local government and then implemented prior to occupation. Following this, measures in the approved Bushfire Emergency Plan are to be maintained to the satisfaction of the local government.

23. The landowner meets the costs of adding a 70A notification to the Certificate of Title setting out that the property is within a bushfire prone area and is subject to a Bushfire Management Plan. This occurs prior to occupation to the satisfaction of the local government.

24. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes or odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.

25. Prior to the construction and fit out of food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the local government for approval.

Advice

A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works. Building plans are to show building floor levels and levels of driveways and parking areas in relation to the crown of the road adjacent to the site to Australian Height Datum (AHD).

B) In relation to Condition 3, the Management Plan is to:

- i) Address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;*
- ii) Consider and address impacts from guests/visitors including amplified music and other noise;*
- iii) Outline the approach to maximise the safety and security of guest and visitors;*
- iv) Seek the operation to be a good neighbour and be considerate including noise, litter, trespass and the approach to reducing fire risks;*
- v) Advise guests to avoid driving on Dunnet Road between Balingup-Nannup Road and the development crossover to the 6 chalets on Dunnet Road;*
- vi) Restrict and/or manage pets;*
- vii) Ensure that no outside fires are lit during periods of restricted and prohibited burning and bushfire warnings of any level;*
- viii) Adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, fireworks, flame-based décor or open fires are to be used during the restricted fire season; and*
- ix) Establish emergency evacuation procedures.*

C) In relation to Condition 5:

- i) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of off-site premises;*
- ii) Noise from the construction site before 7.00am hours or after 7.00pm on any day, or at any time on Sundays and public holidays, should not exceed the assigned levels prescribed in the Environmental Protection (Noise) Regulations 1997; and*
- iii) Any external fan, air conditioner or similar equipment should be located and installed so that there is no loss of amenity to the locality.*

D) In relation to Condition 8, the Stormwater Management Plan will include detailed engineering plans and specifications is to be submitted for approval prior to commencement of works showing drainage details, levels, drainage pipe inverts, sump connections details, slow release, offsite connection and infrastructure details. Upgrading of the Shire's drainage system, if required to cope with the stormwater requirements of the development, are to be at the developer's cost. In accordance with the Decision Process for Stormwater Management in WA (DWER 2017), there is a requirement to manage the first 15mm, for water quality, as close to source as possible. In mimicking the pre-development conditions, this could require detention and/or retention.

E) In relation to Condition 10, the overflow parking for events is not required to be sealed.

F) In relation to Condition 12, disabled bays are to be designed in accordance with 2890.6 2009 Part 6 – Off Street Parking for People with Disabilities.

G) In relation to Condition 20, the Construction Management Plan to include but not be limited to the following:

- i) Pre start meeting with Shire officers;*
- ii) Protection of existing infrastructure;*

- iii) Protection of vegetation;*
- iv) Working in Shire road reserves;*
- v) Ensuring proper approvals have been obtained;*
- vi) Access points to building site;*
- vii) Materials lay down;*
- viii) Haulage routes;*
- ix) Construction workers parking;*
- x) Fencing of building sites;*
- xi) Scaffolding and protection works;*
- xii) Litter and building rubbish control;*
- xiii) Stormwater, sedimentation and erosion control;*
- xiv) Dust control;*
- xv) Working hours;*
- xvi) Construction noise;*
- xvii) Minimum facilities to be provided;*
- xviii) Storage of goods;*
- xix) Insurances for construction related use of public areas; and*
- xx) Infrastructure development bond.*

H) The applicant is advised that the approved development must comply with the following:

i) Other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Nannup Health Local Laws;

ii) All relevant provisions of the National Construction Code (Building Code of Australia) including for access for people with disabilities;

iii) The food business is required to be registered with the Shire of Nannup. A Food Business Notification / Registration Form is to be submitted for approval by an Environmental Health Officer;

iv) A building or place or part of a building or place where persons may assemble is a public building and is required to comply with the Health (Miscellaneous Provisions) Act 1911; the Health (Public Building) Regulations 1992 and the Building Code of Australia. Prior to construction, applicant to submit a Form 1 Application To Construct Extend or Alter a Public Building. Following completion of electrical work A Form 5 Certificate of Electrical Compliance for the building is required to be completed by a licensed electrical contractor;

v) Part of the development is assessed as a Lodging House and accordingly shall comply with the Shire of Nannup's Health Local Laws 2003 – refer to Part 8 Lodging Houses. An application for registration of the Lodging House shall be submitted to the Shire and the activity shall not commence until registration is confirmed; and

vi) Compliance with Health (Aquatic Facilities) Regulations 2007. Please note that the construction, alteration or extension of public swimming pools requires the approval of the Executive Director Public Health, Department of Health (WA). Full details to be submitted with the Building Permit application.

I) Some signage does not require Shire development approval while other signage requires development approval before it can be installed. Please contact the Shire for details.

J) It is the responsibility of the proponent/landowner to advise the Shire when all conditions relating to the development have been satisfied.

K) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

CARRIED

TOTAL VOTES FOR: 4

Cr Hansen, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

Cr Curtis returned to the room at 5.26pm.

12. MEETING MAY BE CLOSED:

COUNCIL RESOLUTION: 140526.3

Procedural Motion: That the meeting be closed to the public at 5.26pm.

MOVED: CR BROWN

SECONDED: CR CURTIS

CARRIED

TOTAL VOTES FOR: 5

Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION: 140526.4

Procedural Motion: Suspend Standing Orders at 5.27pm.

MOVED: CR BROWN

SECONDED: CR CURTIS

CARRIED

TOTAL VOTES FOR: 5

Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

****Financial Interest – Chief Executive Officer. The Chief Executive Officer has an interest in this matter and left the room at 5.26pm.**

The CEO has supported the Council administratively by preparing this report.

AGENDA NUMBER & SUBJECT:	12.1 – CONFIDENTIAL ITEM – Chief Executive Officer Annual Review
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Employee File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Financial Interest – Chief Executive Officer
DATE OF REPORT	5 May 2026
ATTACHMENT:	12.1.1 – Confidential – CEO Review Report 2025

OFFICER RECOMMENDATION:

That Council:

1. Notes the Salaries and Allowances Tribunal Determination of 5 April 2025 (effective 1 July 2025).
2. Notes an increase in the Superannuation Guarantee Levy from 11.5% to 12% as required by legislation.
3. Notes the outcomes of the Elected Member Performance Assessment undertaken in April 2026 with the Chief Executive Officer being assessed at *'Above Expectations'* in this year's performance appraisal.
4. Considers the modified performance criteria metrics (KPI's) for the 2026-27 performance period outlined in section 12 of Attachment 12.1.1.
5. Approves a variation to the CEOs contract as follows: A Total Remuneration Package adjustment of 5.0% increase to the base salary and recognising the legislated Superannuation Guarantee increase, as set out within section 10 of Attachment 12.1.1, effective from July 1, 2025.
6. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council for completion between January 2027 and February 2027.
7. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.
8. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notify the Chief Executive Officer of results of this performance review.

COUNCIL RESOLUTION: 140526.5

Procedural Motion: That the meeting be moved back to standing orders at 5.36.

MOVED: CR BROWN

SECONDED: CR CURTIS

CARRIED

TOTAL VOTES FOR: 5

Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION 140526.6

MOVED: CR BROWN

SECONDED: CR CURTIS

That Council:

- 1. Notes the Salaries and Allowances Tribunal Determination of 5 April 2025 (effective 1 July 2025).***
- 2. Notes an increase in the Superannuation Guarantee Levy from 11.5% to 12% as required by legislation.***
- 3. Notes the outcomes of the Elected Member Performance Assessment undertaken in April 2026 with the Chief Executive Officer being assessed at 'Above Expectations' in this year's performance appraisal.***
- 4. Considers the modified performance criteria metrics (KPI's) for the 2026-27 performance period outlined in section 12 of Attachment 12.1.1.***
- 5. Approves a variation to the CEOs contract as follows: A Total Remuneration Package adjustment of 5.0% increase to the base salary and recognising the legislated Superannuation Guarantee increase, as set out within section 10 of Attachment 12.1.1, effective from July 1, 2025.***
- 6. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council for completion between January 2027 and February 2027.***
- 7. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.***

8. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notify the Chief Executive Officer of results of this performance review.

CARRIED

TOTAL VOTES FOR: 5

Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION: 140526.7

Procedural Motion: That the meeting be open to the public at 5.37pm.

MOVED: CR TANG

SECONDED: CR FRASER

CARRIED

TOTAL VOTES FOR: 5

Cr Hansen, Cr Curtis, Cr Fraser, Cr Brown, Cr Tang

TOTAL VOTES AGAINST: 0

13. CLOSURE OF MEETING:

The Deputy Shire President declared the meeting closed at 5.38pm.