



Shire of  
**Nannup**  
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# Agenda

Council Meeting to be held  
on Thursday 27 April 2017  
Commencing at 4.15pm

# Agenda

1. **DECLARATION OF OPENING**
2. **RECORD OF ATTENDANCE/APOLOGIES/VISITORS**  
(previously approved)
3. **APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Slater has applied in writing for Leave of Absence to be granted for the 27 July 2017 Ordinary meeting of Council.

4. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil
5. **PUBLIC QUESTION TIME**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS**  
Nil
7. **DECLARATIONS OF INTEREST**

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

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

8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 23 March 2017 be confirmed as a true and correct record.

9. **MINUTES OF COUNCIL COMMITTEES**

- 9.1 **Warren Blackwood Alliance of Councils**

That the Minutes of the Warren Blackwood Alliance of Councils meeting held on Tuesday 4<sup>th</sup> April 2017 be received.

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**11. REPORTS BY MEMBERS ATTENDING COMMITTEES**

**12. REPORTS OF OFFICERS**

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**FINANCE & ADMINISTRATION**

12.9	Budget Monitoring – March 2017	
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**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC**  
(Confidential Items)

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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14.1	Caravan Park Lease Agreement	

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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**CEO DEPARTMENT**

- 15.1 Rescission of Minute No.17046 (Item 12.7) of the Ordinary Council Meeting held on Thursday, 23 March 2017.

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

**17. CLOSURE OF MEETING**

# **CEO DEPARTMENT**

AGENDA NUMBER:	12.1
SUBJECT:	Warren Blackwood Alliance of Councils – Regional Stock Route/Trails Project
LOCATION/ADDRESS:	Shires of Nannup, Bridgetown-Greenbushes and Manjimup
NAME OF APPLICANT:	Warren Blackwood Alliance of Councils and Department of Parks and Wildlife
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 April 2017
ATTACHMENT:	12.1.1 – Regional Trails Projects Update April 2017

## **BACKGROUND:**

At the meeting of the Warren Blackwood Alliance of Councils meeting held at the Shire of Bridgetown-Greenbushes on Tuesday, 4 April 2017, a report on the progress of the Regional Stock Route/Trails Project was presented by a representative of the Working Group appointed by the Alliance to progress the project. The report provided background on the project and the current status in relation to its development.

## **COMMENT:**

As indicated in Attachment 12.1.1, the Shire of Bridgetown-Greenbushes, the lead agency in the project on behalf of the Alliance, has secured funding of \$222,483.50 from the South West Development Authority's Regional Grants Program along with funds from Lotterywest, Tourism WA and Alliance members to progress Stage 3, being the Trail Marking and Camp Site construction.

At the Alliance meeting, Ms Anna Oades, Acting CEO of SWDC, advised that the announcement of the above funding was made by the previous Government prior to the State Election and that the new incoming Government has put on hold all funding approvals until it has assessed the level of commitments the previous Government made. Ms Oades indicated that this should not deter the Shire of Bridgetown-Greenbushes or the Alliance progressing further with planning for the project.

At the above meeting a Draft Memorandum of Understanding (MOU) between the Warren Blackwood Alliance of Councils and the Department of Parks and Wildlife (DPaW) was presented for consideration.

DPaW had prepared the Draft MOU in relation to the willingness of the parties to collaborate with the planning, development, maintenance and management of the Warren Blackwood Stock Route (WBSR). The following is an extract of the MOU in relation to the rationale for the MOU:-

*“The MOU seeks to establish the highest standards of cooperation and understanding between the collaborating parties for the planning, construction and maintenance of the WBSR. In particular it defines the functions and responsibilities of the Department, the Shires and the Warren Blackwood Alliance of Councils.*

*The MOU is intended to be an administrative document which seeks to ensure mutually beneficial working arrangements, and to clarify the relationship between all parties”.*

The MOU is attached for Councillors perusal.

The Alliance members considered the content of the MOU but also considered that it should be referred to individual Shires as there were insurance implications associated with the Stock Route. In the section of the MOU relating to the Shires of Bridgetown-Greenbushes, Manjimup and Nannup’s obligations, the following points are listed for Councils attention:-

- (b) The WBSR will be incorporated into each of the Shire’s infrastructure maintenance and management program for the camp sites and trail.*
  
- (f) Public liability cover for visitors on Shire managed land.*

At each of the four (4) stopping points (camp sites) in the Shire of Nannup, the following infrastructure will be provided:-

- 9 x 6 metre 3 sided shelter;
- Rain water tank; and
- 6 x 6 metre post and rail horse yard.

Council insurers were contacted seeking their input into (b) and (f) above and whether this will have financial implications upon Council in respect to insurance portfolios. Advice from LGIS indicated that the structures would be included on Council’s Asset Register once completed and the usual rate would be applied accordingly based on their values. As a basic structure, this would have minimal impact on the insurance premiums.

In respect to potential financial impact on Council's Liability Protection policy, LGIS has indicated that this will form part of Council's normal operations and therefore the protection policy will be extended automatically for no additional charge.

**STATUTORY ENVIRONMENT:**

Signed Memorandum of Understanding between DPaW and the Warren Blackwood Alliance of Councils.

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

Annual maintenance costs of the infrastructure and insurance implications on the infrastructure and public liability cover.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Economy - Strategy 2.2 Tourism/Recreation – Increased and Varied Trails throughout the District.

**RECOMMENDATION:**

That Council, as a member of the Warren Blackwood Alliance of Councils and supporter of the construction of the Warren Blackwood Stock Route, acknowledges its responsibility for infrastructure maintenance and public liability cover associated with the camp sites and trails within the Shire of Nannup and in doing so, authorises the CEO to sign the Memorandum of Understanding with the Department of Parks and Wildlife on the proviso that other Alliance member Councils are also signatories to the MOU.

**VOTING REQUIREMENTS:** Simple Majority

AGENDA NUMBER:	12.2
SUBJECT:	Shire of Nannup Community Strategic Plan Review - 2017-2027 Draft Plan
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 April 2017
ATTACHMENT:	12.2.1 - Draft 2017-2027 Community Strategic Plan

**BACKGROUND:**

At the January 2017 Ordinary meeting of Council the Draft Community Strategic Plan 2017-2027 was presented to Council for consideration with the view of either further workshopping the Plan or putting it out for further community comment.

Council resolved the following at the above meeting:-

**17006 LONGMORE/SLATER**

***That Council advertises the Draft Community Strategic Plan 2017-2027 for a six (6) week consultation period inviting residents to have further input into the development of the document. At the conclusion of the six (6) week advertising period submissions received be presented to Council for consideration and possible inclusion into the Plan prior to formal adoption.***

**CARRIED (7/0)**

A Community Survey, Key Stakeholder Interviews and Community Workshop were conducted in late 2016 as part of the requirement to consult with the community and the further 6 week advertising period afforded residents the opportunity of reviewing the draft Plan.

**COMMENT:**

Advertisements were placed in the “*Telegraph Newsletter*” in the March and April 2017 editions calling for submissions on the content of the Draft Plan with a close of submission period being Tuesday, 18 April 2017. Residents were encouraged to obtain a copy of the Draft Plan to view its contents.



At the close of the advertising period no submissions were received. It is therefore assumed the residents are satisfied with the Draft Plan's contents having had the opportunity of participating in the community survey and workshop.

### **STATUTORY ENVIRONMENT:**

Section 5.56 of the *Local Government Act 1995* and Section 19C of the *Local Government (Administration) Regulations 1996* relating to Planning for the Future.

Section 19C of the *Local Government (Administration) Regulations 1996* sets out the following processes in relation to the development of a Strategic Community Plan:-

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
  - (c) demographic trends.
- (6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

**POLICY IMPLICATIONS:**

As per Policy ADM 19 in relation to processes for Community Consultation for major plans with Shire wide impacts.

**FINANCIAL IMPLICATIONS:** Nil

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1, Lead, Listen, Advocate, Represent and Provide – Listen to People.

**RECOMMENDATION:**

That Council notes that no comments and/or submissions were received in relation to the six (6) week advertising on the Draft Shire of Nannup Community Strategic Plan 2017-2027 and therefore, in consideration of the community consultation undertaken to date in the development of the Plan, Council formally adopts the Plan as part of Council's Integrated Planning processes.

**VOTING REQUIREMENTS:** Absolute Majority

AGENDA NUMBER:	12.3
SUBJECT:	Notice of 2017 Annual General Meeting and Local Government Convention
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Western Australian Local Government Association (WALGA)
FILE REFERENCE:	DEP 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT	18 April 2017

**BACKGROUND:**

The CEO of WALGA, Ricky Burgess, has advised in writing that the AGM for WALGA will be held on **Wednesday, 2 August 2017** as part of the Local Government Convention at the Perth Convention Exhibition Centre between Wednesday, 2 and Friday, 4 August 2017.

Ms Burgess advises that the closing date for submissions of motions for the AGM is **Monday, 5 June 2017**. Ms Burgess also advises that any motions proposing alterations or amendments to the Association's Constitution must be received by **Friday, 12 May 2017**.

Ms Burgess further advises that the 2017 Local Government Convention is the premier event for Elected Members and Officers within Local Government. The Association's AGM, as an integral part of this event, is a critical forum for mobilising the views of Western Australian Councils, confronting emerging issues and developing directions forward for our sphere of government.

**COMMENT:**

Should Council wish to submit notices of motions, the guidelines attached should be followed in the formulation of motions.

This is also an ideal time for Councillors to consider whether they wish to attend the Local Government Convention. The draft 2017/2018 Budget has provision for four (4) Councillors plus the CEO to attend this year's Conference.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

An allocation for Conference fees and associated accommodation expenses are provided for in Council's normal Budget process.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership  
- Strategy 6.1 Provide a Stable, Consistent and honest Government

**RECOMMENDATION:**

That Council:-

1. Considers whether it wishes to submit motion/s to the Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 2 August 2017 and if so, provide same to the CEO for submission to WALGA by 6 June 2017; and
2. Councillors interested in attending the Local Government Convention, nominate themselves accordingly to enable staff to organise registrations and accommodation for the 3 day Convention.

**VOTING REQUIREMENTS:** Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	Proposed Telstra Telecommunications Infrastructure
LOCATION/ADDRESS:	Lot 11091 (7956) Brockman Hwy, East Nannup
NAME OF APPLICANT:	Visionstream
FILE REFERENCE:	A505 & DEP22
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	30 March 2017
PREVIOUS MEETING REFERENCE:	25 January 2017
ATTACHMENTS:	12.4.1 - Development plans from applicant 12.4.2 - Location map & site photographs 12.4.3 - Submissions 12.4.4 - Statement addressing Guiding Principles of State Planning Policy <i>SPP5.2 – Telecommunications Infrastructure</i> 12.4.5 - Environmental EME Report

**BACKGROUND:**

The application seeks approval to construct Telstra telecommunications infrastructure at Lot 11091 (7956) Brockman Highway, East Nannup to form part of the Telstra network. The proposed infrastructure entails the following:

- Installation of 1 concrete monopole measuring 40m from natural ground level and set back approximately 53m from the eastern boundary;
- A circular headframe mounted on the monopole at a height of 37m;
- Four (4) antennas mounted on the circular headframe and two (2) tower mounted amplifiers mounted on the monopole;
- One (1) parabolic antenna mounted on the monopole at an elevation of 37m;
- A low impact equipment shelter that is not higher than 3m with a base area of not more than 7.5m<sup>2</sup>;
- Associated underground utility cable(s) and legal road;
- Installation of a new stock-proof fence (12m x 15m) surrounding the compound, with a 3m wide access gate; and
- Clearing of the site, including a 5m clearance buffer surrounding the facility.

Detailed plans of the proposal are shown in Attachment 12.4.1.

The subject site is zoned "Agriculture" and is located approximately 6km southeast of the Nannup townsite as shown in Attachment 12.4.2. The north eastern corner of the property contains a single dwelling, associated outbuildings and a dam, with the remainder of the property covered in native vegetation. The proposed Telstra lease area comprises a 180m<sup>2</sup> fenced compound.

The nearest residences are located on land zoned "Agriculture" approximately 220m to the northeast, 770m to the northwest and 800m to the northwest.

The use proposed in the Development Application is classified as "Telecommunications Infrastructure" under *Local Planning Scheme No.3* (LPS3) and is a "D" use in this zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

***Telecommunications Infrastructure*** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

The Shire administration invited public comment on the Development Application by writing to all landowners within a 1.5km radius of the proposed location, placing details on the Shire website and at the Shire office.

The Shire received 2 submissions on the Development Application which are set out in Attachment 12.4.3. Both submissions raised no objections, with one submitter commenting that they welcomed improved mobile coverage in the area.

**COMMENT:**

Western Australian Planning Commission State Planning Policy *SPP5.2 – Telecommunications Infrastructure* acknowledges the importance of providing telecommunications services to the community through the rollout of new networks but seeks for these to be developed in a manner that minimises the visual impact within the locality.

The proposed facility is setback approximately 45m from Brockman Highway and behind native bushland therefore it will be shielded from motorists' and nearby residents' views.

The applicant examined a range of possible deployment options in the area before concluding that a new telecommunications facility at Lot 11091 Brockman Hwy would be the most appropriate solution to provide necessary mobile phone coverage to East Nannup and surrounding areas as part of the Federal Government's mobile Black Spot Programme. In accordance with the

Communications Alliance Ltd *Industry Code C564:2011-Mobile Phone Base Station Deployment*, Telstra attempts to utilise, where possible, any existing infrastructure or co-location opportunities. There is an identified lack of telecommunications facilities within the vicinity of the proposed installation, with the nearest existing facilities being more than 4.9km northwest of the proposed facility in East Nannup. As such, there were no suitable co-location opportunities to provide the required radio frequency coverage objectives.

While not the applicant's preferred location, the site is considered to be the best location to achieve the required coverage whilst minimising the impact to nearby residents and motorists. Attachment 12.4.4 lists the Guiding Principles of SPP5.2 and the applicant's comments stating how the principles have been addressed.

The Development Application is consistent with the siting criteria in SPP5.2 including that rural areas are a favoured location for telecommunication infrastructure. The policy states in section 5.1 that "unless it is impractical to do so, telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas".

The Shire of Nannup endorsed Local Planning Strategy makes no reference to either upgrading of infrastructure or communications, however the draft Local Planning Strategy states the following;

#### **"6.1 Hard Infrastructure**

##### *Aim*

The aims are to:

- a) Seek the timely provision of infrastructure to service the demands of growing communities and to facilitate planned growth.

##### *Strategy*

- b) ensure that essential infrastructure is appropriately maintained and expanded to accommodate timely growth and development;
- f) seek increased investment locally in in high-speed communications infrastructure.

The proposed telecommunications infrastructure will form part of the Telstra NextG mobile network and will deliver increased mobile services and high-speed wireless internet to East Nannup and surrounding areas.

It is acknowledged that some people are genuinely concerned about the possible health effects of electromagnetic energy (EME) from mobile phone base stations and the applicant has stated that they are committed to addressing these concerns responsibly.

The regulation of electromagnetic energy levels does not fall under the Western Australian planning legislation, but is regulated and managed under a Commonwealth statutory framework. The Australian Communications and Media Authority (ACMA) requires all telecommunications providers to strictly adhere to Commonwealth Legislation and associated regulations regarding mobile phone facilities and equipment. This includes compliance with the Australian Standard *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* which places limits on the strength of the signal that can be transmitted to and from telecommunication towers.

The EME report submitted by the applicant and shown in Attachment 12.4.5 states that the maximum calculated EME level from the site will be 0.0065% of the public exposure limit which is substantially within the allowable limit under the standard.

Based on this understanding and the explanation provided in the application, it is understood that the electromagnetic energy levels will be maintained within prescribed limits in the interest of public safety. The proposed electromagnetic energy levels are all within the standards set by the ACMA and the Australian Radiation Protection and Nuclear Safety Agency.

Following the Shire administration's assessment against SPP5.2, LPS3, the *Guidelines for the Location, Siting and Design of Telecommunications Infrastructure*, both the endorsed and draft Local Planning Strategies, considering the views of the submitters and information provided by the applicant, it is therefore recommended that the Council approve the proposed Telstra telecommunications infrastructure at Lot 11091 Brockman Highway, East Nannup.

#### **STATUTORY ENVIRONMENT:**

*Telecommunications Act 1997, Telecommunications (Low Impact Facilities) Determination 1997, Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015, State Planning Policy SPP5.2 – Telecommunications Infrastructure, Telecommunications Code of Practice, Guidelines for the Location, Siting and Design of Telecommunications Infrastructure, Visual Landscape Planning in Western Australia Manual and Local Planning Scheme No.3.*

#### **POLICY IMPLICATIONS:**

The Shire does not have a telecommunications policy however LPS3 cites specific matters to be taken into consideration for the assessment of all Development Applications. State Planning Policy *SPP5.2 - Telecommunications Infrastructure* lists similar matters to the Scheme, and includes references to 'communications needs of the community' and 'visual impact on the character and amenity of the surrounding area'.



**FINANCIAL IMPLICATIONS:** Nil

**STRATEGIC IMPLICATIONS:**

The proposal aligns with Strategy 3.3 of the Strategic Community Plan which is to improve all forms of communication within the Shire.

**RECOMMENDATION:**

That Council approve the proposed Telstra telecommunications infrastructure at Lot 11091 (7956) Brockman Highway, East Nannup subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
2. This development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 36 months of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
3. Any lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

Advice

- A. If the applicant or owner 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.

**VOTING REQUIREMENTS:** Simple Majority

**Shire of Nannup  
Ordinary Council Meeting Agenda: April 2017**

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AGENDA NUMBER:	12.5
SUBJECT:	Review of Shire of Nannup Local Planning Strategy – Consideration of submissions
LOCATION/ADDRESS:	All of district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL 3A
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	4 April 2017
PREVIOUS MEETING REFERENCE:	28 August 2014
ATTACHMENTS:	12.5.1 – Modified Draft Shire of Nannup Local Planning Strategy 12.5.2 – Shire of Nannup Bushfire Hazard Level Report (previously provided electronically) 12.5.3 – Submissions 12.5.4 – Schedule of Submissions

**BACKGROUND:**

The purpose of this report is to consider the submissions and seek Council support for the modified draft Local Planning Strategy (LPS) with the goal being final endorsement by the Western Australian Planning Commission (WAPC).

The LPS is set out in Attachment 12.5.1 and primarily consists of aims, strategies (policies) and actions, and the corresponding Strategy Plans. The version of the LPS report in Attachment 12.5.1 shows suggested modifications in highlight and/or strikeout to the publicly advertised version. The modifications seek to address submissions and recent changes to State Government policies.

An associated Bushfire Hazard Level Report, produced for the Shire of Nannup by Lush Fire (Attachment 12.5.2), was required to accompany the LPS under *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and provides a bushfire hazard assessment for the proposed townsite growth precincts identified in the LPS.

By way of background, the current LPS was endorsed by the Western Australian Planning Commission (WAPC) on 6 December 2007. In this report, the current LPS will be called “LPS 2007”. LPS 2007 incorporates the *Nannup Townsite Strategy* that was formulated in the 1990s and endorsed by the WAPC in 2000. Accordingly, the last time there was a major review of planning and associated community/stakeholder input for the Nannup townsite and nearby areas was in

the late 1990s. There have been a number of key changes since the 1990s including changes to the demographics, community expectations, the economy and the approach to bushfire management.

The LPS, when endorsed, will set the strategic land use direction for the district for the next 10 – 15 years. The LPS is the main framework for land use planning at the local level to enable the Council to plan for the future. The LPS expresses the strategic vision, policies and proposals of the Council and reflects local needs and aspirations. The LPS is also the key instrument for translating State and regional plans and policies to the local level and to provide the strategic framework and rationale for the zones and other provisions for a Local Planning Scheme.

The LPS is primarily concerned with “spatial” or “land use” considerations including the location, distribution and relationship of land uses, subdivision, development and associated infrastructure. The LPS considers wide ranging economic, natural resource management, environmental and social considerations at a strategic level. It is however highlighted that various issues are beyond the scope of the LPS and land use planning e.g. decisions relating to education funding and levels of service. Non-spatial matters will be addressed by the Council, State Government agencies and other organisations through other programmes, projects and activities. The non-spatial issues provide opportunities for further discussion, involvement and lobbying between the community, representative groups, the local government and other agencies.

The process to formulate the LPS included:

- reviewing the 2013 community survey results which included support for growth in and around the Nannup townsite provided it retains the area’s character, requiring future rural living (rural residential/rural smallholding) subdivision to be located close to the Nannup townsite, wanting to expand services/facilities, and support for job creation;
- obtaining input and feedback from Councillors and the Department of Planning;
- assessing wide ranging information including State, regional and local planning policies, strategies and documents;
- an assessment of key opportunities and constraints (physical, environmental, economic, social and infrastructure); and
- preparation of the Bushfire Hazard Level Report.

At its meeting of 28 August 2014, Council resolved to:

- 1. Adopt the draft Shire of Nannup Local Planning Strategy, outlined in Attachment 1, pursuant to Regulation 12A(1) of the Town Planning Regulations 1967.**

- 2. Note the associated Background and Context Report outlined in Attachment 2.**
- 3. Refer the draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with Regulation 12A of the Town Planning Regulations 1967 to facilitate advertising of the Local Planning Strategy in accordance with Regulation 12B of the Town Planning Regulations 1967.**
- 4. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning and other stakeholders and make modifications to the draft Local Planning Strategy if directed to by the Western Australian Planning Commission.**
- 5. Note that following Western Australian Planning Commission certification, the draft Local Planning Strategy will be advertised to meet the requirements of the Town Planning Regulations 1967 including an extended public comment period of 90 days compared to the minimum of 21 days required by the Town Planning Regulations 1967.**

Following Council's decision, the Shire administration requested the WAPC certify the draft LPS and authorise it for public advertising. The WAPC requested some minor modifications be made to the LPS however more notably, due to the introduction of SPP3.7 during the WAPC certification process, the WAPC required the Shire to undertake a Bushfire Hazard Level (BHL) Report to assess the bushfire risk of the proposed growth precincts surrounding the Nannup townsite. The Shire engaged Lush Fire & Planning to undertake the assessment and produce the BHL Report which was then forwarded to the WAPC for consideration. The WAPC certified the LPS and approved it for advertising on 12 September 2016.

Following the WAPC's certification, the Shire met and exceeded the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* by advertising the LPS for a 90 day period through:

- placing a public notice in the Busselton Dunsborough Times and the Nannup Telegraph;
- writing to relevant agencies, community groups and other stakeholders;
- placing details on the Shire website; and
- making the LPS and associate BHL report available at the Shire office.

The Shire received 13 submissions on the LPS which are set out in Attachment 12.5.3 and summarised in the Schedule of Submissions in Attachment 12.5.4.

**COMMENT:**

Overview

Overall, the submissions received were in support of the LPS and therefore it is suggested that only minor modifications are required to be made to the publicly advertised version. Only one main issue was raised by a submitter which regards Lot 9823 Vasse Hwy, Nannup and is discussed below.

All comments made in the submissions are summarised in the Schedule of Submissions.

Issues

*1. Lot 9823 Vasse Highway, Nannup*

The property at Lot 9823 currently has a dual zoning under LPS3 of “Industry” and “Agriculture”. The lot adjoins the Sexton Way light industrial area which is the only industrial estate in the Shire. The estate accommodates light and general industry and is well located in relation to transport access and convenience to the Nannup townsite. The land has been identified in the LPS as an “Industry Investigation Area” as it is considered strategically important to the longer term development of Nannup unless industrial land is made available on a portion of the Nannup Timber Mill site.

The submitter does not support the re-classification to “Industry Investigation Area” and would prefer to see the site classified as “Residential” or “Rural Residential”. The reasons provided by the submitter include that:

- there is a lack of demand for industrial land;
- there is an alternative supply of land at the Nannup Timber Mill site;
- industrial development would be unprofitable; and
- there is an existing development proposal for the site.

As noted in the Local Government comments in the Schedule of Submissions, the Shire administration has acknowledged all of the above reasons put forward by the submitter and has amended the LPS *Strategy Plan - Nannup Townsite & Surrounds* and Section 5.2 of the LPS to support the investigation of Lot 9823 for a combination of both industry and residential uses. This could see a transition from additional industrial only lots through to ‘composite’ lots (combination of industrial and residential uses) and then residential/rural residential lots.

It should also be noted that should the mill owners support the identification of surplus land for industrial and compatible purposes, which then gains the necessary approvals, the Shire could seek a minor amendment to the LPS to reclassify Lot 9823 Vasse Highway to “Residential”. At this stage there is however no indication from the mill owners that they are progressing with

planning to make surplus land on the mill site available for industrial and other compatible purposes.

## *2. Bushfire Risk*

Prior to certifying the LPS, the WAPC required the removal of the re-subdivision potential of rural residential lots to the west of the Nannup townsite (precincts F & G in the Land Supply Plan - the West Nannup and Thomas Road areas) due to bushfire hazard risks.

In relation to these precincts, Lush Fire & Planning in part state in Table 8 that 'Land at the southern end of Dean Road is not recommended for additional subdivision and vulnerable/ high-risk development due to the single access.'

The WAPC have advised the Shire that while these precincts will not be included for re-subdivision potential in the endorsed LPS, if the Shire can reduce the bushfire risk in these areas, amendments can be made to the LPS in the future.

The Shire will investigate methods for reducing the bushfire risk in the rural residential areas to the west of the Nannup townsite including securing a second link to Mowen Road via Gracillis Road.

## Other Considerations

### *1. Plantations*

*State Planning Policy 2.5 Rural Planning (SPP2.5)* and the associated *Rural Planning Guidelines* were released in December 2016. In summary, SPP2.5 is generally supportive of tree farming (which includes planting of trees for harvest and for carbon sequestration) provided it does not occur on priority agricultural land.

Section 9.3 of the LPS is recommended to be modified as outlined in Attachment 12.5.1. The suggested modifications seek to address SPP2.5 along with responding to local circumstances and expectations. In particular, the modifications outline that:

- a Development Application is required for any plantings of trees above 1 hectare on land zoned 'Priority Agriculture' in the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)* unless the purpose is for natural resource management purposes and not for tree crop purposes;
- a Development Application is required for land zoned 'Rural' in LPS4 where the tree farm, for tree crop purposes, has a minimum aggregate planted area of 10 hectares; and
- a Development Application is not required for land zoned 'Rural' in LPS4, where the total planted area is below 10 hectares.

The Council may wish to review the above including the threshold as to when a Development Application is required for plantings in the proposed 'Rural' zone in LPS4.

As outlined in Attachment 12.5.1, it is suggested the Council, in time, support the preparation of a Local Planning Policy on tree farming and where the planting is for natural resource management purposes. This will assist to provide increased certainty for all stakeholders regarding Council's requirements.

## *2. Special Character Area*

The Council has previously, via Amendment 16 to Local Planning Scheme No.3 (LPS3), attempted to provide a statutory "head of power" to enable the local government to require a Development Application for single houses that are inconsistent with the area's character.

The amendment was forwarded to the WAPC in March 2015 for final approval however due to the introduction of the *Planning and Development (Local Planning Scheme) Regulations 2015* in October 2015 the Minister for Planning subsequently refused to grant final approval to the amendment for the following reasons:

- i) the proposal seeks to introduce development control provisions in a manner that is inconsistent with the Planning and Development (Local Planning Scheme) Regulations 2015 by the introduction of a provision that would have the effect of varying a Deemed Provision.*
- ii) development approval for a single house, which is otherwise exempt under a Deemed Provision, cannot be varied so as to be a "use" which requires the approval of the Local Government under the Scheme.*

The WAPC subsequently advised the Shire that development controls for single houses in special character areas, and the need to obtain development approval, could be considered via a Special Control Area in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

In order to retain Nannup's "village character", Section 7.3 of the LPS has been modified to introduce a Special Control Area which would then provide the Shire with a mechanism to achieve appropriate development standards for buildings in specified areas of LPS3 or incorporated into proposed LPS4.

## *3. Government Sewerage Policy*

The State Government is reviewing the *Government Sewerage Policy*. While it is currently in draft form, it will have implications on certain subdivisions and development in Nannup. In summary, the Policy outlines that connection to reticulated sewerage is considered to be the 'most reliable, efficient and

environmentally acceptable means of sewerage disposal.’ The Scott Coastal Plain is classified as a ‘sewerage sensitive area’.

The LPS promotes subdivision and development into areas that can either be connected to reticulated sewerage or where conditions are overall suitable for on-site effluent disposal.

The Shire administration will inform Council as to when the Policy is finalised and will outline implications for Nannup and the district.

#### *4. Shire of Nannup Local Planning Scheme No. 4*

A key component of implementing the LPS is through the local government’s Local Planning Scheme. The LPS outlines that LPS3 will be replaced by LPS4. Amongst matters, LPS4 will:

- introduce new zones e.g. Rural Smallholdings and Environmental Conservation;
- delete the Special Residential, Mixed Use and Cluster Farming zones;
- rename various zones;
- add Special Control Areas including around the wastewater treatment plant and a special design/character area;
- modify residential densities as broadly set by the LPS;
- reduce duplication of provisions (such as for individual Special Rural zones);
- seek to address various anomalies in LPS3;
- review permissibility of uses in different zones;
- introduce provisions relating to natural resource management and design; and
- address the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### Next Steps

The modified LPS is recommended for Council support. Should Council agree with the officer recommendation, the next step is to seek endorsement of the LPS from the WAPC. The WAPC will consider the submissions and the Council’s final adopted version of the LPS and, in time, the WAPC will endorse the LPS.

Following WAPC endorsement of the LPS, LPS 2007 and the *Nannup Townsite Strategy* (2000) will be revoked.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015*. The Act and Regulations require a local authority to review its Local Planning Scheme and prepare an accompanying



LPS. Regulation 11(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* sets out that:

“A Local Planning Strategy must:

- a) set out the long-term planning directions for the local government; and
- b) apply any State or regional planning policy that is relevant to the strategy; and
- c) provide the rationale for any zoning or classification of land under the local planning scheme.”

The Local Planning Strategy will guide the review and amendments of the Local Planning Scheme, the formulation of relevant planning policies and assessment of development proposals and subdivisions.

**POLICY IMPLICATIONS:**

Policy implications are outlined in the LPS. The endorsement of the LPS will increase certainty for everyone with an interest in the matters raised and should assist in more consistent decision making.

**FINANCIAL IMPLICATIONS:**

The LPS raises the prospect of the local government needing to fund more detailed strategies and plans, however it is difficult to accurately predict costs at this stage. It may have other direct and indirect financial implications on the local government in the next 10–15 years. Opportunities for working in partnership should be explored. The Council should in time, adequately increase budgets to ensure that necessary additional and/or expanded infrastructure and services are appropriately funded and maintained.

Developers/subdividers are required to meet the cost of new development/subdivision in accordance with State Planning Policy 3.6 and Council’s *Local Planning Policy 20 - Developer and Subdivider Contributions Policy*.

The Shire will be required to meet the cost of advertising the endorsed LPS including placing notices in papers.

**STRATEGIC IMPLICATIONS:**

The LPS (and the associated Local Planning Scheme) will establish Council’s land use planning framework for the district. Accordingly, it is highlighted that the finalised LPS will have significant implications on development and subdivision in the district along with influencing infrastructure coordination, economic development and managing natural resources.

**RECOMMENDATION:**

That Council resolves to:

1. Support the modified draft Shire of Nannup Local Planning Strategy, outlined in Attachment 12.5.1, pursuant to 14(2)(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
2. Note the associated Bushfire Hazard Level Report produced by Lush Fire outlined in Attachment 12.5.2.
3. Refer the modified Local Planning Strategy to the Western Australian Planning Commission for final endorsement in accordance with Regulation 14(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
4. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning and to make modifications to the Local Planning Strategy if directed to by the Western Australian Planning Commission.
5. Support the revocation of the *Shire of Nannup Local Planning Strategy (2007)* following Western Australian Planning Commission endorsement of the modified Local Planning Strategy.
6. Support the revocation of the *Nannup Townsite Strategy (2000)* following Western Australian Planning Commission endorsement of the modified Local Planning Strategy.
7. Acknowledge all submitters in writing, thanking them for their submissions which have been taken into account in the modification of the Local Planning Strategy and advise of the next steps in the endorsement process.

**VOTING REQUIREMENTS:** Simple Majority

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AGENDA NUMBER:	12.6
SUBJECT:	Proposed dedication of Poison Swamp Road and closure of unnamed road reserve - submitted to initiate road dedication and road closure process
LOCATION/ADDRESS:	Poison Swamp Road, Darradup
NAME OF APPLICANT:	Alan Boynton on behalf of R&S Bruce, N&A Hamilton and J&I Gouldney (owners of Lot 11864 Poison Swamp Road)
FILE REFERENCE:	ROA083
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	18 April 2017
PREVIOUS MEETING REFERENCE:	21 December 2006
ATTACHMENT:	12.6.1 - Correspondence and Concept Plan from applicant 12.6.2 - Location map 12.6.3 - Cadastral map of locality 12.6.4 - Correspondence from the Department of Parks and Wildlife

**BACKGROUND:**

The applicant, on behalf of the owners of Lot 11864 Poison Swamp Road, seeks Council support to initiate the road dedication and permanent road reserve closure process as outlined in Attachment 12.6.1. In particular, the applicant seeks the following:

- the existing forestry track known as 'Poison Swamp Road' is formally created (dedicated) as a public road with a reserve width of 10 metres. This would result in the existing track being taken out of the Milyeannup State Forest, managed by the Department of Parks and Wildlife (DPaW), and incorporated into a road reserve vested and managed by the Shire;
- a road reserve is extended to Lot 2042 which would result in land being taken out of the State Forest and into a road reserve vested and managed by the Shire; and

- a superfluous section of an unnamed road reserve, which does not contain a constructed track, is permanently closed and is added to the State Forest.

The Concept Plan (Attachment 12.6.1) also outlines that legal vehicular access be provided to Lot 2883 via an easement over Lot 2042 and legal vehicular access be provided to Lot 10622 via an easement over Lot 2042.

The location of Poison Swamp Road is shown in Attachment 12.6.2 which is approximately 23 kilometres south-west of the Nannup townsite. Attachment 12.6.3 outlines a cadastral map of the locality. This shows that Lot 11864 is 'land locked' given there is no gazetted public road connecting the property to Brockman Highway. As outlined above, Poison Swamp Road is a forestry track located on land managed by DPaW.

A search through Shire files suggests there were previous attempts to dedicate Poison Swamp Road in the late 1970s and in the early 1980s. While the Shire records are not complete for this period, it is clear that the road dedication process was not finalised.

The Council at its meeting on 21 December 2006 (resolution 7606) in part resolved:

**'That Council dedicates a 15 metre road reserve along the road formation named Poison Swamp Road linking Brockman Highway to Nelson Location 11864 and a 10 metre road reserve linking the western portion the above mentioned road reserve to Nelson Location 2883.'**

Attachment 12.6.4 sets out correspondence from DPaW on 24 June 2014 and 23 October 2015 which provided DPaW's in-principle and conditional support for the proposed gazettal (dedication) of Poison Swamp Road between Brockman Highway and Lot 11864. Conditions of DPaW's support included that there is no loss of land from the DPaW estate which will require off-sets (land swaps) to address the land taken from the State Forest to create the road reserve.

There has been a number of discussions and correspondence with various owners of Lot 11864 in recent years relating to the road dedication and closure process. While noting this, the formal request to dedicate Poison Swamp Road and the associated permanent road reserve closure was submitted by the applicant to the Shire on 27 March 2017.

In addition to the road dedication and road closure request, the applicant has recently submitted a survey-strata subdivision application to the Western Australian Planning Commission which is considered in item 12.7 of this agenda.

**COMMENT:**

It is suggested that the Council initiates the road dedication and permanent road reserve closure process based on the Concept Plan set out in Attachment 12.6.1. This will start the process of addressing Lot 11864 being land-locked and in-turn assist to provide legal vehicular access to nearby Lots 2042, 2883, 3946 and 10622. The unnamed road reserve, which does not contain a constructed track is superfluous and is supported to be permanently closed and added to the State Forest.

While noting the above, considerations with the request include:

- A) Based on information provided by the applicant on the Concept Plan, the proposed road reserve dedication of Poison Swamp Road and extending the road reserve to Lot 2042 has an area of approximately 10,500m<sup>2</sup>. In comparison, the road reserve to be closed is approximately 4,500m<sup>2</sup>. This would result in the loss of approximately 6000m<sup>2</sup> from the State Forest. Based on previous DPaW advice, it is expected that DPaW will require that there is no net loss of land from the DPaW estate arising from the proposal.
- B) It is expected that the applicant will need to identify approximately 6000m<sup>2</sup> of freehold land, owned by the applicant, which is added to DPaW managed land. This could, for instance, be addressed through taking land from Lot 11864 and adding it to a widened Blackwood River foreshore. Assuming the Council initiates the road dedication/closure process, it is expected that DPaW will either reconfirm or clarify its position. This includes whether DPaW requires that there is no net loss of land from the DPaW estate and it outlines the preferred freehold land to be added to the DPaW estate.
- C) Providing legal vehicular access to Lot 11864, through dedicating the Poison Swamp Road reserve, is the circuit breaker to enabling the Western Australian Planning Commission to consider a survey-strata subdivision application on Lot 11864.
- D) While the Council at its meeting on 21 December 2006 required Poison Swamp Road to have a reserve width of 15 metres, the Shire administration and DPaW are now supportive of the reserve width being reduced to 10 metres.
- E) The Concept Plan is supported in proposing to address legal vehicular access to Lot 2883 and 10622 via an easement over Lot 2042. Prior to the matter again being reported to Council post the consultation period, it is also suggested that the applicant outlines how legal and practical vehicular access will be provided to Lot 3946 and outlines the preferred alignment for the proposed easement. This would progress addressing another historic land-locked lot.

- F) Based on other comparable proposals, the interrelated road dedication and road reserve closure processes will take a considerable time to be completed (in the order of years). Most of the process and associated time is associated with addressing the requirements of State Government agencies.
- G) There is a need to address the standard of Poison Swamp Road. *Local Planning Policy LPP013 Car Parking and Vehicular Access* outlines that where a new public road is created through the subdivision process, the Council will accept unsealed roads for lots between 4ha - 9.99ha where 4 or less lots are created. There may be a need for the subdivider to make a proportionate financial or in-kind contribution to the upgrading of Poison Swamp Road before the road reserve is vested with the Shire. This could include upgrading the road to meet the standards set in *Guidelines for Planning in Bushfire Prone Areas*.
- H) The proposed road reserve between Poison Swamp Road and Lot 2042 (this short section of also likely to be called 'Poison Swamp Road') also needs to be appropriately constructed prior to being vested with the Shire. To reduce the net loss of DPaW land and to limit the clearing of native vegetation, the road reserve may need to be created out of Lot 11864 rather than taken from the State Forest.

If Council agrees with the officer recommendation, the Shire administration will seek comments on the proposed road dedication/closure processes for a period of at least 35 days. This will include through writing to and inviting comments from stakeholders and government agencies, placing a public notice in a newspaper circulating in the district, placing details on community noticeboards, placing details on the Shire website and having details at the Shire office. Following the close of the consultation period, the Shire administration will consider the submissions and will report back to Council. The Council will then determine whether or not it will agree to the road dedication and road reserve closure request and whether it will advise the Minister for Lands to dedicate Poison Swamp Road and permanently close the unnamed road reserve.

#### **STATUTORY ENVIRONMENT:**

*Land Administration Act 1997 and Land Administration Regulations 1998.* A Council resolution is required to initiate the road closure process.

#### **POLICY IMPLICATIONS:**

*Local Planning Policy LPP013 Car Parking and Vehicular Access, LPP015 Dedication of Road Access and LPP 020 Developer and Subdivider Contributions* are non-statutory documents which are designed to provide guidance to assist the Council in its decision making.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the application fee in accordance with the Council's fees and charges. The applicant (owners of Lot 11864) are required to meet all costs associated with the road dedication and road closure processes including survey, land acquisition, State Government administration fees and associated survey strata subdivision fees.

The proposed road reserve between Poison Swamp Road and Lot 2042, needs to be appropriately constructed prior to being vested with the Shire. There may be a requirement for the applicant to make a financial contribution or provide in-kind assistance for the upgrading of Poison Swamp Road.

**STRATEGIC IMPLICATIONS:**

Subject to gaining necessary approvals and formalising easements to Lots 2883, 3946 and 10622, the proposal addresses various land-locked lots in the district.

**RECOMMENDATION:**

That Council:

1. Supports the width of the proposed Poison Swamp Road reserve being '10' metres instead of '15' metres and the proposed road reserve being extended to Lot '2042' instead of being extended to Lot '2883'.
2. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close an unnamed road reserve and support associated road reserve dedication of Poison Swamp Road and the road reserve connecting Poison Swamp Road to Lot 2042 as set out in Attachment 12.6.1.
3. Notes the Shire administration will invite submissions on the dedication of Poison Swamp Road and the associated closure of the unnamed road reserve for a period of six (6) weeks.
4. Will reconsider the road reserve dedication and closure request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands permanently closes and dedicates the road reserve.
5. Requires the applicant to provide an updated Concept Plan and set out in writing and how legal and practical vehicular access will be provided to Lot 3946 and when this is intended to be provided.

**VOTING REQUIREMENTS:** Absolute Majority



AGENDA NUMBER:	12.7
SUBJECT:	Survey-Strata Subdivision Application
LOCATION/ADDRESS:	Lot 11864 Poison Swamp Road, Darradup
NAME OF APPLICANT:	Roger Machin
FILE REFERENCE:	192-17 and A191
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	7 April 2017
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.7.1 - Location map 12.7.2 - Cadastral map of locality 12.7.3 - Correspondence and plans from applicant

**BACKGROUND:**

The Western Australian Planning Commission (WAPC) has referred Survey Strata Subdivision No. 192-17 to the Shire for comment. The site's location is shown in Attachment 12.7.1, while Attachment 12.7.2 outlines a cadastral map of the locality.

Information provided by the applicant is outlined in Attachment 12.7.3 which provides a history of the site and outlines reasons in support of the application. The application is to subdivide the property to create four survey strata lots of 11.84 hectares (ha), 5ha, 4.75ha and 6.29ha plus common property (road access leg) of 9564m<sup>2</sup>.

Lot 11864 is 28.83ha hectares in area and the property is owned by a number of tenants in common. The property is zoned 'Agriculture' and is within 'Additional Use (A5)' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. The provisions set out for A5 are outlined below:

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NO.	DESCRIPTION	ADDITIONAL	CONDITIONS
A5.	Nelson Location 11864 Brockman Highway	Additional Dwellings (to allow for maximum 4 dwellings).	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. 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.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters:               <ol style="list-style-type: none"> <li>i) upgrading of feeder roads servicing the land; and</li> <li>ii) the need for a fire management plan.</li> </ol> </li> </ol>

The *Shire of Nannup Local Planning Strategy (2007)* recognises there are some historic rural-multiple occupancies in rural areas. The Local Planning Strategy conditionally supports subdivision to address issues with multiple occupancy, including for the application site, provided a minimum lot size of 5 hectares is achieved.

As outlined in Attachment 12.7.2, Lot 11864 is currently 'land locked' given there is no gazetted public road connecting the property to Brockman Highway. Poison Swamp Road is a forestry track, located on land managed by the Department of Parks and Wildlife (DPaW), and is not a gazetted public road.

The site is classified as a Bushfire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone2016/>

**COMMENT:**

It is highlighted that the WAPC makes the decision on survey-strata subdivision applications with the Shire of Nannup providing advice to the WAPC.

The key issue with the application, from the Shire's perspective, is that it is proposing to create new lots that do not have legal vehicular access, via a gazetted public road, which is inconsistent with WAPC policies and long-established WAPC practice. The application is considered premature given the associated road dedication and road reserve closure processes have only just been submitted to the Shire (refer to item 12.6 in this agenda).

Based on other comparable proposals, the interrelated road dedication and road reserve closure processes will take a considerable time to be completed (in the order of years). Most of the process and associated time is associated with addressing the requirements of DPaW and the Department of Lands. This is in part due to DPaW seeking to ensure that any road dedication process does not result in a loss of land that it manages (including State Forest). Based on comparable proposals, DPaW have required that there is a land swap which in part can be addressed through permanently closing some road reserves and adding these to the State Forest. It may also require the subdivider to provide some additional land (such as a widening the Blackwood River foreshore) to ensure there is no loss of DPaW managed land.

The road dedication and road reserve closure processes are separate to the survey-strata application process with different legislation and decision-makers. Accordingly, the WAPC is expected to be reluctant to conditionally approve the application requiring the dedication of a public road on DPaW managed land based on timing and risk issues.

The application is inconsistent with the WAPC's *DC Policy 1.1 Subdivision of Land – General Principles* which in part states that a policy objective is 'To ensure constructed vehicular access from the gazetted road system to each new lot.' Section 3.7.1 further outlines that new lots will only be created 'where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality.' Creating additional land-locked lots is also inconsistent with the *Shire of Nannup Local Planning Strategy*.

The Shire administration and senior officers from the Department of Planning are not aware of any cases where the WAPC has approved a subdivision/survey-strata without access to a gazetted road. Accordingly, the Shire understands that finalising the road dedication and interrelated road reserve closure processes, to address legal vehicular access, is the circuit breaker for subdivision/strata subdivision. Once a new public road is created, the landowners are able to apply to the WAPC seeking survey-strata subdivision approval.

Other considerations with the application include:

1. Bushfire risks – if the application wasn't seeking to address an historic situation, it is suggested the WAPC would refuse the application given it is inconsistent with current WAPC requirements including creating rural lifestyle (rural smallholding) lots in a relatively isolated area with a high bushfire risk. In particular, the application is inconsistent with *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the associated *Guidelines for Planning in Bushfire Prone Areas*. This includes that new subdivisions are provided with two access routes. The applicant in Attachment 12.7.3 has outlined reasons to waive the requirement for a bushfire assessment.

Notwithstanding this, recent advice from the Department of Planning reveals they have advised the applicant to arrange a Bushfire Management Plan to support the survey strata application. The Department advises that the application will not progress until the Bushfire Management Plan is finalised and endorsed by the Department of Fire and Emergency Services. This will be a 'test case' given the nature of the proposal, the site's location and the associated bushfire hazards.

2. Zoning – previous discussions with the Department of Planning reveal that the current zoning is not an impediment to the survey-strata subdivision. While the site is zoned 'Agriculture', the 'Additional Use (A5)' classification is supportive of applications proposing a maximum of four lots with a minimum lot size of five hectares. The site's zoning will be reviewed as part of preparing the *Shire of Nannup Local Planning Scheme No. 4*.
3. Based on the conditions in A5, it is suggested that all proposed lots are at least 5 hectares in area to ensure consistency with LPS3.
4. The standard of Poison Swamp Road - *LPP013 Car Parking and Vehicular Access* outlines that where a new public road is created through the subdivision process, the Council will accept unsealed roads for lots between 4ha - 9.99ha where 4 or fewer lots are created. There may be a need for the subdivider to make a proportionate financial or in-kind contribution to the upgrading of Poison Swamp Road before the road reserve is vested with the Shire. This could include upgrading the road to meet the standards set in *Guidelines for Planning in Bushfire Prone Areas*.
5. The WAPC may require a widened foreshore reserve based on its policies. As outlined earlier, it is expected that DPaW will require no net loss of land from the DPaW estate arising from the proposal. This could involve taking land from the proposed 11.84ha lot to widen the Blackwood River foreshore.

Given the above, it is suggested the Council advise the WAPC that it recommends the applicant withdraws application 192-17 until there is suitable legal access between Lot 11864 and Brockman Highway.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005* and LPS3.

#### **POLICY IMPLICATIONS:**

*Local Planning Policy LPP013 Car Parking and Vehicular Access, LPP015 Dedication of Road Access, LPP 020 Developer and Subdivider Contributions* and *LPP021 Bush Fire Management* are non-statutory documents which are designed to provide guidance to assist the Council in its decision making and in providing advice to the WAPC.

**FINANCIAL IMPLICATIONS:**

Should the WAPC approve the survey-strata subdivision application, there may be a requirement for the subdivider to make a financial contribution or provide in-kind assistance for the upgrading of Poison Swamp Road.

**STRATEGIC IMPLICATIONS:**

Subject to landowners meeting necessary costs, there are opportunities to progressively address various land-locked lots in the district.

**RECOMMENDATION:**

That Council advise the Western Australian Planning Commission that in relation to Survey-Strata Subdivision 192-17 for Lot 11864 Poison Swamp Road, Darradup that:

1. The applicant withdraw the application or seek a deferral from the WAPC. If the deferral is not accepted by the WAPC, given the expected length of time to address the associated road dedication and road reserve closure processes, advise the WAPC to refuse the application given the proposed lots do not have legal vehicular access.
2. The WAPC advise the applicant that they are encouraged to submit a new survey strata subdivision application once Poison Swamp Road is gazetted and there is suitable legal access between Lot 11864 and Brockman Highway. Any new application should ensure that all lots are at least 5 hectares in area to be consistent with Additional Use A5 of Schedule 2 from the *Shire of Nannup Local Planning Scheme No.3*.

**VOTING REQUIREMENTS:** Simple Majority

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AGENDA NUMBER:	12.8
SUBJECT:	Proposed Partial Closure of the Cundinup West Road Reserve - Submitted for Endorsement
LOCATION/ADDRESS:	Lot 12408 Cundinup West Road, Cundinup
NAME OF APPLICANT:	Mario Camarri
FILE REFERENCE:	A197
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	18 April 2017
PREVIOUS MEETING REFERENCE:	25 January 2017
ATTACHMENTS:	12.8.1 – Correspondence and plan from applicant 12.8.2 – Location map 12.8.3 - Submissions

**BACKGROUND:**

An application has been made to permanently close a portion of the Cundinup West Road reserve which adjoins Lot 12408 Cundinup West Road, Cundinup and once closed, for it to be amalgamated into Lot 12408. The applicant's request is outlined in Attachment 12.8.1.

The location of the road reserve is shown in Attachment 12.8.2. The area is approximately 20 kilometres north-northwest of the Nannup townsite.

At its ordinary meeting on 25 January 2017, the Council passed the following motion at minute No. 17011:

*“That Council agree to initiate a request for permanent partial road reserve closure action, under section 58 of the Land Administration Act 1997 subject to the closed partial road reserve being amalgamated into adjoining Lot 12408 on Plan 164775.”*

In accordance with the Council resolution, the *Land Administration Act* and the *Land Administration Regulations*, the Shire administration advertised the proposed road closure for a period of 35 days through the Shire administration:

- writing to and inviting comment form adjoining/nearby landowners;
- writing to and inviting comment from relevant State Government and servicing authorities;
- placing a public notice in the Busselton-Dunsborough Times;
- placing details on the Shire website; and
- having information available at the Shire office.

The Shire received 2 submissions on the proposed closure which are set out in Attachment 12.8.3. All submissions raised no objections.

The Shire is still awaiting comments from Department of Parks and Wildlife and these will be presented to Council verbally should they be received prior to the meeting.

**COMMENT:**

As no objections were received, it is suggested that Council can now finalise its position on the closure. It is recommended that Council agree to a permanent partial closure of the road reserve shown in Attachment 12.8.1 given the existing road reserve is substantially wider than is required for the current alignment of Cundinup West Road. The land is largely cleared and by closing this section of road reserve and amalgamating it into Lot 12408, the historical issue of existing farm infrastructure being located in the road reserve could be resolved.

Subject to the Council's decision, the Minister for Lands will determine whether to permanently close the road reserve. Should the Minister agree and should associated valuation and other matters be acceptable to the applicants/landowners, the portion of the Cundinup West Road reserve which adjoins Lot 12408 Cundinup West Road, Cundinup will be amalgamated into the adjoining Lot 12408.

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

**STRATEGIC IMPLICATIONS:** Nil

**RECOMMENDATION:**

That Council:

1. Agree to permanently close the portion of the Cundinup West road reserve adjoining Lot 12408 Cundinup West Road, Cundinup as shown in Attachment 12.8.1.
2. Request the Minister for Regional Development and Lands to permanently close the portion of the Cundinup West road reserve shown in Attachment 12.8.1 with the road reserve being amalgamated into Lot 12408.
3. Indemnifies the Department of Lands against any costs in the process, with these costs being borne by the applicant/landowner.
4. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Lands, other agencies and the applicant/landowner regarding the closure of the road reserves, including the signing and sealing of all documentation required.

**VOTING REQUIREMENTS:** Simple Majority



# **FINANCE & ADMINISTRATION**

AGENDA NUMBER:	12.9
SUBJECT:	Budget Monitoring – March 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	10 April 2017
ATTACHMENT:	12.9.1 – Financial statements for the period ending 31 March 2017.

## **BACKGROUND:**

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.9.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

## **COMMENT:**

Please refer to the attachment, Financial Statements for period ending 31 March 2017 for a detailed analysis of our end of year position, as found in Note 2.

## **STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 34(1)(a).

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** A potential surplus of \$643 for 2016/17.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That the Monthly Financial Statements for the period ending 31 March 2017 be received.

**VOTING REQUIREMENTS:** Simple Majority.

**Shire of Nannup  
Ordinary Council Meeting Agenda: April 2017**

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AGENDA NUMBER:	12.10
SUBJECT:	Monthly Accounts for Payment - March 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	10 April 2017
ATTACHMENTS:	12.10.1 – Accounts for Payment – March 2017 12.10.2 – Credit Card Transactions – March 2017

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 March 2017 to 31 March 2017 as detailed hereunder and noted on the attached schedule, are submitted to Council.

**COMMENT:**

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently one corporate credit card in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

**Municipal Account**

Accounts paid by EFT	9218 – 9293	230,777.52
Accounts paid by cheque	20149 – 20157	1,340.07
Accounts paid by Direct Debit	DD9787.1 – DD9813.7	37,652.33
Sub Total Municipal Account		\$269,769.92

**Trust Account**

Accounts paid by EFT	50.00
Accounts Paid by cheque	0.00
SubTotal Trust Account	\$50.00
<b>Total Payments</b>	<b>\$269,819.92</b>

**STATUTORY ENVIRONMENT:** LG (Financial Management) Regulation 13

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$269,819.92 1 March 2017 to 31 March 2017 in the attached schedule be endorsed.

**VOTING REQUIREMENTS:** Simple Majority

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC**  
(Confidential Items)

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**CONFIDENTIAL ITEM**

**PROCEDURAL RECOMMENDATION:**

*That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.*

*(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government)*

AGENDA NUMBER:	14.1
SUBJECT:	Caravan Park Lease Agreement
LOCATION/ADDRESS:	Brockman Street, Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	RES 20333
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 April 2017
ATTACHMENTS:	14.1.1 - Notes from meeting 4 April 2017

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

As circulated by the CEO, Cr Steer has submitted the following Notice of Motion of Rescission of Minute No.17046 (Item 12.7) of the Ordinary Council Meeting held on Thursday, 23 March 2017.

Cr Steer has stated that his reasons for submitting the Rescission Motion are based on the email distributed by the Shire President on Friday, 7 April 2017 in which he acknowledged that he was not in possession of all of the facts concerning the matter which caused him to be a little excessive in his condemnation of the proposal and this may have been the situation with other Councillors.

***“That the Council consider rescinding Minute 17046 (Item 12.7) from the 23 March 2017 Council meeting (Hotel signs) to consider an alternative motion”***

Cr Steer has advised that he has obtained the support of Cr’s Longmore and Dean in accordance with the provisions of Section 5.25(1)(e) of the *Local Government Act 1995* and Section 10 of the *Local Government (Administration) Regulations 1996* relating to revoking or changing decisions made at Council or Committee meetings.

For Councillors information, the following is the defeated motion (Minute 17046) from the March 2017 Ordinary meeting:-

**17046 STEER/LONGMORE**

***That Council approve the Development Application for four 2000mm x 800mm banner-style advertising signs at the Nannup Hotel located at Lots 3 & 4 (12) Warren Road, Nannup subject to the following conditions:***

- 1. The approval for the signs is limited to 23 March 2020.***
- 2. The approved design for the four signs is that shown in Attachment 12.7.4 and date stamped 27<sup>th</sup> February 2017.***
- 3. The signs are to be designed with suitable colours, complementary to the heritage area, to the satisfaction of the local***

*government. Details of the colour scheme are to be approved by the local government prior to the signs being installed.*

- 4. No sign is to be illuminated.*
- 5. All signs are well maintained to the satisfaction of the local government.*

**Advice**

- A) In relation to Condition 1, a new Development Application will be required should the applicant seek to extend the approval for the signs beyond 23 March 2020.*
- B) In relation to Condition 3, the applicant is to provide true colour samples to the Shire for approval prior to the installation of the signs.*
- C) In relation to Condition 5, this includes promptly addressing any possible graffiti or damage to the signs.*
- D) 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.*

**MOTION LOST (2/5)**

**VOTING FOR THE MOTION Councillors Steer & Longmore.**

**VOTING AGAINST THE MOTION Councillors Dean, Slater, Gilbert, Mellema and Fraser**

- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 17. CLOSURE OF MEETING**



# Agenda Attachments

Item	Attach	Title
<b>12.2</b>	1	Draft 2017-2027 Community Strategic Plan
<b>12.4</b>	1	Development plans from applicant
	2	Location map & site photographs
	3	Submissions
	4	Statement addressing Guiding Principles of State Planning Policy <i>SPP5.2 – Telecommunications Infrastructure</i>
	5	Environmental EME Report
<b>12.5</b>	1	Modified Draft Shire of Nannup Local Planning Strategy
	2	Shire of Nannup Bushfire Hazard Level Report (previously provided electronically)
	3	Submissions
	4	Schedule of Submissions
<b>12.6</b>	1	Correspondence and Concept Plan from applicant
	2	Location map
	3	Cadastral map of locality
	4	Correspondence from the Department of Parks and Wildlife
<b>12.7</b>	1	Location map
	2	Cadastral map of locality
	3	Correspondence and plans from applicant
<b>12.8</b>	1	Correspondence and plan from applicant
	2	Location map
	3	Submissions
<b>12.9</b>	1	Financial statements for the period ending 31 March 2017.
<b>12.10</b>	1	Accounts for Payment – March 2017
	2	Credit Card Transactions – March 2017
<b>14.1</b>	1	Notes from meeting 4 April 2017