

**DOWLING GIUDICI + ASSOCIATES**

Regional Development + Planning

Anthony D. Dowling MPA

33A Robinson St - PO Box 800 - Carnarvon - WA - 6701

M: 0419 951 212 T: +61(8) 9941 1888

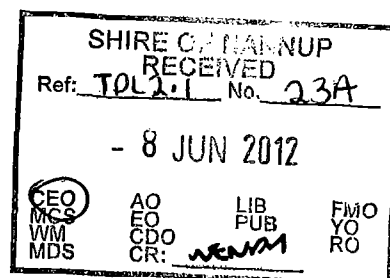
E: addowling@bigpond.com



6 June 2012

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

Dear Sir/Madam

**SUBMISSION—HIGGINS SWAMP STRUCTURE PLAN**

Please find enclosed, on behalf of Marc Huber, the registered proprietor of lot 68 on Plan 222884 (HN92) Warren Road Nannup, a submission on the **Higgins Swamp Structure Plan**.

Marc appreciates the invitation and opportunity to comment on the plan, and is also grateful for the structure planning work carried out to date in respect to lot 68. However, as a landowner directly affected by the plan he seeks an explanation as to why he wasn't contacted and consulted from the outset for input into the formulation of the structure plan.

Nevertheless, Marc welcomes and looks forward to ongoing dialogue with the proponent and the Shire in reviewing the plan, addressing his comments and concerns, seeking his consent for the structure plan proposals in respect to lot 68, and finalising it for eventual approval.

When the time comes for Council to consider adoption of the plan, please kindly forward a copy of the agenda of the meeting at which Council will consider the plan for adoption, and a copy of the subsequent Council resolution, to both Marc and myself.

In the meantime, should you require any clarification of the matters raised in the enclosed submission please contact either Marc (T: 0488 265 142; E: [marc.huber@gmx.com](mailto:marc.huber@gmx.com)) or myself.

Sincerely,

Anthony (Tony) Dowling MPA  
**Principal Planner**

cc: Department of Planning, 61 Victoria Street, Bunbury WA 6230  
Martin Richards, Town Planning + Urban Design, PO Box 477, Dunsborough WA 6281



STATE  
HERITAGE  
OFFICE

Working on behalf of the Heritage Council to recognise, conserve, adapt and celebrate our State's unique cultural heritage

Dear Planning Unit,

Thank you for your correspondence received on 15 May 2012 regarding  
"Draft Higgins Swamp Structure Plan"(Reference Number TPL2/01).

If you wish to contact the State Heritage Office regarding this matter, please  
Call us on (08) 6552 4000 and quote our **correspondence  
Number:C/362/28947.**

An officer from the State Heritage Office will advise you of the outcome of this  
referral in due course.

Regards

Louise McDonald  
A/RECORDS OFFICER

[www.stateheritage.wa.gov.au](http://www.stateheritage.wa.gov.au)  
[info@stateheritage.wa.gov.au](mailto:info@stateheritage.wa.gov.au)

SHIRE OF NANNUP  
 RECEIVED  
 Ref: TPL 2012/218  
 21 MAY 2012  
 Wendy  
 F.O  
 YU  
 RO

Mr Kennedy

Lauren Taylor [Lauren.Taylor@stateheritage.wa.gov.au]  
 Monday, 21 May 2012 4:19 PM  
 ShireofNannup  
 Attn: Planning Department - Draft Higgins Swamp Structure Plan  
 image001.jpg

Attachments:

Hello

Thank you for your referral received 15 May 2012 regarding the abovementioned proposal.

We have reviewed the application and as the place is not in the State Register of Heritage Places, we are happy for the Shire to determine the application in accordance with its Scheme.

If there are places of local heritage significance affected and you would like further assistance with the proposal, please feel free to get in touch with your Regional Heritage Adviser, Helen Munt. Helen can be contacted on 0417 955 623 or [hbm@ling.net.au](mailto:hbm@ling.net.au)

Kind regards,

**Lauren Taylor**  
 Planning Officer  
 State Heritage Office  
 Tel: +61 8 6552 4152  
 Fax: +61 8 6552 4001  
 Email: [Lauren.Taylor@stateheritage.wa.gov.au](mailto:Lauren.Taylor@stateheritage.wa.gov.au)  
 Web: [www.stateheritage.wa.gov.au](http://www.stateheritage.wa.gov.au)



The State Heritage Office (formerly the Office of Heritage) has moved to the Bairds Building, 491 Wellington Street Perth  
 PO Box 7479 Cloisters Square PO WA 6850  
 T: (08) 6552 4000 | FREECALL (regional): 1800 524 000  
 F: (08) 6552 4001 | E: [info@stateheritage.wa.gov.au](mailto:info@stateheritage.wa.gov.au)

OUR HERITAGE WHAT MAKES US WESTERN AUSTRALIAN

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SHIRE OF NANNUP  
 RECEIVED  
 Ref: \_\_\_\_\_ No. \_\_\_\_\_  
 21 MAY 2012  
 MDS  
 CR: \_\_\_\_\_  
 F.O  
 YU  
 RO



Enquiries: Paul Davies  
Our Ref: 04/9418  
Your Ref: TPL2/01

SHIRE OF NANNUP			
RECEIVED			
Ref: TPL 2-1	No. 2012/220		
23 MAY 2012			
CEO	AO	LIB	FMO
MCS	EO	PUB	YO
WM	CDO		RO
MDS	CR: Wendy		

18 May 2012

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

Dear Sir

**DRAFT HIGGINS SWAMP STRUCTURE PLAN**

I refer to your correspondence of 11 May 2012 regarding the draft Higgins Swamp Structure Plan. Mai Roads has no objection in principle to the Structure Plan subject to the following comments and requirements.

To maintain sightlines at the intersections of Higgins Street and Warren Road and Kearney Street and Warren Road it is recommended that (6 metre x 6 metre) corner truncations be provided. It is recommended that the Structure Plan be modified to indicate the required corner truncations.

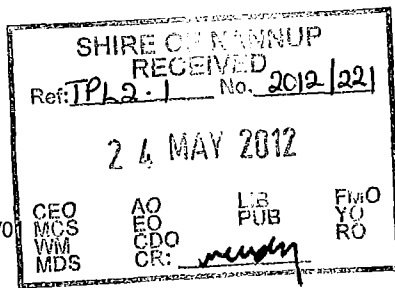
It is noted that access to Warren Road is proposed to be limited with construction of a rear laneway to access properties. It is recommended that vehicle access to new developments in the Structure Plan area be provided from the proposed rear lane way or adjacent local roads rather than Warren Road.

If you have any queries in regard to these requirements please contact Paul Davies on 9724 5662.

Yours faithfully,

Paul Davies  
ROAD CORRIDOR PLANNING MANAGER





Your Ref: TPL2/01  
Our Ref: JT1 2012 04865 V01  
Enquiries: Garry Crowd  
Telephone: 9791 0423



23 May 2012

Shire Of Nannup  
PO BOX 11  
NANNUP WA 6275

629 Newcastle Street  
Leederville 6007  
Western Australia  
PO Box 100  
Leederville 6902  
Western Australia  
Tel (+61 8) 9420 2099  
[www.watercorporation.com.au](http://www.watercorporation.com.au)

Draft Higgins Swamp Structure Plan

The Water Corporation offers the following comments in regard to this proposal.

#### WATER

A supply of reticulated water is available for the development of this area, by extension from the existing scheme, at the developers cost.

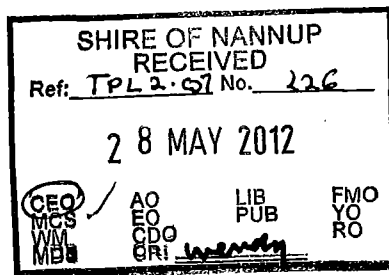
#### WASTEWATER

Subdivision of this area will require sewerage in accordance with the Draft Government Sewerage Policy. Connection to the reticulated sewerage scheme is available for the development of this area, by extension from the existing scheme, at the developers cost.

Should you have any queries, please contact the Enquiries Officer.

Garry Crowd  
Land Servicing Advisor  
DEVELOPMENT SERVICES

Your Ref:  
Our Ref: JT1 2012 04865 V01  
Enquiries: Garry Crowd  
Telephone:



21 May 2012

Shire of Nannup  
PO BOX 11  
NANNUP WA 6275

629 Newcastle Street  
Leederville 6007  
Western Australia  
PO Box 100  
Leederville 6902  
Western Australia  
Tel (+61 8) 9420 2099  
[www.watercorporation.com.au](http://www.watercorporation.com.au)

Attention: Robert Jennings

**Re: Shire of Nannup - Draft Higgins Local Structure Plan**

This letter is to confirm the receipt of your letter. Garry Crowd will be handling your request and can be contacted via [Garry.Crowd@watercorporation.com.au](mailto:Garry.Crowd@watercorporation.com.au). We will respond to your request by the 8 June 2012.

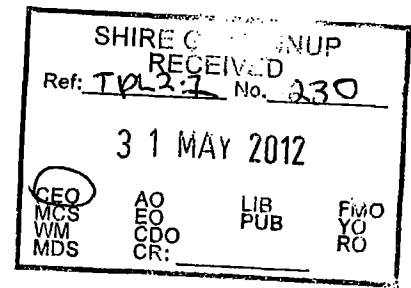
Should you have any queries, please do not hesitate to contact the Enquiries Officer or myself.

Yours Sincerely,

Danae Holyman  
Administration Officer  
DEVELOPMENT SERVICES  
(08) 9420 2158

7 North Street  
Nannup 6275

30<sup>TH</sup> May 2012



For the attention of Mr Robert Jennings

Dear Mr Jenkins

### HIGGINS SWAMP

I am writing this more in hope than expectation that any comments made by the townsfolk of Nannup will have the slightest impact on the plans for the swamp, when in actuality it will have been agreed in principal as an excellent money raising project for the shire - every new house is rateable. Where is the water supply coming from for these houses? - the Yaragadee is already being used to top up the town water supply.

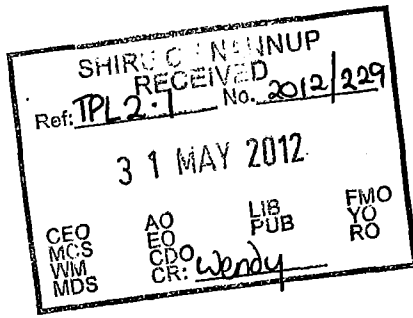
Incidentally has anyone from the shire walked around Nannup recently and seen the amount of houses for sale - which have been for sale for a few years? If these aren't selling has anyone considered why not? Have they seen the empty blocks on Bridegetown Road/Dunnet Road? Where is the proof of growth in Nannup that validates the need for yet more houses? Do we really need houses to be built on what used to be beautiful wetlands where you could see black swans, ibis, spoonbills, swamp harriers etc. Would an alternative be just to ask the owners to tidy it up? That's long overdue but not profitable to the shire is it?

Will all these proposed 'dwellings' be in addition to the ones planned for the Aged Housing Plan? Where are all these people coming from that will 'dwell' in them when there is so little scope for employment in our area?

I know its progress - but not at any price. Should we get the word 'progress' re-defined for the shire of Nannup?

Yours sincerely

Derek Brown & Margaret Gibb



MJ & DF Heffernan

16 Brierley Court

Geraldton WA 6530

08 99643080

Mr Robert Jennings

Chief Executive Office

Shire of Nannup

## **DRAFT HIGGINS SWAMP STRUCTURE PLAN**

Thank you for the opportunity to comment on the draft Structure Plan. As you are no doubt aware we are the owners of the adjoining lots 700 and 701.

In principle I have no objections to the draft plan but would like to comment on a couple of aspects.

### **5.5.4 Drainage Plan.**

I have always intended to try and make portions of areas C1 & C4 into better wetlands and a major concern of mine is any potential contamination of areas either by run off or ground water contamination. The scheme allows for this to be addressed at later dates but I would like to see some protection in place before approval is given.

It is my understanding that the Shire has an overflow drain in place in the corner of C1 where the houses on Kearney (Lot 3?) and North St. (Lot 6?) join and just make mention of this to bring it to your attention. See enclosed map.



LDR1.

I would like to request that an extra area be included to expand area LDR 1 to allow for two dwellings. This extra area would be directly behind Lot 66 Kearney Street and adjoin the area shown on the Plan. I have enclosed a plan showing this proposed area.

#### 5.4.5 Conservation Precincts.

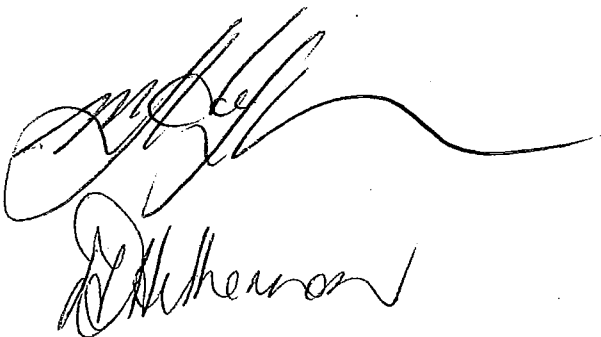
Higgins Swamp is an area "Of interest" to the Shire and the townsfolk of Nannup also have a keen interest in its preservation. I would like to make a proposal about ceding most of the "swamp" to POS.

If areas C2 and C3 were vested in the Shire and area LDR 1 was expanded as per my proposal above I would vest the remainder of C1 with the Shire also if it could be done at no cost to us. I would also be willing to look at any suggestions in regards to area c4.

I believe this proposal would allow the Shire to develop Higgins Swamp into a valuable asset for the benefit of the whole community.

Thank you again for the opportunity to put forward our point of view. If you have any questions about my submission please contact me on the number above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael Heffernan', with a long horizontal flourish extending to the right.

Michael Heffernan

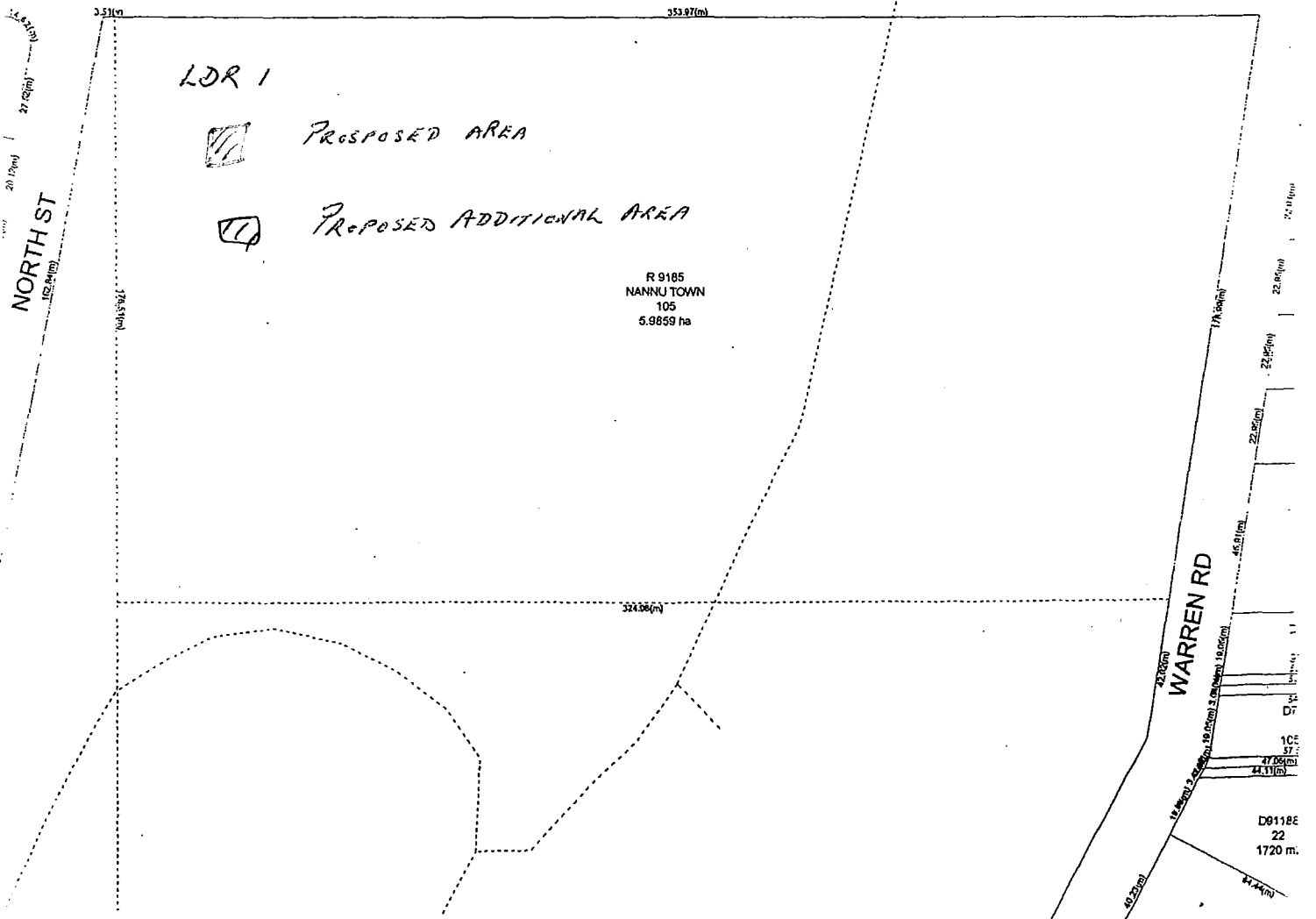
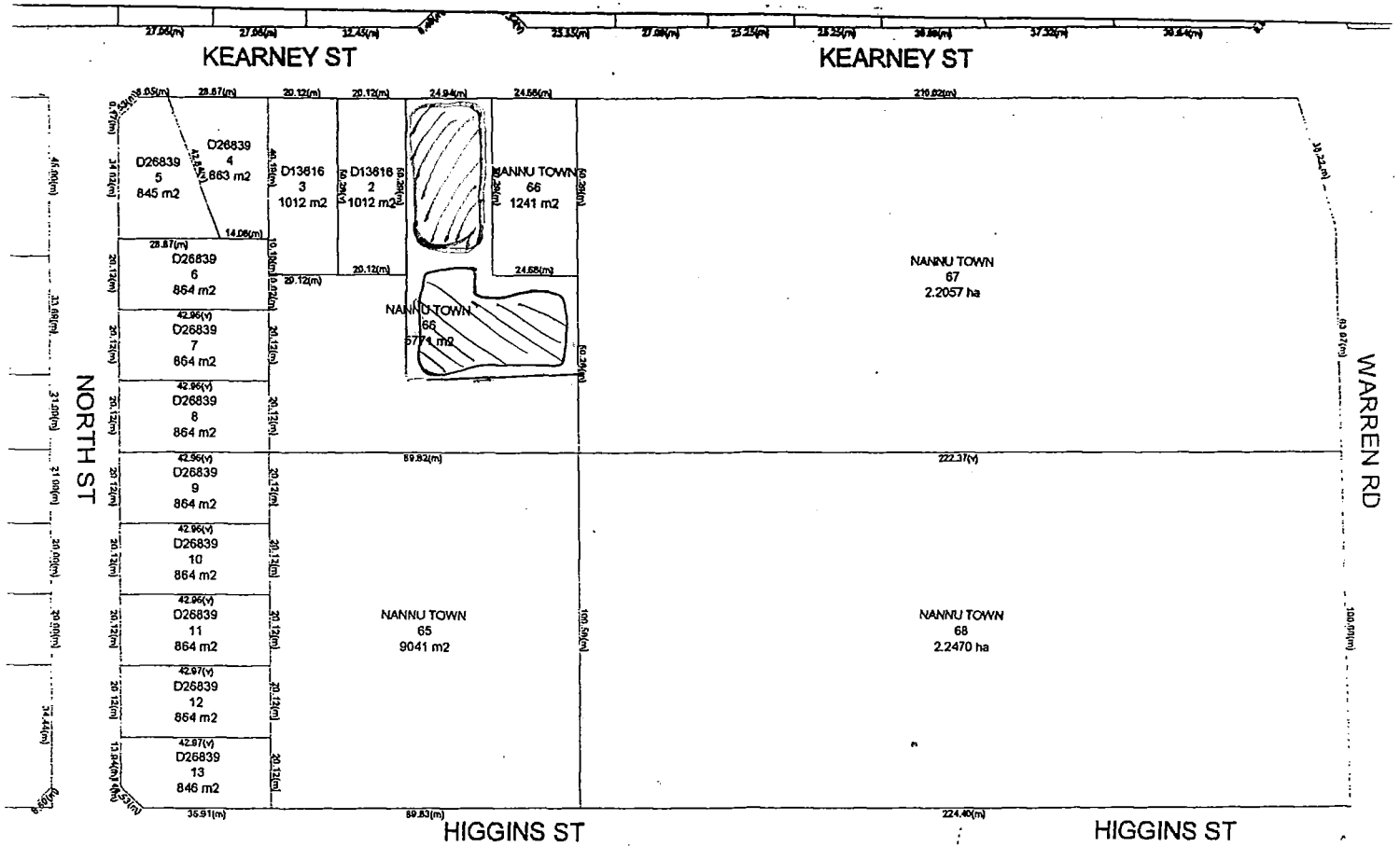
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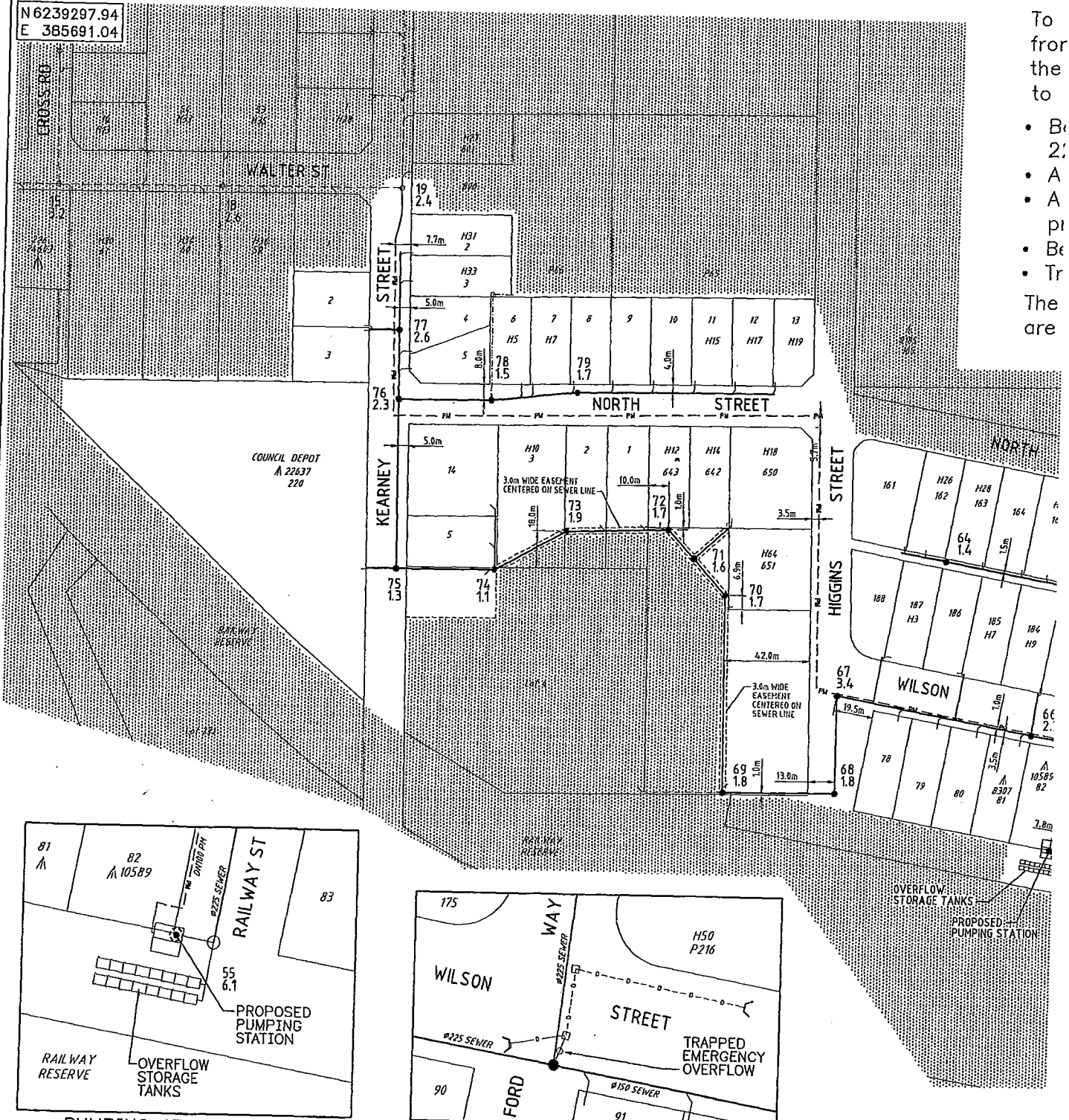


# Nannup Wastewater

## NOTICE OF PROPOSAL TO CONSTRUCT

### PUMPING STATION

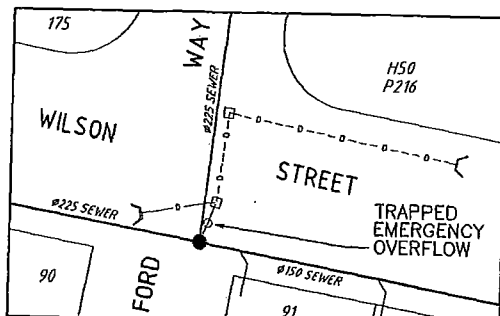
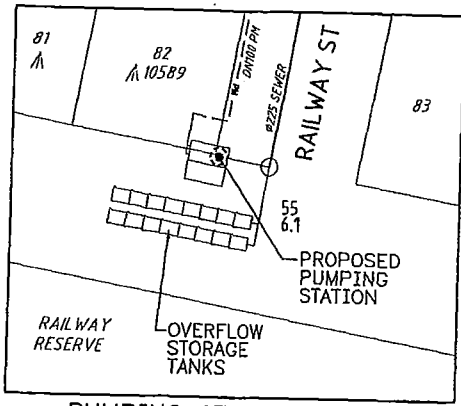
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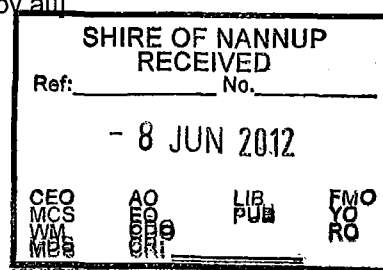


506	ISSUE	DATE	GRID	REVISION	DRN	REC	APPD	SURVEY BOOKS	VERTICAL DATUM AHD	DES CALC EMW	NORTH POINT	<p>CLIENTS   PEOPLE   PERFORM</p> <p>GHD House, 239 Adelaide Terrace, Perth WA 6004 Australia T 61 8 6222 8222 F 61 8 6222 8555 E pernell@ghd.com.au W www.ghd.com.au</p>
810									COORDINATE SYS MGA94-50	DES CHD CWE		
									DES REF GHD 61-17236	DRN EMW		
										O.C. CHD CWE		

## Wendy Kennedy

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**From:** ANDERSON Carol [Carol.ANDERSON@water.wa.gov.au]  
**Sent:** Friday, 8 June 2012 2:13 PM  
**To:** ShireofNannup  
**Subject:** Higgins Street Swamp Structure Plan



Dear Sir/Madam

Thank you for the opportunity to provide comments on the draft Higgins Street Swamp Structure Plan. Consistent with *State Planning Policy 2.9 – Water Resources (Govt of WA 2006)* and the *Better Urban Water Management (October 2008)* framework, a 'Local Water Management Strategy' should be prepared to support 'Local Structure Planning'. The BUWM framework is designed to facilitate better management and use of our urban water resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system.

The referral documentation received by the Department consisted of: covering letter, 4 page officer report and an A3 Plan. This A3 Plan was unreadable.

Within the Officer Report pages it states that a Structure Plan and associated report are set out in Attachment 1. Attachment 1 was not part of the referral papers.

There is insufficient information on the proposal for the Department to provide an assessment.

Regards

Carol Anderson  
SW Region  
Dept of Water

### Disclaimer:

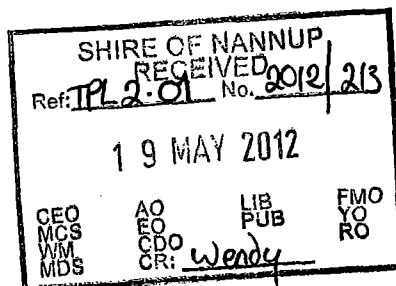
This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.



Government of **Western Australia**  
Fire & Emergency Services Authority



Your Ref: TPL2/01.  
Our Ref: BY01859-03



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

16 May 2012

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

Att: Robert Jennings

Dear Sir,

#### **DRAFT HIGGINS SWAMP STRUCTURE PLAN**

The Fire and Emergency Services Authority of Western Australia (FESA) wishes to acknowledge receipt of your correspondence of 11 May 2012 regarding the above matter.

- FESA supports the draft Structure Plan
- FESA recommends all future developments in this area are constructed to the appropriate standard as described in AS 3959 to minimise the potential impact from a bushfire, particularly ember attack.

Should you require further assistance or clarification in relation to the above fire safety measures please contact the FESA District Office on 9780 1900.

Yours sincerely

**RALPH SMITH**  
**MANAGER BUSH FIRE & ENVIRONMENT PROTECTION**

**E-MAILED** To Steve Thompson  
19/6/12 wjk



Government of Western Australia  
Department of Indigenous Affairs

SHIRE OF NANNUP  
RECEIVED  
Ref: TPL 2.1 No. 2012/243  
12 JUN 2012  
CEO MCS LIB PMO  
MCM WJM PUB YO  
MDS CR: Wendy RO

ENQUIRIES : Aidan Ash - Ph (08) 9235 8142

OUR REF: 11/0073-03

YOUR REF: TPL2/01

Mr Robert Jennings  
Chief Executive Officer  
Shire of Nannup  
PO BOX 11  
NANNUP WA 6275

Dear Mr Jennings

#### DRAFT HIGGINS SWAMP STRUCTURE PLAN

Thank you for your email correspondence dated 11 May 2012 seeking our comment on the proposed scheme draft Higgins Swamp Structure Plan of the area bounded by Higgins Road, Warren Road and Kearney Street, in Nannup, as depicted in the map titled 'Higgins Swamp Structure Plan' dated 16/04/2012 by Martin Richards for the Shire of Nannup.

I have reviewed the information you provided and advise, based on that information, that there are no registered Aboriginal heritage sites within the proposed area. There are however Aboriginal heritage sites within the nearby surrounding area. It is possible that there is Aboriginal heritage within the land subject to the proposed rezoning.

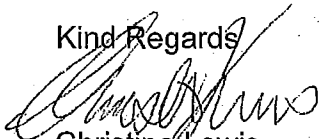
All Aboriginal heritage sites whether known to the Department of Indigenous Affairs (DIA) or not, are protected under the Aboriginal Heritage Act, 1972 (AHA). Where rezoning of land is occurring for the purposes of development, we would like to reinforce that under the AHA it is the responsibility of the developer to inform themselves of the heritage values in the areas in question and assess the risks of potential impacts to Aboriginal heritage sites. Please find below a link to our Due Diligence Guidelines for assistance that help in identifying the risk that proposed activities may have on adversely impacting Aboriginal heritage values.

[http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AH\\_A\\_Due\\_Diligence\\_Guidelines.pdf](http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AH_A_Due_Diligence_Guidelines.pdf)

Should cultural material or a new site be discovered there is an obligation under section 15 of the Aboriginal Heritage Act 1972 to report the information to the Registrar of Aboriginal sites.

If you have any questions regarding this matter, please contact Senior Heritage Officer Aidan Ash on 9235 8142.

Kind Regards



Christine Lewis  
Manager - Heritage South

12 June 2012

## **SUBMISSION ON HIGGINS SWAMP STRUCTURE PLAN**

by Anthony Dowling  
Principal Planner, Dowling Giudici and Associates

**For and on behalf of Marc Huber  
Registered Proprietor  
Lot 68 on Plan 222884 (HN92) Warren Road NANNUP**

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### **GENERAL**

It is understood that in addition to the structure planning requirements set out in Schedule 14 to the Shire of Nannup Town Planning Scheme No. 3, the **Higgins Swamp Structure Plan** is also to accord with relevant requirements of the Western Australian Planning Commission's (WAPC) operational policy 'Liveable Neighbourhoods' (LN).

It is not clear from the structure plan document if this is the case. If it is the case, then perhaps the finalised structure plan document ought to preface that it has been prepared in accordance with relevant scheme and State planning policy requirements.

### **LAND USE**

#### **Low Density Residential**

Whilst the low density designations LDR5, LDR6 and LDR7 as shown are generally acceptable, the registered proprietor (RP) of lot 68 reserves the right to review their shape and extent, especially along the lot's Higgins Street frontage. An illustration of how this could be is enclosed (NB: an additional precinct LDR8 is shown within lot 68 requiring – if accepted – existing precincts within lot 700 to be re-ordered LDR9 and LDR10 respectively; alternatively, LDR7 and LDR8 within lot 68 could be amalgamated into a single revised precinct incorporating the proposed pedestrian link).

The RP acknowledges and is prepared to accept that future residential development along Warren Road and Higgins Street ought to reflect the existing single house character and pattern prevalent within the Nannup townsite.

However, the RP desires to further explore options for alternate land uses and subdivision layouts, including strata-title development. In respect to this latter option, the sentence on page 17 of the Higgins Swamp Structure Plan Report (under section 5.4.1) stating that future dwellings "developed within the proposed low density residential precincts will ultimately be contained on individual freehold lots" ought to be modified accordingly to reflect the possibility of future housing development within these precincts being strata-titled.

#### **Medium Density Residential**

Whilst not objecting to the provision of medium-density housing development within the structure plan area, including its possibility within lot 68, the RP also reserves the right to review the provision, location, shape and extent of this type of land use within lot 68.

The RP prefers – at this stage – not to be locked into providing for this type of land use given that this type of housing is not prevalent in Nannup, and hence, demand for and acceptance of it is an unknown quantity.



The RP desires some flexibility in determining future land uses within lot 68 with capability to respond to changing and emerging local real estate needs.

For example, the RP of lot 68 is open to developing that part of lot 68 covered by these two (2) medium-density designations for communal type developments based on a common interest theme (eg. an artist community).

Furthermore, differing land use scenarios are also likely to result in differing responsive subdivisional/development layouts and movement networks which the RP would desire to explore and consider.

Thus, the proposed MDR2 and MDR3 designations are requested to be removed, and replaced with a notation 'Development Site (Future Use and Development Form to be determined)' or similar as shown on the enclosed sketch. This notation will not remove the requirement for further structure planning to take place over this site.

It is acknowledged that any proposed future uses for this site not presently allowed by the prevailing Special Use zoning would require the Shire of Nannup TPS 3 to be suitably amended in order for such uses to proceed.

### **Conservation**

The proposed conservation zone within lot 68 is only acceptable if the land it comprises can be ceded to the Shire as public open space (POS) as part of any future residential subdivision of the land, or is incorporated within adjoining lots or the aforementioned proposed 'Development Site' (see comments also under **Public Open Space**).

It is unacceptable if it proposed within a stand-alone freehold lot as it would result in a financial impost being incurred by the RP given the need to manage and maintain such an area, particularly where there is limited or no opportunity to generate income from the use of the land to offset the financial impost that will be incurred. In this situation it is highly likely that the offering of the lot for sale would be unattractive to the real estate market.

An alternate option is for the site to be included as 'common property' within a strata-titled development.

### **MOVEMENT**

#### **Vehicular**

The RP has difficulty accepting the proposed provision prohibiting future direct vehicle access from Warren Road to future lots fronting this road, particularly based on the current level of traffic movement along this road.

The structure plan provides no rationale or explanation for this proposal. If future predicted traffic modelling demands that future direct lot access to and from Warren Road be prohibited then the Shire ought to consider providing service roads within the Warren Road reserve to provide future access.

At the very least, an additional crossover should be allowed from Warren Road to lot 68 enabling each existing dwelling on lot 68 separate vehicle access, particularly if these existing dwellings are sought to be contained within their own future lots.

Should the LDR5 precinct be further subdivided into freehold or strata-titled lots then future dwelling/lot access will be sought from Higgins Street.

The proposed internal road link into lot 68 is not supported as the RP of lot 68 has no desire for through-traffic movement within the lot.

Access to the aforementioned proposed 'Development Site' can be by way of either a separate access road or driveway (with associated onsite parking) off Higgins Street.

### **Pedestrian**

**The RP of lot 68 envisages and desires that the future development of lot 68 be pedestrian-oriented with pedestrian links being provided to the proposed conservation precinct (C3) from both outside and inside the structure plan area.**

### **PUBLIC OPEN SPACE (POS)**

The structure plan provision proposing that a cash payment be made in lieu of giving up land within the structure plan for POS is not supported.

In effect, such a provision will:

- (i) deny the RP of lot 68 an opportunity (via future residential subdivision) to fulfil or accord with the objectives of Element 4 - Public Parkland cited in Liveable Neighbourhoods; and
- (ii) by virtue of designating within its own allotment that portion of Higgins Swamp located within lot 68 as a conservation site, require the RP to give up in excess of 10% of the gross subdivisible area of lot 68 as physical POS, in addition to making a cash-in-lieu payment (resulting in "double-dipping").

It is understood that the Shire does not want additional land for POS given the presence of the Marinka Tomas Bicentennial Park located on the southside of Higgins Street opposite lot 68.

However, the structure plan has failed to explain this and the rationale for it, especially within the context of the objectives listed in Element 3 - Public Parkland of Liveable Neighbourhoods.

It is also difficult to understand how the proposed cash-in-lieu provision can be made without first consulting affected registered proprietors of land (other than the RP of lot 67) and the Western Australian Planning Commission (who is able to give effect to such a provision), within the context of the cash-in-lieu provisions set out in Appendix 4 of Liveable Neighbourhoods. It is further understood (from advice provided by an officer of the Department of Planning) that the provision for any cash-in-lieu payment also has to be set down within a development contribution plan incorporated within the structure plan.

### **RETICULATED SEWERAGE**

The reference in the structure plan to the existing sewer in North Street being extended to service the proposed development precincts should be stated as an option. In respect to further developing lot 68 the RP is presently exploring as an option the extension of the Warren Road sewer into lot 68 (via a series of pump systems).

### **ONSITE DRAINAGE**

The structure plan states that "... it is possible that a portion of the low-lying area will be re-contoured and rehabilitated to act as drainage recharge basin with overflows directed to existing downstream drainage infrastructure".

Presumably this refers to 'Higgins Swamp'—more detail ought to be provided in the structure plan about this as per the requirements set out in part 2(e) of Schedule 14 to the Nannup Shire's TPS 3.

Specifically, the low-lying area referred to should be appropriately designated; indicative or concept drainage layout plans should be included; and comment provided as to whether there is an existing local drainage system (eg. Shire system) that future lots can connect to.

## **FUTURE STRUCTURE PLANNING**

With reference to section 5.6 of the structure plan it is queried as to why further **detailed structure planning** maybe required prior to any further subdivision or development of land within the structure plan area taking place once the structure plan has been adopted by the Shire.

Such a process is a duplication of effort and considerably extends the timeframe for the structure planning process. However, there is no provision within any State Planning Policy or in the Shire of Nannup TPS 3 requiring this.

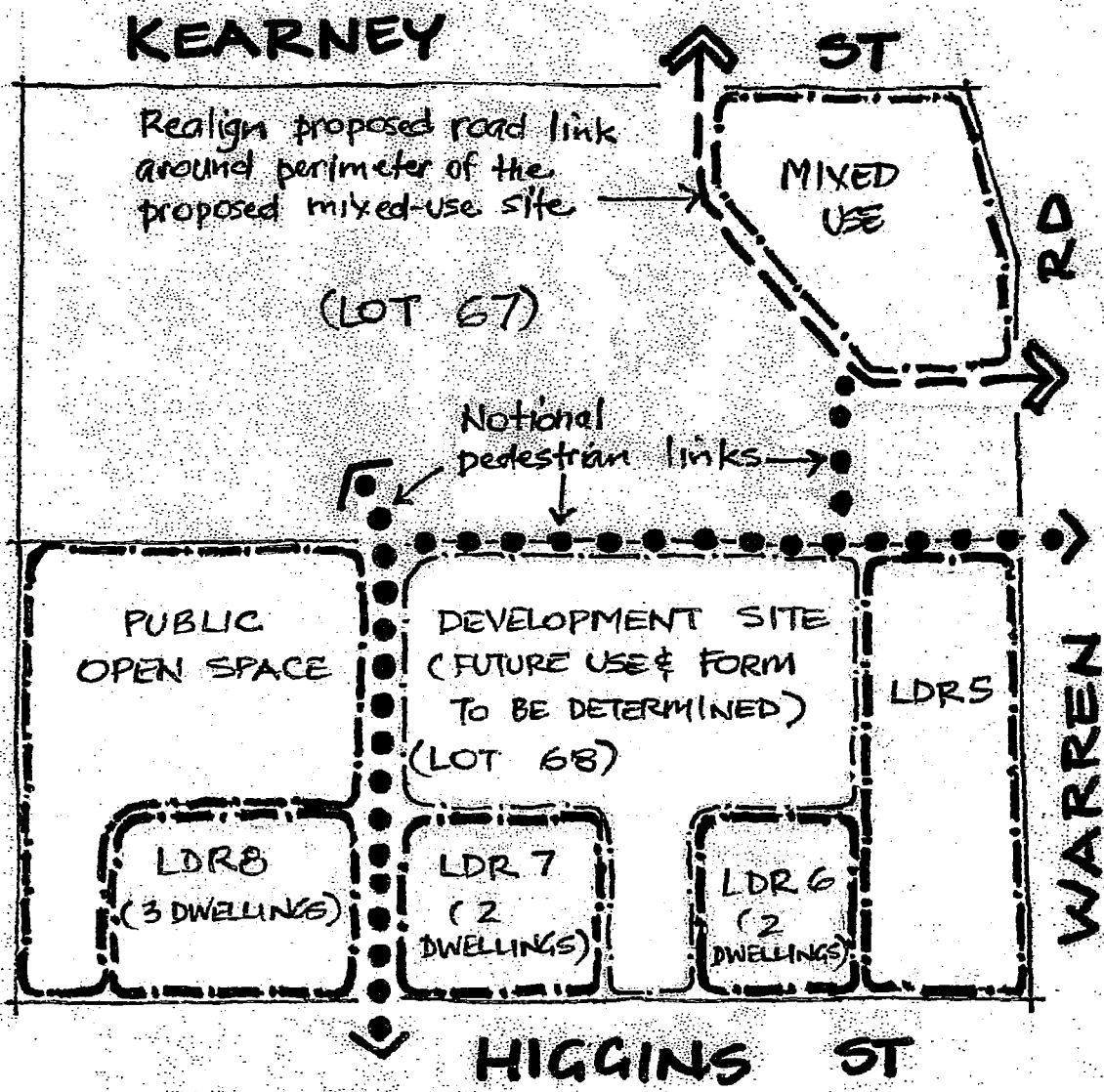
It is, however, acknowledged that further **detailed planning** of land included within a structure plan area maybe required prior to further subdivision/development taking place, but such a requirement needs to be articulated via other various instruments such as a town planning scheme amendment, a subdivision guide plan, a detailed area plan, building and development guidelines, an area improvement plan etc where they are relevant and legitimate. The structure plan should clearly articulate where these instruments might be required (if at all).

For example, where further subdivision of the land (or any development precinct) is contemplated, the structure plan might contain a provision requiring any further subdivision to accord with a **subdivision guide plan** applying to each of the present lots contained within the structure plan area (rather than requiring a further detailed structure plan), with the subdivision guide plan addressing in more detail those structure planning requirements or elements pertinent to enabling further subdivision.

If, however, this structure plan is an initial draft and is likely to evolve of a period of time (having regard to and incorporating where appropriate comment from key stakeholders and affected landowners) to a point where it can be finalised and presented to both the Shire of Nannup and the WAPC for adoption/endorsement, then it should be clearly stated as such.

The structure plan ought to clearly set out the structure plan approval process, including any right of review available via the State Administrative Tribunal (SAT), upon the plan being adopted/endorsed.

\*\*\*



- > INTERNAL ROAD LINK
- .....> INTERNAL PEDESTRIAN LINK

**SUGGESTED CHANGES TO  
HIGGINS SWAMP STRUCTURE PLAN**

DRAWN BY A DOWLING, DOWLING GIUDICI & ASSOCIATES  
(for and on behalf of the Registered Proprietor, Lot 66)

DO NOT SCALE JUNE, 2012

33 KEARNEY ST.  
NANNUP  
FRI. 18<sup>th</sup> MAY  
2012

SHIRE OF NANNUP RECEIVED			
Ref: TPL2	1	No. 202	216
21 MAY 2012			
CEO MCS WM MDS	AO EO CDO CR: Wendy	LIB PUB	FMO YO RO

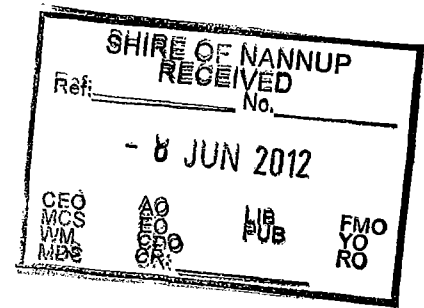
ROBERT JENNINGS  
C.E.O.

Dear Mr Jennings,  
Thank you for sending  
us a copy of the draft structural plan  
for Higgins Swamp.  
We have lived at this address for  
nearly 50 years & we are delighted  
that development may go ahead.  
It would be a great boost for  
Nannup & sorely needed.

Yours sincerely  
Brian & Myrtle Pears

## Wendy Kennedy

**From:** Leigh Guthridge [leighg@donnybrook.wa.gov.au]  
**Sent:** Friday, 8 June 2012 4:02 PM  
**To:** ShireofNannup  
**Subject:** Higgins Swamp Structure Plan



Attn: CEO – Robert Jennings

Dear Robert,

Thanks for referring the Higgins Swamp Structure Plan to me as a land owner on Kearney St. This is not a submission of objection however I make the following observations with the level of planning with the Higgins Swamp Structure Plan (SP) as presented:

- I understand that the purpose of the SP is a pre-cursor to make application for a 4 residential lot on Kearney Street. No objections to this.
- There is no lot layout on the SP rather precincts of development types so it difficult to assess and comment on this alone.
- When lot layout detail is presented to Council for various stages of development in the future I ask in what format would this be presented? Will this be in the form of another SP where presumably further public comment would be sought or in another format before the subdivision stage noting that subdivision referrals to local governments don't have provisions for public comment.
- There remains to be much more planning required to address potential lot layout, filling and retaining areas of the land for development, stormwater quality and management, need and viability for additional tourism sites in the Nannup Town site, how the conservation lots would be managed under strata arrangements etc.
- Noting that the swamp has been degraded over many years, is there an opportunity to undertake an environmental study on the Higgins Swamp to determine any environmental systems including flora and fauna that may have special management requirements to be incorporated into management plans and possibly encourage restoration of original environmental biodiversity?
- The report that accompanies the SP states that a density of R40 for the 'medium density residential precinct' can be considered by Council under existing provisions of the Scheme. This would need to be verified but my understanding that the density opportunities within the Scheme are R10/15 for residential zones and R20/30 for the mixed use and town centre zone. My impression is that R40 is too high a density given the prevailing land used patterns in Nannup and what is planned for with the LPS No 4 and a density in line with the existing Scheme provisions would be appropriate.

regards

Leigh Guthridge

16 Kearney Street  
NANNUP WA 6275

PH: 08 9780 4206  
MOBILE: 0427 804 249

Information from ESET NOD32 Antivirus, version of virus signature database 7204  
(20120607)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

The Chief Executive Officer  
Shire of Nannup  
Po Box 11  
Nannup WA 6275

Our Ref: O001/Ltr004

15 June 2012

**ATT: Mr Steve Thompson**

Dear Sir,

**IMPACT**  
**U R B A N**  
**D E S I G N**

10/25 Dunn Bay Road  
Po Box 477  
Dunsborough, WA, 6281

Phone: (08) 9756 7083  
Mob: 0437 204 595  
Fax: (08) 9756 7083

Email: [impactud@inet.net.au](mailto:impactud@inet.net.au)

ABN: 69 142 676 030

**RE: PROPOSED HIGGINS SWAMP STRUCTURE PLAN.**  
**WARREN ROAD, NANNUP. RESPONSE TO**  
**SUBMISSIONS.**

Thank you for the opportunity to respond to the submissions received by the Shire of Nannup in regard to the advertising of the above Structure Plan.

We are pleased to advise as follows;

**1. Submission on behalf of owner of Lot 68 – Dowling Giudici and Associates.**

**a) Lack of Consultation.**

Prior to its formal lodgement with the Shire, a draft copy of the Structure Plan, inviting comment, was emailed to the owners of Lot 68, 700 and 701 on 7 February 2012.

Subsequently, the author met with the owner of Lot 68, at his residence, on Saturday, 18 February to discuss the Structure Plan. As a result of this approximately 3 hour meeting a number of modifications were made to the Structure Plan (again prior to its lodgement with the Shire) with respect to Lot 68.

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Prior to the formal lodgement of the Structure Plan with the Shire, we were in regular email contact with the owner of Lot 68, responding to a number of queries and providing additional information, including servicing advice and indicative costings.

The costs in preparing the Structure Plan have been borne solely by the owner of Lot 67 (John and Linda Ogden).

**b) Compliance with Liveable Neighbourhoods.**

Given the very general nature of the Structure Plan and its existing locational context and zoning, demonstrating compliance with the Western Australian Planning Commission's Liveable Neighbourhoods policy is considered somewhat superfluous.

Nevertheless, there is no objection to an additional section being incorporated into the report to describe such compliance, particularly given that such an inclusion may assist in explaining the rationale for elements such as the proposed internal link traversing Lots 68 and 67.

**c) Land Use – Low Density Residential**

The precinct boundaries are based on those portions of the Structure Plan area that appear to be generally better drained. It is anticipated that, and therefore there is no objection to, precinct boundaries being modified based on more detailed site analysis.

The sentence referred to on page 17 states;

*“Whilst it is anticipated that dwellings developed within these precincts will ultimately be contained on individual freehold lots, this is not a prerequisite, nor is it a requirement that these precincts be subdivided*



*from the parent lot prior to the Shire considering any appropriate applications for development."*

Clearly, this allows for the consideration of a variety of subdivision options. It in no way purports to exclude strata title lots and accordingly, no modification is considered necessary.

**d) Land Use – Medium Density Residential**

It is anticipated that any review of the ' provision, shape and extent' of the various precincts will be undertaken as part of the more detailed planning processes to which the Structure Plan is a precursor.

The R Codes attributed to the proposed residential precincts represent the maximum density that can be considered, as is normal practice. These will not result in owners r developers being "locked into" any particular housing or subdivision type.

There is no objection to the replacement of the MDR2 and MDR3 precincts with a "Development Site (Future Use and Development Form to be determined)", which is essentially maintaining the status quo, provided that such a modification does not require the readvertising of the Structure Plan.

**e) Conservation**

It is our understanding that the Shire will not accept the low lying area as POS and that it is to be retained in private ownership. As described in the Structure Plan Report, the intention is therefore that the low lying area be incorporated into relatively large freehold lots which will enjoy a development opportunity.

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In our view, provided such a development opportunity remains, its extent should be at the owner's discretion. We therefore have no objection to Precinct C3 being expanded to include other development areas/precincts.

**f) Movement**

We have no objection to the lifting of the restriction for cross-overs or direct vehicular access to Warren Road.

The proposed internal access link (which as explained in the report, and to the owner of Lot 68 several times, need not necessarily be a public road – depending on the nature of development it could be a laneway, service road or pedestrian accessway, or a combination of same) provides for connectivity to and between the development precincts of Lot 68 and 67. It is considered particularly important to ensure that development or subdivision proposals are not compromised or limited due to access restrictions.

Its inclusion on the Structure Plan will ensure that access arrangements between the two properties are given due consideration at the more detailed planning stages and should encourage a level of co-ordination between the developers/owners of Lots 68 and 67.

Furthermore, its design, nature and function should ensure that it does not represent a duplication of Warren Road, and therefore will not encourage 'through traffic'.

**g) Pedestrian**

Pedestrian movement within the Structure Plan area will be given proper consideration as part of the more detailed planning stages. However, given the likelihood that the low lying areas will remain in private

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ownership, providing public access to the Conservation Precincts via pedestrian accessways may not prove practical or desirable.

**h) Public Open Space**

We have no objection to modifying the report to include a rationale for the cash in lieu for public open space requirement.

It should also be noted that Provision 1c of the Structure Plan facilitates the opportunity for POS to be physically provided if it forms part of an approved Structure Plan.

**i) Reticulated Sewer**

Advice from DVN Engineering indicates that extension of the Water Corporation's reticulated sewer infrastructure in North Street is the most practical solution to service the development precincts fronting Higgins Street. Nevertheless we have no objection to modifying the report to reflect this as an option.

**j) Onsite Drainage**

Drainage requirements will depend upon the nature and extent of the development/subdivision proposed. It is anticipated that drainage strategies will be required as part of the more detailed planning process, as per Provisions 1d, 4a and 5c of the Structure Plan.

Given the above and the very general nature of the Structure Plan, it is considered premature to designate specific areas for drainage, or to provide "concept drainage layout plans".

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### **k) Future Structure Planning**

Section 5.6 of the Structure Plan report identifies that more detailed planning will be required, "including more detailed Structure Plans...prior to subdivision". Clearly, the intent is that further structure planning is only required for applications involving subdivision.

The provisions included in Section 5.6 (and duplicated on the Structure Plan itself) clearly require further detailed structure plans as a precursor to subdivision only. Previous versions of the Structure Plan adopted the terminology "Subdivision Guide Plan" in provision 1d. At the Shire's request this was changed to "Structure Plan". There is no objection to this Provision being reworded to reintroduce "Subdivision Guide Plan"; viz,

1d) *Subdivision will not be supported unless a Subdivision Guide Plan has been adopted by the Shire of Nannup & Western Australian Planning Commission. Where applicable, the Subdivision Guide Plan is to address, inter alia, servicing arrangements, stormwater management, infrastructure (including foot and dual use paths) provision, fill levels and earthworks, environmental considerations, management arrangements for Higgins Swamp, access arrangements, road and pavement widths, lot sizes and configuration and any other reasonable requirements of the Shire and/or WAPC.*

The Structure Plan is not an "initial draft". It simply identifies potential development precincts, from which the Council, and if for subdivision, the Western Australian Planning Commission, can consider more detailed planning proposals. It is anticipated that it will be adopted by Council as, effectively, a Local Planning Policy. As it does not specifically advocate subdivision, its adoption by the Western Australian Planning Commission is considered unnecessary.

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The Structure Plan is currently undergoing its approval process, in accordance with the Scheme requirements (Schedule 14, Part 3). It is considered superfluous to describe this process on the Structure Plan itself, and in any event will be meaningless once the Structure Plan is endorsed by the Shire.

Likewise, any rights of review available via SAT are already included in Clause 10.10 and particularly Part 6 (Clause 6.2) of the Shire of Nannup Town Planning Scheme No. 3 (and Part V of the Planning and Development Act). Including these provisions on the Structure Plan itself would constitute both an unnecessary duplication and potential conflict should the relevant provisions of the Scheme (or Act) be amended over time.

#### **I) Suggested Modifications to the Structure Plan**

*i. Realign Proposed "Road" Link.*

Should the Shire determine that the access link should not involve Lot 68 it is suggested that it be realigned such that it coincides with the southern boundary of Lot 67/northern boundary of Lot 68, exiting onto Warren Road.

Such an arrangement would ensure access opportunities to the southern portion of Precinct MDR1, the development/subdivision options of which may be compromised by the alignment shown on the submitter's sketch plan.

*ii. Notional Pedestrian Links.*

Whilst we have no objection to the principle of a pedestrian oriented development scenario, the need, allocation and configuration of pedestrian linkages requires careful consideration.

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Given that the Structure Plan area is to remain in predominantly private ownership, and internal public roads are likely to be minimal (or non-existent), the PAWs, whilst being publicly owned and maintained, will effectively be contained within the private domain, raising maintenance and security issues.

To mitigate these issues, the PAWs will, to a significant degree, dictate the design of adjoining development, which may result in undesirable or onerous compromises and outcomes.

Given that the Conservation Precincts are to remain in private ownership, pedestrian links enabling unfettered public access to these areas are not supported (refer g above). It should also be noted that the alignments shown on the Dowling Giudici Sketch Plan would have the PAWs traversing the low lying areas (refer Plate 1 below). Construction (and maintenance) of PAWs in these areas is likely to be cost prohibitive and disruptive. Realignment of the PAWs onto higher ground will require reconfiguration of the precincts suggested by the Dowling Giudici Sketch Plan.

It is considered that the provision, and more particularly the alignment, of pedestrian links would be better considered at more detailed levels of planning, when the nature and extent of development is better defined, internal access arrangements are resolved and the need or otherwise for pedestrian accessways can be better determined.

As described in f) above, the intent of connectivity and movement, including pedestrian movement, within the Structure Plan area is adequately provided for by the internal link.

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iii. **Reconfiguration and Renaming of Development Precincts.**

We have no specific objection to the reconfiguration and renaming of the various precincts as suggested on the submitter's sketch plan. It should be noted however that LDR8 would appear to extend significantly into the low lying area, as shown on Plate 1 below.



**Plate 1: Dowling Giudici Sketch Plan Overlay on Aerial Photography.**

**2. Submission from Brian and Myrtle Pears – 33 Kearney Street.**

Support of the Structure Plan is noted.

**3. Submission from State Heritage Office.**

Acknowledgment that the place is not in the State Register of Heritage Places is noted.

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#### **4. Submission from Main Roads WA.**

We have no objection to the Structure Plan being modified to require 6m x 6m truncations being provided at the corners of Higgins Street and Warren Road and Kearney Street and Warren Road as part of any relevant application for subdivision.

The recommendation that vehicular access to new development fronting Warren Road be provided internally or from adjacent local roads is noted.

#### **5. Submission from the Water Corporation.**

The requirement for residential development to connect to the Water Corporation's reticulated sewer scheme is reflected in Provision 1b of the Structure Plan. There is no objection to the Structure Plan's provisions being modified to require that all relevant development (albeit the Water Corporation's advice refers only to subdivision) be connected to reticulated sewer. However, this is not a requirement of the provisions relating to the SU5 zone, and may best be assessed at the more detailed planning stages.

The availability of a reticulated water service is noted.

#### **6. Submission from 7 North Street.**

The water supply will likely be sourced from the Water Corporation's existing infrastructure, the availability of which has been confirmed by the Water Corporation (refer above).

The existing zoning of the site provides for residential development. The Structure Plan simply identifies the precincts within the Structure Plan area



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suitable for such development. Logically, the provision of new housing will be market driven.

The low lying area is heavily denuded and degraded. Under the current ownership and tenure arrangements significant improvements are unlikely to occur. The Structure Plan provisions potentially require development and subdivision applications to be accompanied by proposed management arrangements for Higgins Swamp, which may include reasonable initiatives for enhancement and rehabilitation.

#### **7. Submission from MJ and DF Hefferman – Lots 700 and 701.**

Drainage arrangements, potentially including wetland enhancement, can be considered as part of any development or subdivision application/approval.

The intent of the LDR precincts is to reflect the existing densities and scale of the surrounding area. It is assumed that the extension of LDR1 into the low lying area in an L shape configuration is to enable the construction of a dwelling behind Lot 66. Whilst such a reconfiguration may achieve a comparable density of development, the dwelling behind Lot 66 would be situated within the swamp area. Should Council determine that this is acceptable, it is envisaged that the other land owners within the Structure Plan area will seek similar development opportunities.

If the intention is to increase the LDR1 Precinct area to satisfy density requirements and thereafter construct two dwellings in the area already shown as LDR1, the effect will be similar to simply enabling a higher density within the 'existing' LDR1 Precinct. Again, such a modification to the Structure Plan may result in the other owners seeking similar arrangements.

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It is understood that the Shire will not accept the proposed Conservation Precincts as POS.

**8. Submission from FESA.**

FESA's support of the Structure Plan is noted.

Any building requirements would be best, and typically, applied at the development or building licence application/approval stage.

**9. Submission from the Department of Water.**

We understand that the Shire has received a submission from the Department of Water suggesting that an Urban Water Management Plan is required.

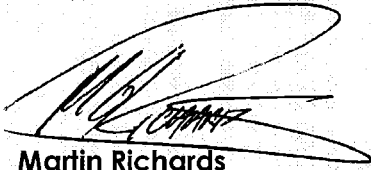
Given the level of detail required to competently prepare such a document, any requirement for an Urban Water Management Plan (which is usually required as a condition of subdivision) is considered premature at this stage, and would effectively be meaningless given that the scale, nature and extent of development is as yet unknown.

Furthermore, the requirement to address drainage and stormwater management is contained in Provisions 1d, 4a and 5c of the Structure Plan.

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We trust the above comments assist in your further consideration of the Higgins Swamp Structure Plan. However, should you have any queries or require any further information please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Richards', written over a horizontal line.

**Martin Richards**  
Principal

Cc - Client.