



MINUTES

Council Meeting held
on Thursday 23 April 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.22 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Pinkerton, Boulter, Dean, Taylor, Camarri and Lorkiewicz.

Shane Collie – Chief Executive Officer.
Ewen Ross – Manager Development Services.
Chris Wade – Works Manager.
Craig Waddell – Manager Corporate Services.
Rob Paull – Consultant Town Planner

VISITORS

13

APOLOGIES

Cr Bird

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions and responses were from Council's March 2009 meeting where some questions were taken on notice. Not all of the content of the responses forwarded on questions is repeated, only that which is relevant to the question asked.

Mr G Happ

- Q2. Question related to funding for main street drainage and paving, including ownership. Request for rebuild before it gets higher in relation to properties either side.

- A2. This question is responded to in that Council is responsible for the Main Street five metres either side of the median line. This is inclusive of all drainage, kerbing, footpaths and any other associated works such as street bins and trees. Main Roads WA look after the middle section and when reseal works or major works are undertaken generally the two entities work together on funding and scope of works.

Council has been allocating funds to reserve recognising that the drainage and footpaths in the main street will require substantial work in the future. At 30 June 2009 that fund will have \$60,000 contained within which is still a long way from being able to fund a major upgrade. Whether Council chooses to allocate funds in the future to this area will be at its discretion and lobbying by raising the matter certainly draws the matter to Council member's attention.

- Q3. Community Centre, Boiler needs attention as soon as possible. Additionally the entry to the Community Centre and football field surrounds required upgrade.
- A3. The second question was in relation to the Community Centre, specifically the heating of water and upgrade of the surrounds of the area. I can respond initially that the boiler for heating is presently being assessed and is likely to be replaced. It is well past the standards normally seen in modern facilities. Similarly you would be aware that Council is looking at upgrade works in some form to the Community and Recreation Centre and this would include the surrounds to the facilities. This may be a few years away and the planning process is presently underway.

Ms N Tang

QUESTION TO COUNCIL 26 MARCH 2009

BACKGROUND

In March 2008 a group of community representatives met with Barbara Dunnet and Margaret Bird to discuss the requirements, expectations and issues of Nannup residents in relation to mobile telephone coverage.

That meeting determined that there are numerous areas within the Shire of Nannup that have little to no mobile telephone coverage, primarily outside the town site.

The outcome was that a number of issues were brought to the attention of Shire CEO Shane Collie by way of a letter and a copy of the minutes of the meeting. In that letter, it was requested that a meeting be arranged with Ray Philips, Telstra Regional Manager, to inform him of the reasons why we need better coverage.

In August 2008 that meeting took place. Telstra indicated that they may be willing to construct additional towers within the Shire if funds (in the vicinity of \$200,000-\$400,000 per tower) are raised by the Shire (possibly in partnership with State and Federal Government bodies.) It was agreed at this meeting that Telstra would conduct a survey of the area to determine areas of low, poor and no coverage within the Shire.

ISSUES

Mobile coverage issues currently faced by residents of the Shire of Nannup include:

- Vehicle accidents and breakdowns requiring emergency and other assistance.
- Emergency management – agencies such as FESA frequently need to be able to communicate with a degree of confidentiality. An open radio channel does not allow for this.
- Remote operation of farm machinery from base stations – local farmers cannot take advantage of the latest advances in technology due to a lack of mobile coverage.
- Workers and volunteers on call or on stand by who live outside the Nannup town site cannot leave their homes while on call or stand by due to a lack of mobile coverage.
- Bush fire notifications – at a recent community meeting following the Balingup fires it came to light that many residents are isolated in relation to emergency notification, relying almost solely on land line telephones. There is little radio reception other than in cars and no mobile telephone coverage. The Victorian solution of using text messaging to phone users in areas of high bush fire danger cannot be used effectively in Nannup as we have insufficient coverage.

QUESTIONS

- What, if any response has been received from Telstra in regard to coverage within the Shire? Will the Shire follow up to obtain the promised information from Telstra?
- Is the Shire prepared to attempt to raise funds to try to improve safety and reduce risk for isolated residents of the Shire of Nannup?



Nancy Tang
Jalbaragup Resident
26 March 2009

A4 and A5. The questions were replied to by letter per below

Signed:

Dated 28 May 2009

Prior to the meeting I had been in touch with Mr Ray Philp, Telstra Regional Manager seeking to follow up on previous questions relating to mobile phone coverage along with other telecommunication matters. I am still at the present time seeking Mr Philp or a Telstra representative to come to Nannup and meet with Council representatives regarding this matter as I have not had the requested follow up from Telstra in respect to providing that and detailed coverage black spots within the Shire. Hence in response to your question, Council is still following up the issue of mobile coverage with Telstra and I will be pleased to keep you in touch with what information we find out.

Your second question related to whether Council is seeking to either fund telecommunications infrastructure or seeking to attempt to raise funds. A response to this is not at this point in time. Council may choose to do this in the future and presently a communications survey has been circulated to ascertain the desire for communication services upgrade and importantly the willingness to pay for it. It must be pointed out that telecommunications infrastructure is not a Council responsibility unless it chooses to allocate funds to what is essentially another level of Government responsibility.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms B Winfield

Made a presentation concerning agenda item 10.9.

Ms M Longmore

Made a presentation concerning the Music Festival Club.

Mr T Goode, Executive Officer of the Warren Blackwood Strategic Alliance

Made a presentation concerning that organisation.

Ms R Goldsmith, Nannup Occasional Childcare Association

Made a presentation concerning agenda item 10.18.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8152 TAYLOR/ PINKERTON

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 March 2009 be confirmed as a true and correct record with the words

Signed:

Dated 28 May 2009

contained within resolution number 8142 on page 55 being changed from "Town Site and Special Rural" to "General".

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Opening of part of the Munda Biddi Trail
100th celebration of the opening of the Railway from Nannup to Busselton
Water Forum in Bunbury

10. REPORTS OF OFFICERS

AGENDA NUMBER: 10.1
SUBJECT: Building Setback
LOCATION/ADDRESS: Lot 259 Sexton Way
NAME OF APPLICANT: Mr Phil Laird
FILE REFERENCE: A980
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8 April 2009

Attachment: Letter from Mr Laird dated 24/03/09.

BACKGROUND:

Mr Laird made an Application for Planning Approval dated 16 February 2009 to develop a furniture/cabinet making workshop with attached showroom wholesale/retail at Lot 259 Sexton Way. The application was in accordance with the LPS No 3 requirements and approval was issued, 24 February 2009.

Mr Laird has made a further Application for Planning Approval dated 24 March 2009 to alter the location of the shed which results in a reduced setback of 2.4 metres from the front boundary. Detail is as per the attachment.

The reason for this request is to provide a prominent covered trade display area and to enhance the visual effects of the shed to attract customers. Additional benefits are work flow for materials, increased use of premises to the rear of the shed and improved landscaping.

COMMENT:

The property is zoned "Industrial" under the Shire of Nannup LPS No.3. With regards to setbacks, section 4.13.6.2 requires *"Building Setbacks (a) Development shall be setback 6 metres from the primary street frontage and 3 metres from any secondary street frontage."*

It should also be noted that section 4.13.6.3 outlines uses within the setback as, *"Development Standards (a) On lots within the zone having an area of less than 4000m², land between the road reserve and the setback distance prescribed by the Scheme shall not be developed except for one or more of the following: (i) an access driveway, (ii) a parking area. (iii) loading and unloading of vehicles, (iv) a trade display; or (v) landscaping."*

The location of a trade display within this area would be in keeping with the intent of the LPS No3.

Visual Amenity

By locating the shed and veranda within the setback area it does not affect neighbours as both have already built within the 6 metre setback and this proposal would be building to that same building line that exists. The applicant has confirmed that they will carry out landscaping to mitigate against any potential negative amenity issues that may arise.

The proposal has the potential to enhance the visual impact within the industrial area and is the officer's recommendation to support the setback reduction.

Variations

Within the LPS No 3 section 5.8.2 Discretion to Modify Setback Requirements allows for:

"5.8.2.1 The local government may, by adopting the procedures of clause 9.4, 'Advertising of Applications' reduce the boundary setback(s) within any zone provided that:

- (a) The proposed reduction will not adversely impact upon adjoining development (or the residents thereof) or prejudice the long-term coordinated development of the street.*
- (b) The local government is satisfied that adequate off-street parking is available at the side or rear of the proposed development and access to that parking can be obtained from the adjoining road carriageway.*
- (c) Traffic flow within the lot and on the adjoining road network will not be adversely affected.*
- (d) The design and proposed standard of finish of the proposed development is of sufficient quality to justify a reduction in setback requirements."*

Clause 9.4.3 (a) of LPS 3 states:

"... notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served".

Pursuant to the above, a notice has been provided to adjacent owners and at the time of preparing this Report, no objection had been received.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

A Planning Application has been made and fee of \$123 received in accordance with the Planning and Development Act (Fees) Regulations 2006.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That should no objection be received to the setback variation from neighbouring lots, Council approve the reduced boundary setback of 2.4 metres for Lot 259 Sexton Way, in accordance to the LPS No3 section 5.8.2.

8153 BOULTER/PINKERTON

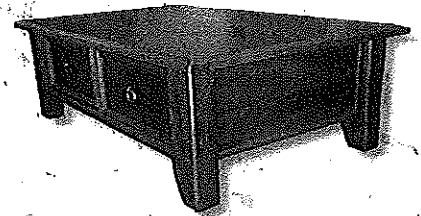
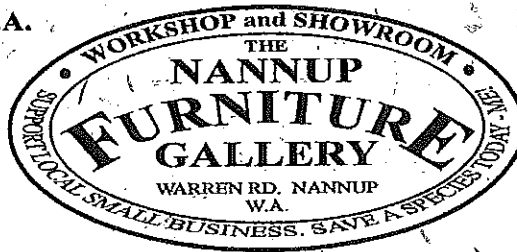
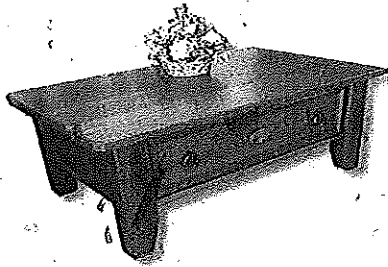
That should no objection be received to the setback variation from neighbouring lots, Council approve the reduced boundary setback of 2.4 metres for Lot 259 Sexton Way, in accordance to the LPS No3 section 5.8.2.

CARRIED 7/0

Warren Road, Nannup, W.A.

Jarraah ~ Marri ~ Pine

Phone/Fax: (+61) 1 Attachment



Design and Crafting by
Phil Laird / Jean Petersen
www.nannupfurnituregallery.com.au
phil@nannupfurnituregallery.com.au

24/03/09

Shire of Nannup

RE: Application to build a Veranda within the set back area LOT 259 Sexton Way

Phil Laird of The Nannup Furniture Gallery seeks permission, on behalf of the owner, to build a veranda within the 6 metre set back of the Industrial site at Lot 259 Sexton Way in the Nannup Light Industrial Area.

Planning and building approval has been granted for the development of the site and the building of an industrial shed, including a veranda, at the 6 metre set back point. (see Drawing A)

We seek permission to move the building forward 3 metres, placing the front veranda within the set back area, and bringing it into line with the existing buildings to each side of our project. (see Drawing B and C)

The veranda is critical to the project in that it will provide shade to the new showroom and protection from inclement weather, and greatly adds an enhanced visual appeal to the front of the proposed building.

The forward placement of the veranda as requested would also allow for a permanent undercover 'Trade Display' of our outdoor furniture lines to be more prominent. We are working on several new designs to make this product line more significant in our portfolio with the use of material that is generally considered downgraded or recycled.

Also in this position, the veranda will allow the planned landscaping, garden and flower beds as per requirement, to tie in with the veranda and the area along the front of the site in a more pleasing way, as well as showing the hanging baskets off to better effect, and the formation of a less industrial and utilitarian looking entry statement to the showroom. (See concept drawing D)

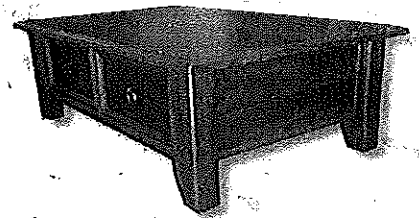
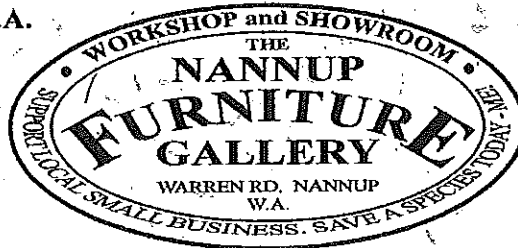
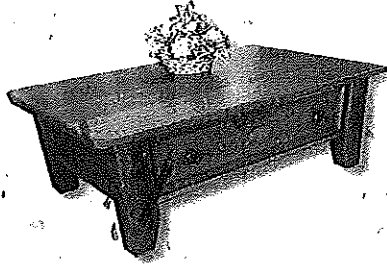
It is also envisaged that this position will allow for easier loading and unloading of product and material through the front of the showroom without impeding the use of the parking area.

It should also be pointed out that as a veranda there are no enclosed walls, and comprises of a structure of substantial poles and timbers supporting a roof only.

Warren Road, Nannup, W.A.

Jarrah ~ Marri ~ Pine

Phone/Fax: (+61) 8 9756-0460



Design and Crafting by
Phil Laird / Jean Petersen
www.nannupfurnituregallery.com.au
phil@nannupfurnituregallery.com.au

We feel that there is already precedent to allow placement of the veranda as requested, given that existing building components to each side are already within this set back area (see aerial photo C), and the benefits are many.

- Having the veranda to the forward point of the site presents a greater visual impression from the main road (Vasse Highway)
- Allows for more significant and balanced landscaping and garden beds.
- Adds to the aesthetic of the streetscape in general ~ at present rather dull, unkempt, and, well ~ industrial!
- Will allow for better use of the block by allowing an extra 3 metres to the rear of the building, which in turn will allow for the storage of unsightly materials out of view from the main highway.
- We also see it as a symbol of growth ~ taking this presently under utilised area and turning it into an active and productive, visually pleasing working area that could also have the benefit of attracting other small business into the area.
- In other words, we feel, adding a certain vitality to the area.

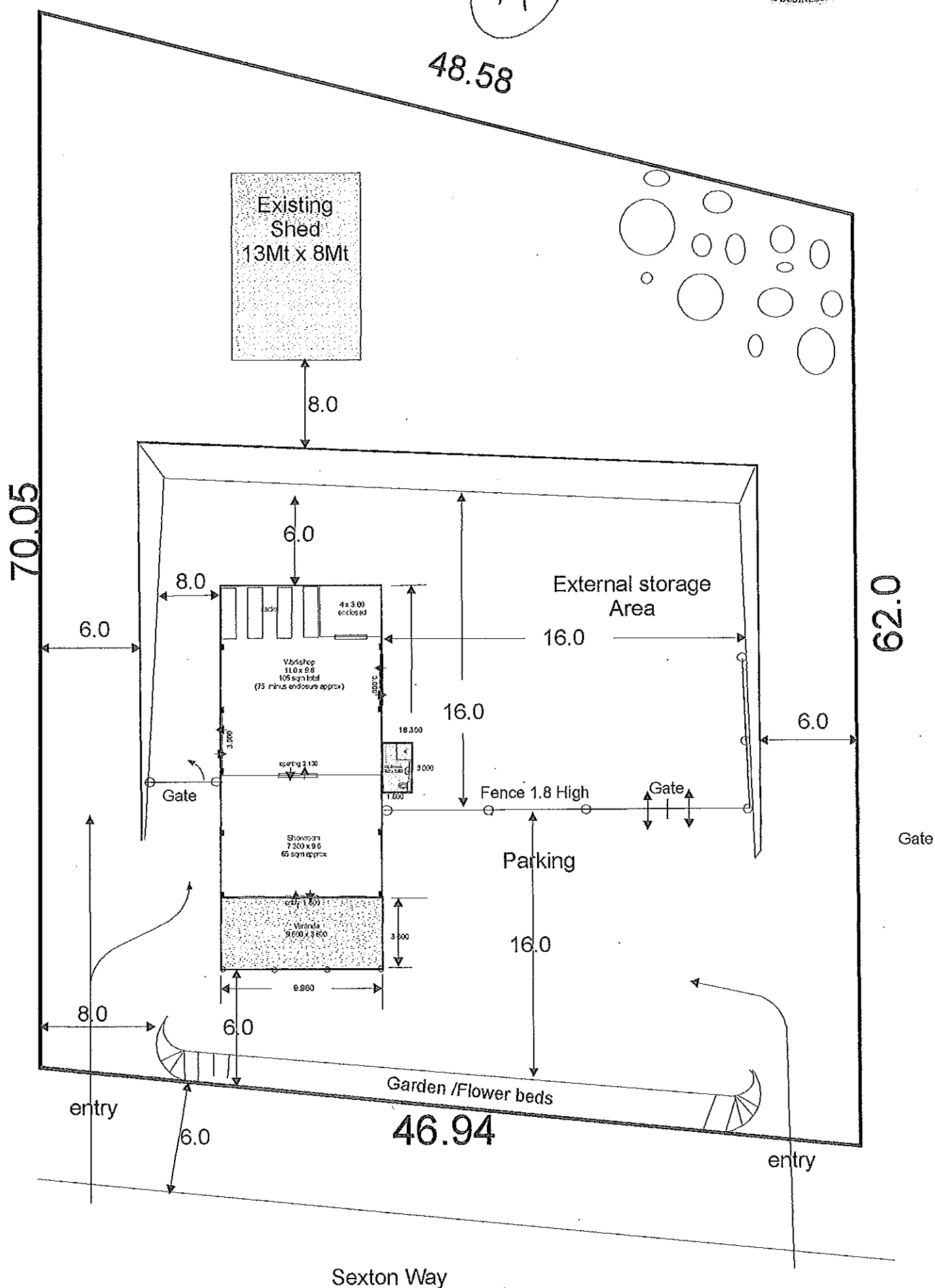
Much has been invested in this project to date and it is our intention to continue to promote Nannup as a place of interest through our business, The Nannup Furniture Gallery, highlighting the components that make this area unique in the diversity of agriculture, viticulture and timber industries ~ and of course the specialist and sought after small businesses like our own.

We hope that Council will view this application in a positive and enthusiastic light.

Yours Sincerely

Phil Laird/Jean Petersen
The Nannup Furniture Gallery

Phil Laird 9756 0460



WORKSHOP and SHOWROOM

THE NANNUP FURNITURE GALLERY

NANNUP, W.A.

LOCAL SMALL BUSINESS. SAVE A SPECIES TON!

Floor plan of the first floor of the building. The plan shows a rectangular layout with a total width of 9.960 and a total depth of 18.300. The layout includes:

- Workshop: 11.0 x 9.4, 103 sqm total (75 minus enclosure approx)
- 4 x 3.60 enclosed area
- Showroom: 7.300 x 8.4, 65 sqm approx
- Veranda: 9.600 x 3.600
- Bathroom: 1.800 x 3.000
- Open area: 2.100
- Open area: 1.600
- Main entrance: 1.800 x 2.100
- Door opening: 3.000

The plan is labeled "FLOOR PLAN" and "FIRST FLOOR".

Technical drawing of a veranda structure. The drawing shows a side elevation and a plan view. The side elevation shows a structure with a total height of 3.600 and a total width of 9.960. The structure is composed of vertical posts and horizontal beams. The horizontal beams are labeled "100 x 50 UH". The vertical posts are labeled "100 x 100 UH". The plan view shows the structure is 9.960 wide, with three equal sections of 3.320 each. The height of the structure is 3.600. The drawing includes a section cut line labeled "Veranda cut Overhead".

A simple line drawing of a double door with a cross-hatch pattern, set within a rectangular frame. The door is centered and consists of two panels meeting in the middle. Each panel has a cross-hatch pattern formed by diagonal lines. The entire drawing is enclosed in a rectangular border.

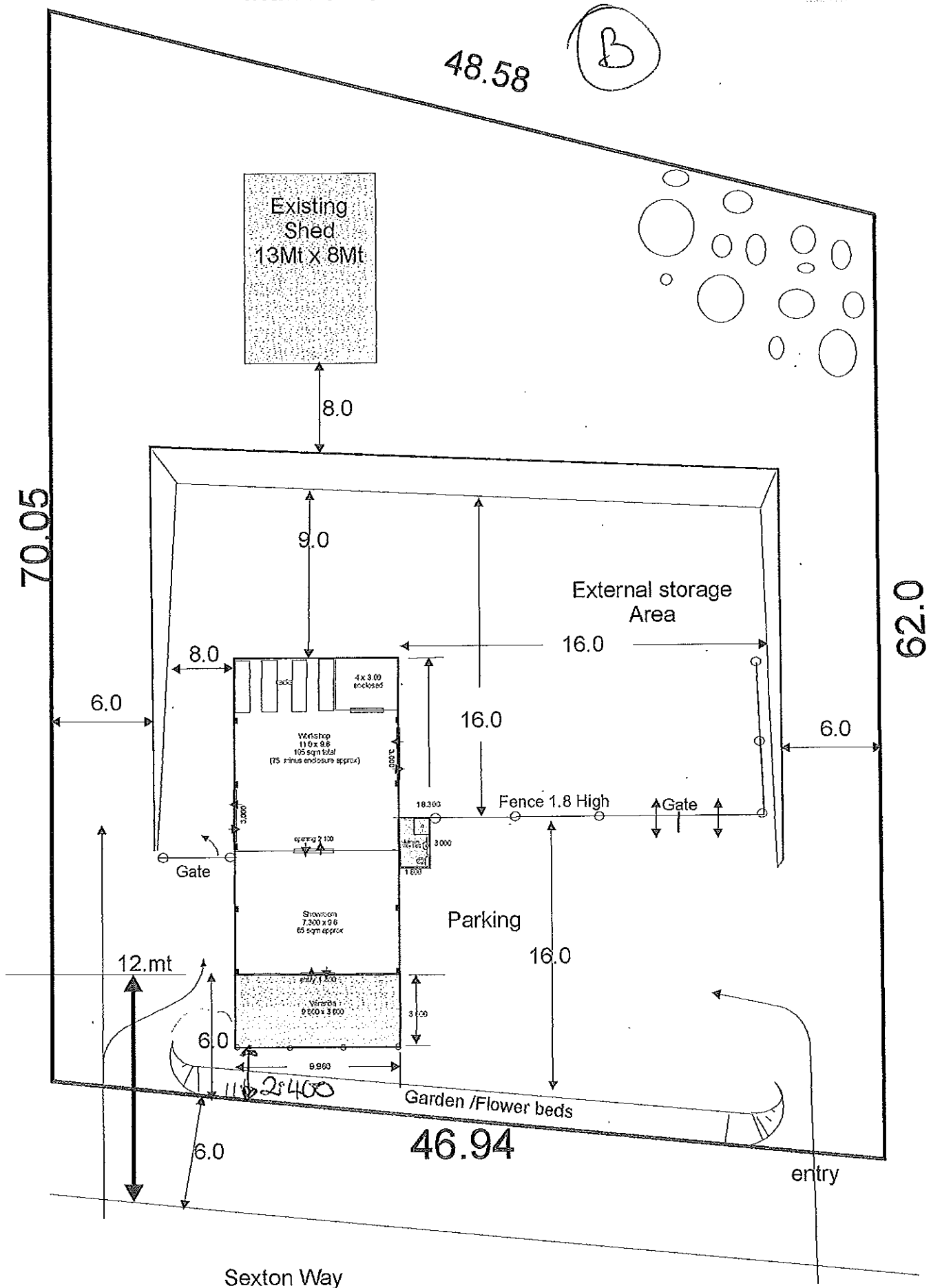
Diagram illustrating the sun shadow cast by a cantilever beam. The beam is shown in profile, with a horizontal span of 3.600 and a vertical height of 2.700. The sun shadow is cast onto the ground, extending a distance of 3.000 from the base of the beam. The sun shadow is labeled "Sun shadow".

Facia/ bearer : 150 x 50 JH
Rafters and Purlins: 100 x 50 JH
 Fixed to steel shed sheeting in 50 x 100 joist hangers
Poles: 175/200 JH On Stirrups
Footings: Set in .5 x .5 x5 concrete
Roofing: Zincalume custom orb fixed to 100 x 50 battens with 50mm Climacote Hex screws.
 All timbers sizes, fittings and fixings to comply with BCA.

Nannup Furniture LIA Sexton Way Site Layout

Phil Laird 9756 0460

Shire Approval to place verandah within 6 mt set back area



Google
Maps Australia

Address LOT 259 SEXTON WAY
NANNUP L.I.A.



PROPOSED POSITION OF BUILDING w/ VERANDAH
SHOWING EXISTING BUILDINGS TO EACH SIDE.
(THIS MAP PRE DATED)

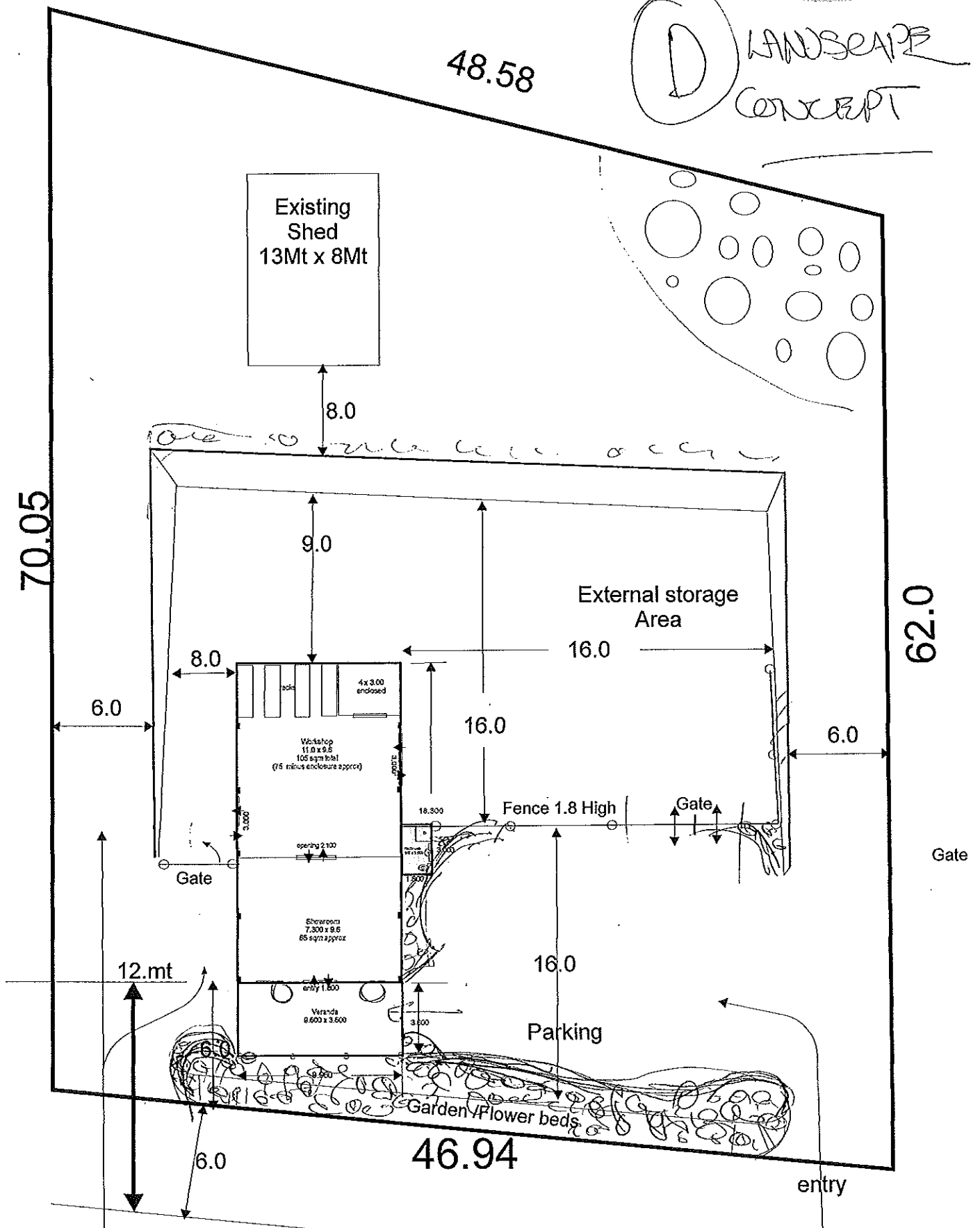
Nannup Furniture
LIA Sexton Way
Site Layout

Phil Laird 9756 0460

Shire Approval to place verandah
within 6 mt set back area



(D) LANDSCAPE
CONCEPT



Sexton Way

Discuss with
BOB L. AND BRIGITTE.
OR.

AGENDA NUMBER: 10.2
SUBJECT: Minutes of the Nannup Caravan Parks Advisory Committee
LOCATION/ADDRESS: Brockman Street and Riverbend Caravan Parks
NAME OF APPLICANT:
FILE REFERENCE: ASS21
AUTHOR: Ewen Ross - Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8 April 2009

Attachments: 1. Minutes of the Nannup Caravan Parks Advisory Committee
7 April 2009. (Less lease Agreement).
2. Agenda Item 10.2 November 2007.
3. Agenda Item 10.2 March 2008.

BACKGROUND:

A meeting of the Nannup Caravan Parks Advisory Committee was held on 7th April 2009, minutes attached.

COMMENT:

There are four items requested by the committee for Council's consideration:

1. Riverbend Caravan Park concept plan and project brief for the Development Plan Guide Plan, together with authority to advertise for a project manager was approved November 2007 (Resolution 7822).

Officer Comment: For coordinated development of the Riverbend Caravan Park there is a need for a development plan. A contractor is to be engaged and \$7,000 from the funds assigned for lighting (3932 Caravan and Parks Camping Ground) is to be utilised. There is no requirement for any further Council resolution. The matter will be actioned as soon as practical.

2. Brockman Street Caravan Park Conceptual Development Plan was approved November 2007 (Resolution 7822) which provided for 12 new sites. At a later Council meeting in March 2008 the Development Concept Plan was amended and approved (Resolution 7906) which provided for 25 new sites.

Officer Comment: For coordinated development of the Brockman Street Caravan Park the provision of a project manager to implement "Conceptual Development Plan" is considered essential as such development would appear to be beyond the capacity of the Visitor Centre as managers of the facility. Additionally the funding implications appear to be underestimated as the \$33,505 (\$17,505 Council and Visitor Centre \$16,000) would not achieve an expansion of 25 additional sites.

3. Location of dump point in the Foreshore Park area within the railway reserve adjacent to new Foreshore Toilets and track from the end of Brockman Street and Blackwood Terrace.

Officer Comment: This appears to be a cost effective location with regards to access to deep sewerage, traffic flows and out of the Brockman Street/Townsite area. Comment from the Foreshore Park Advisory Committee and Streetscape Advisory Committee would be appropriate.

The following issues have however been identified with the proposed location:

- The location within the railway reserve would require the approval of the lessor (WA Government Railways which may or may not be given).
- The provision of ring road access needs to be costed and considered as expenditure associated with the dump point.
- Management and maintenance issues require confirmation.
- Provision of water (including connection and ongoing costs) need to be considered.

An alternative site is adjacent to the turn around between the Caravan Park and arboretum. The dump point would be within the caravan park however the access off Brockman Street and turning circle would need to be considered.

Again funding consideration is an issue as it appears that the budget amount for this matter is too low. When the issues identified above are addressed this recommendation from the committee will be put to Council.

4. The current toilet block to the foreshore end of the caravan park and the Riverbend ablution block are demolished on commissioning of the new ablution/toilet blocks.

Officer Comment: Supported.

STATUTORY ENVIRONMENT:

The committee is established under the powers of the Local Government Act 1995 and any appointments to the committee are to be in accordance with this Act.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

1. Riverbend, allocation of \$7,000 to employ a contractor to provide the Development Plan.

Signed:

Dated 28 May 2009

2. Brockman Street Caravan Park as the resolution has been past to develop 25 sites rough order of costs will be:

Employment of a project officer:	\$1,000
Prepare project brief:	\$1,000
Prepare cost estimates:	\$1,000
Layout/survey:	\$5,000
Ground works – Roothing, Drainage, (Entire site Areas)	\$50,000
Electrical – Connection, Distribution, Power stands, lighting	\$20,000
Water reticulation, fire fighting	\$10,000
Landscaping, marking sites	\$15,000
Project manager (6 months)	\$40,000
Tree removal or trimming	\$10,000
Misc (Signage, insurances, fees)	\$5,000

Total \$158,000

3. Dump point, installation \$2,500 (dump-ezy provided free), roading subject for need of survey and bring to acceptable standard estimate \$20,000.
4. Demolishing Brockman Caravan Park wooden public toilets and Riverbend ablution block estimate \$10,000.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

1. That Council list for budget consideration 2009/10 an amount for the development of 25 sites in the Brockman Street Caravan Park (inclusive of an estimated carried forward amount of \$33,505 from 2008/09) in accordance with the Development Plan (dated 5 March 2008).
2. The Council endorse the demolition of the current toilet block to the foreshore end of the Brockman Street Caravan Park and the Riversbend ablution block on commissioning of the new ablution/toilet blocks.

8154 DEAN/TAYLOR

1. That Council list for budget consideration 2009/10 an amount for the development of 25 sites in the Brockman Street Caravan Park (inclusive of an estimated carried forward amount of \$33,505 from 2008/09) in accordance with the Development Plan (dated 5 March 2008).
2. The Council endorse the demolition of the current toilet block to the Riversbend ablution block on commissioning of the new ablution/toilet blocks.

CARRIED 7/0

NANNUP CARAVAN PARKS ADVISORY COMMITTEE
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MINUTES

Meeting held at the Nannup Shire Council Chambers on Tuesday 7th April 2009 at 1 pm.

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:**
Meeting was open with Councillor David Boulter in the chair

2. **RECORD OF ATTENDANCE/APOLOGIES:**

- a. Apologies : Nil
- b. Present: Councillors David Boulter, Robert Taylor and Tony Dean, Member Elizabeth Pellicaan, Wayne Jolley and Kim Roycroft, Secretariat Ewen Ross

3. **PUBLIC QUESTION TIME:** Nil public present

4. **PETITIONS/DEPUTATIONS/PRESENTATIONS:** Nil

5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

The Minutes of the Nannup Caravan Parks Advisory Committee Meeting held in Nannup Shire Chambers on Thursday 6th November 2008 were confirmed as a true and correct record.

Moved: Cr Taylor
Seconded: Cr Boulter

6. **BUSINESS ARISING:** Nil

7. **GENERAL BUSINESS**

- a. Visitors Centre and Caravan Parks Lease Agreement: (Attached):

The draft was considered and a number of amendments made.

ACTION: Amended copy to Kim Roycroft for Tourist Association Meeting on Thursday 9 April 2009 to open dialog.

- b. Caravan Park Licensing:

Both caravan parks will be inspected for licensing as Caravan Parks for the 2009/10 financial year.

ACTION: Elizabeth to have Tourist Association Apply for License

- c. Development Plans for Caravan Parks:

Riverbend Caravan Park concept plan and project brief for the Development Plan Guide Plan, together with authority to advertise for a project manager was approved Nov 07 (Resolution 7822). This issue has not been progressed and the committee believe Council should reactivate this resolution.

Moved: Cr Dean
Seconded: Cr Boulter

ACTION: Resolution 7822 to be raised again at the April Council Meeting.

Brockman Street Caravan Park Conceptual Development Plan was approved Nov 07 (Resolution 7822) which provided for 12 new sites. At a later Council meeting Mar 08 the Development Concept Plan was amended and approved (Resolution 7906) and provided for 25 new sites. The progress on this resolution has stalled with no clear project management plan or process in place to initiate the resolution. There was some discussion concerning the cost and available funding for this project through. The Committee believed resolution 7906 (suitably amended to delete reference to the dump point) is reactivated by Council.

Moved: Kim Roycroft
Seconded: Cr Dean

ACTION: Resolution 7906 to be raised again at the April Council Meeting.
MDS

- d. Budget considerations for 2009/10: Discussions concerning the budget for current year and more importantly for 2009/10. Tourist Association needs to provide for next year funding requirements supported by a business plan for Council consideration in the forth coming budget approvals.

ACTION: Elizabeth/Tourist Association

- e. Lighting Brockman Caravan Park: The lighting has been assessed and is adequate for the public toilet purposes. The Playground and public toilet end of the caravan park is low in lighting and at some stage the Caravan Parks lighting system should be extended to cover this area of the Caravan Park.
- f. Location Dump Point: Discussion on the dump point identified an area adjacent to the new Foreshore Park Toilet Block as most suitable, given Council had not supported the location in the Brockman Road Reserve.

ACTION: Refer to Council for approval – MDS

- g. New Ablution Blocks (Foreshore/Riverbend): Update provided and acknowledgement of short notice to Caravan Park concerning moving campers and rescheduling camp sites over Easter. The works have begun and expected completion is Augusts 2009. The committee

agreed that both old ablution blocks (Wooden at both of Brockman Caravan Park and Ablutions at Riverbend) should be demolished once new facilities commissioned.

ACTION: MDS

8. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:** Nil

9. **NEXT MEETING:** Wednesday 10 June at 3.30 pm

10. **CLOSURE OF MEETING:** There being no further business the meeting was closed at 3.08pm

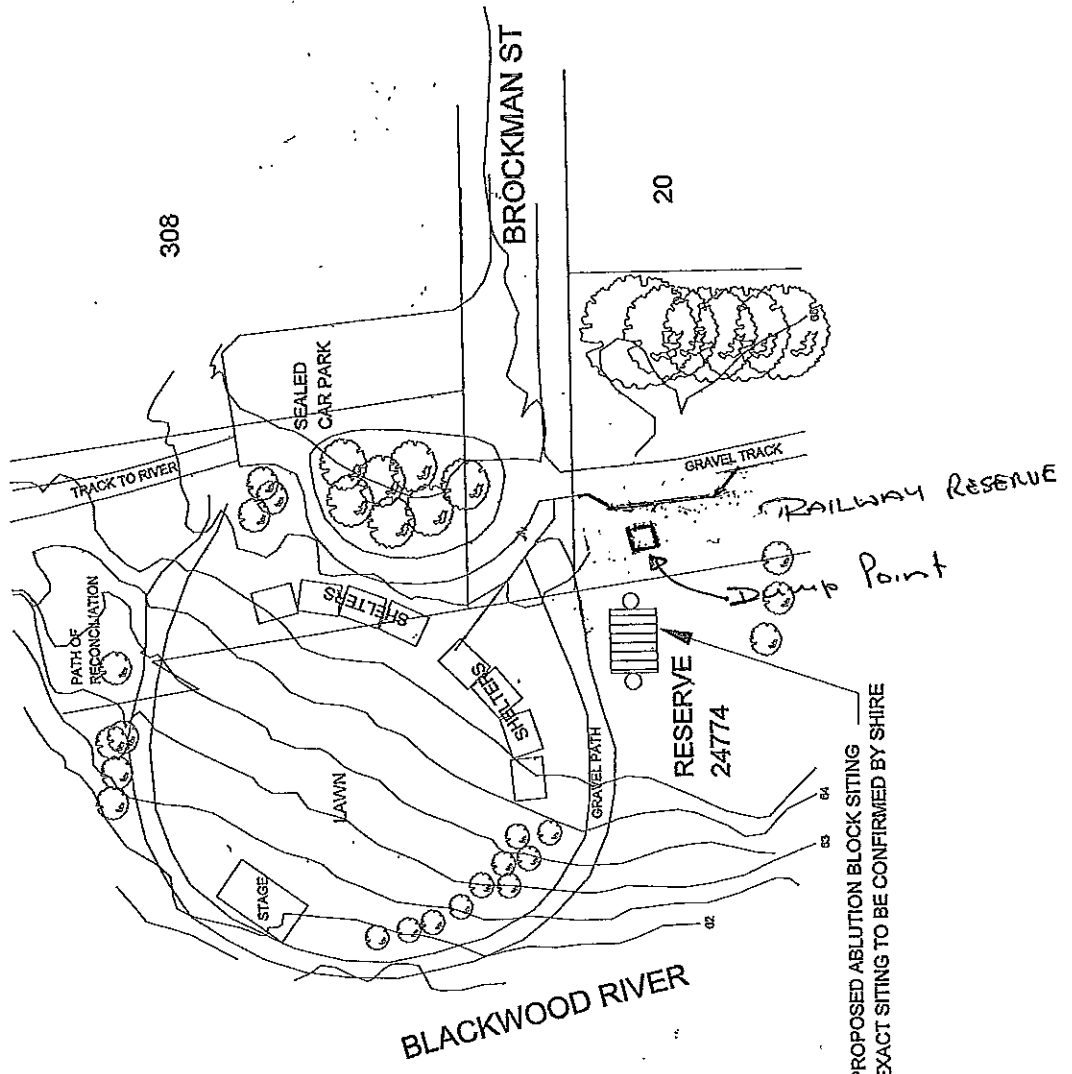
Cnr David Boulter
Chairperson

Dated 8 April 2009

Attachments:

1. Draft Visitors Centre and Caravan Parks Lease Agreement dated 8_04_09

PROPOSED ABLUTION BLOCK FOR FORESHORE PARK



CLIENT	NANNUP SHIRE
PROJECT	PROPOSED ABLUTION FOR FORESHORE PARK
TITLE	SITE PLAN
DRAWING No	1 OF 7
DESIGNED	DOBBINdesign
DRAWN	GARY DOBBIN
DATE	14/SEPT 2008

DOBBINdesign

Box 22 NANNUP WA 6275 PH: 0755 0057 dobbin@doobin.com.au

AGENDA NUMBER: 10.2

SUBJECT: Nannup Caravan Parks Advisory Committee

LOCATION/ADDRESS: Nannup

NAME OF APPLICANT:

FILE REFERENCE: TRS 5

AUTHOR: Leigh Guthridge – Manager Development Services

DISCLOSURE OF INTEREST:

DATE OF REPORT: 11 November 2007

- Attachments:
1. Minutes Nannup Caravan Parks Advisory Committee Meeting held on the 7 November 2007.
 2. Balingup Road Caravan Park - Conceptual Development Plan.
 3. Brockman Street Caravan Park - Conceptual Development Plan.
 4. Modified Area Plan 4 – Proposal for Development at Brockman Street Caravan Park.
 5. Proposed Project Brief for the Development Guide Plan for the Riverbend Caravan Park.

BACKGROUND:

Council at its August 2007 meeting resolved in part the following:

That Council refer the Conceptual Development plans for the Brockman Street and Riverbend Caravan Parks back to the Advisory Committee requesting them to delineate the public open space which incorporates the playground and the grassed area and to review the entrances from Brockman Street.

At Council's September 2007 meeting, 3 recommendations from the Committee's September 2007 meeting were presented to Council as follows:

1. *That Council approve the Conceptual Development Plans for the Brockman Street and Balingup Road Caravan Parks per attachments 2 and 3.*
2. *That Council refer to the Streetscape Advisory Committee and advertise to the community the modified "Area 4 Plan" that includes the development of sites 1 - 12, a one way loop road and a caretakers site.*
3. *That Council endorse the name River Bend for the Caravan Park located at Lot 57 (Reserve 24762) Balingup Road Nannup.*

Council at its September 2007 meeting resolved the following:

That this matter be referred to the meeting as referred to in resolution 7762 from Council meeting August 23 2007, that is that Council meet with the Visitors Centre

Committee to discuss the Council's requirements and expectations of the committee in managing the caravan park in relation to a number of items including the cleaning of toilets, Erich's cottage and general expectations of the committee.

Following Council's September 2007 resolution, a meeting was held between Council members and members from the Nannup Tourist Association on the 25 October 2007 where the following general issues were discussed:

- Planning for the improvements of the caravan parks.
- Dialogue to continue between the Tourist Association and Council.

Now that the meeting has taken place, the Committee on behalf of Council can move forward to plan for the improvements to the caravan parks.

Since this time, a meeting of the Nannup Caravan Parks Advisory Committee was held on 7th November 2007. There is one recommendation put forward for Council's consideration as follows:

That Council endorse the project brief for the preparation of a Development Guide Plan for the Riverbend Caravan Park.

COMMENT:

Council is asked to consider the recommendations from the Committee's meetings of September 2007 and November 2007.

The recommendations are discussed:

1. The committee felt the August 2007 resolution of Council was somewhat confusing as it required the Committee to review the Conceptual Development Plans (CDP's) for both Caravan Parks however the issues raised by Council only related to the retention of the playground and grassed area for ongoing public use at the Brockman Street Caravan Park.

Therefore recommendation 1 endorses the Balingup Road Caravan Park CDP with no changes as per attachment 2. As per attachment 3, the revised Brockman Street Caravan Park CDP now excludes the playground and grassed area.

2. Following the Committee's November 2007 meeting, it is not proposed to request Council to endorse the Area 4 Plan at this time as the Committee is still analysing options for the development of this area. Once the Committee is satisfied with a final plan it will be presented to Council at a later meeting of Council.

3. Discussion was held on the formal naming of the Caravan Park located on Balingup Road. The park has traditionally been referred to as the Balingup Road Caravan Park. The Visitor Centre refer to it as "Riverbend". The park should be formally named to ensure consistency by all groups.

Visitor Centre management has advised that the name "Balingup Road Caravan Park" has led to problems with users confusing the location of the park as being in Balingup. Whilst the naming of the caravan park is subjective, the recommendation to officially name the park as Riverbend is supported.

4. The project brief for the Development Guide Plan for the Riverbend Caravan Park has been prepared and supported by the Committee as per attachment # 5. Council has set aside in reserve \$7,000 for this aspect of planning for the Caravan Parks. Council is advised to endorse the brief.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Council has allocated \$16,005 within its 2007/2008 budget to develop extra sites and associated infrastructure at the Brockman Street Caravan Park.

Council has also carried forward \$7,000 from the 2006/2007 year to fund planning initiatives for Nannup's caravan parks. Appointing an appropriate person to develop a Development Guide Plan falls within this scope.

STRATEGIC IMPLICATIONS:

Council's Forward Plan Sub Program 13.3 – Caravan Parks details Council's direction with ongoing improvements and planning of the Caravan Parks.

RECOMMENDATIONS:

1. That Council approve the Conceptual Development Plans for the Brockman Street and Balingup Road Caravan Parks per attachments 2 and 3.
2. That Council endorse the name Riverbend for the Caravan Park located at Lot 57 (Reserve 24762) Balingup Road Nannup.
3. That Council endorse the Project Brief for the Development Guide Plan for the Riverbend Caravan Park as per attachment No 5 and Council proceed to advertise for the appointment of a person to prepare same.

7822 BOULTER/TAYLOR

1. That Council approve the Conceptual Development Plans for the Brockman Street and Balingup Road Caravan Parks per attachments 2 and 3.
2. That Council endorse the name Riverbend for the Caravan Park located at Lot 57 (Reserve 24762) Balingup Road Nannup.
3. That Council endorse the Project Brief for the Development Guide Plan for the Riverbend Caravan Park as per attachment No 5 and Council proceed to advertise for the appointment of a person to prepare same.

CARRIED 7/0

AGENDA NUMBER: 10.2
SUBJECT: Nannup Caravan Parks Advisory Committee
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: TRS 5
AUTHOR: Leigh Guthridge – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: ~~11 November 2007~~[^]

- Attachments:
1. Minutes Nannup Caravan Parks Advisory Committee Meeting held on the 5 March 2008.
 2. Brockman Street Caravan Park - Conceptual Development Plan.
 3. Modified Area Plan 4 – Proposal for Development at Brockman Street Caravan Park.
 4. Brockman Street Caravan Park Plan of Development (dated 5 March 2008)

BACKGROUND:

Council at its November 2007 meeting resolved in part the following:

That Council approve the Conceptual Development Plans for the Brockman Street and Balingup Road Caravan Parks per attachments 2 and 3.

The Brockman Street Caravan Park - Conceptual Development Plan is as per attachment # 2.

Further, a meeting of the Nannup Caravan Parks Advisory Committee was held on 5th March 2008. There is one recommendation put forward for Council's consideration as follows:

That Council approve the Brockman Street Caravan Park Plan of Development (dated 5 March 2008) with the 25 additional sites however with the dump point being located on the frontage of Brockman Street with the final location to be determined pending further investigation.

COMMENT:

Council is asked to consider the recommendation from the Committee's March 2008. For the benefit of background, an extract from Council's November 2007 minutes is as follows:

Following the Committee's November 2007 meeting, it is not proposed to request Council to endorse the Area 4 Plan at this time as the Committee is still analysing options for the development of this area. Once the Committee is satisfied with a final plan it will be presented to Council at a later meeting of Council.

Signed:

Dated 24 April 2008

Consequently the committee tabled and discussed the revised plan of development encompassing area 3 and 4 of the approved *Brockman Street Caravan Park – Conceptual Development Plan*:

Features of the plan include:

- 25 serviced sites instead of 12 serviced sites.
- 2 loop roads instead of 1 loop road.
- Maintaining the philosophy of one way internal access roads.
- Manager site located near the Visitors Centre ablution facility in a location to intercept persons entering the serviced sites of the caravan park are located.
- Dump point to be located within the Caravan park reserve however close to the Brockman Street Road reserve for easy use of larger park home type vehicles.

The issue of how Council should guide the development of the Brockman Street Caravan Park has been discussed at Council level on many occasions with the attempt to balance the delivery of the additional serviced sites to the Brockman Street Caravan Park against other functions of the area such as leaving the grassed area and playground as is for the use of the general public.

Council will note that the latest proposal is contrary to the approved Brockman Street Caravan Park – Conceptual Development Plan as area 3 will be utilised for additional serviced sites in favour of self contained chalets sites.

One could argue that this is ad hoc planning given that Council has only recently approved the Brockman Street Caravan Park – Conceptual Development Plan and now there is a recommendation to approve development in the area that goes against the philosophy of providing self contained chalet sites in area 3.

Notwithstanding the above, it is clear that in the short or medium term, providing a reasonable yield of additional serviced sites is a need that the Nannup Tourism Association and the committee has identified as priority over and above higher market accommodation such as Chalets and therefore approving the plan is supported. However, if this situation changes then the serviced sites within area 3 could be modified/decommissioned to accommodate chalet sites in the future.

The location of the dump point is subject to future investigation depending on the logistics of plumbing service and traffic management along Brockman Street with regard to larger park homes type vehicles utilising such a facility.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Council has allocated \$16,005 within its 2007/2008 budget to develop extra sites and associated infrastructure at the Brockman Street Caravan Park.

Council has also carried forward \$7,000 from the 2006/2007 year to fund planning initiatives for Nannup's caravan parks.

STRATEGIC IMPLICATIONS:

Council's Forward Plan Sub Program 13.3 – Caravan Parks details Council's direction with ongoing improvements and planning of the Caravan Parks.

RECOMMENDATION:

That Council approve the Brockman Street Caravan Park Plan of Development (dated 5 March 2008) to provide an additional 25 service sites with the philosophy that the dump point be located in a position with Brockman Street frontage (within the Caravan Park reserve) to be determined after further investigation.

7906 DEAN/BOULTER

That Council approve the Brockman Street Caravan Park Plan of Development (dated 5 March 2008) to provide an additional 25 service sites with the philosophy that the dump point be located in a position with Brockman Street frontage (within the Caravan Park reserve) to be determined after further investigation.

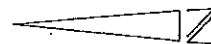
Councillor Taylor entered the meeting at 4.57pm.

CARRIED 5/3

Councillors voting for the motion: Dean, Dunnet, Camarri, Taylor and Boulter.

Councillors voting against: Lorkiewicz, Bird and Pinkerton

Adopted at committee meeting 5 March 2008



	Managers Site
• Angled access	
• One way internal access	
• Internal roads 5 metres wide	
• Proposed disabled bays adjoining the Visitors Centre abutment facility	

[illegible]

Note: Position of internal sewer lines are approximate - derived from plumbers plans
Lot Boundaries not checked

CLIENT: SHIRE OF NANNUP
ORDER NO. 101620 INVOICE 1505
DATE OF SURVEY: MAY 2006
LEVELS DERIVED FROM SEWER MH 59
LEVELS SHOWN IN SLOPING DIGITS
CADASTRAL BOUNDARIES NOT CHECKED

AGENDA NUMBER: 10.3
SUBJECT: Application for Subdivision WAPC 139347
LOCATION/ADDRESS: Lot 9823 Vasse Highway (Sexton Way)Nannup
NAME OF APPLICANT: TME on behalf of Mr. Peter Archdall
FILE REFERENCE: A 188
AUTHOR: Rob Paull - Planning Consultant.
DISCLOSURE OF INTEREST:
DATE OF REPORT: 14 April 2009

Attachments: 1. Location and Zoning Plan.
 2. Plan of Subdivision.
 3. Development Concept # 1.
 4. Development Concept # 2.

BACKGROUND:

The Western Australian Planning Commission ('WAPC') has referred an application for subdivision for six (6) lots - comprising five (5) lots for industrial purposes (2000m² each lot) and balance of title (22.011ha). The Subject Land is in two zones:

- Agriculture zone; and
- Industry zone.

The boundary between the two zones indicates that the Agriculture zoned portion has the potential for 'special rural' development.

As part of the initial assessment undertaken by the Shire, it was concluded that the proposed subdivision is somewhat isolated from the remainder of the land and that direct access for the five (5) lots is sought from Sexton Way.

Under Schedule 14 of the Shire of Nannup Local Planning Scheme No. 3 ('Scheme'), it is open for the Council to seek a Development Guide Plan (DGP) in order to provide direction in relation to design, siting, specific matters that need to be addressed in relation to both the development and use of the whole land. However, in an attempt to advise and recommend a direction to Council concerning the Application for Subdivision and as to whether the Application should or not be supported, the Applicant was requested to provide a 'concept plan' that indicated how the five (5) lots relate to an overall subdivision and development potential for the whole land.

COMMENT:

In response to the request by the Shire for further information, the planning consultant for the Applicant advised as follows:

"We have prepared two (2) design concept options for a site located at Lot 9823 Vasse Highway, Nannup that also has frontage to Sexton Way and is currently the subject of a

Signed:

Dated 28 May 2009

Subdivision application. A review of the Local Planning Strategy found that there is an opportunity on the subject land for a minor expansion to the industrial zone; as such the concept plan shows a minor extension of five (5) industrial lots to the existing industry zone. A row of composite lots has been proposed in line with Council's comments.

Each composite lot comprises of industry and rural residential uses. All composite Industry / Rural Residential Lots have dual road frontages, respectively. The composite lots also act as a break between industry and special rural development.

We note that the Local Planning Strategy identifies land in the Special Rural Policy Area as being considered suitable for further investigation for rural residential development. The subject land is located in close proximity to the School and Township of Nannup. In addition, the site is almost completely cleared of vegetation and as a consequence has a low bushfire risk, as well as limited environmental impacts. For these reasons a smaller lot size is proposed.

Access to the Industrial lots and Industrial portion of the composite lots is proposed off Sexton Way. Access to the Special Rural lots is proposed from the Vasse Highway. We note that consultation will be required with Main Roads. It should however be noted that the existing access to the Vasse Highway illegally traverses the reserve and is located in an unsafe location along the Vasse Highway. It would be proposed that the existing access be relocated".

The planning consultant for the landowner has provided two conceptual plans (note Attachment 3 and 4) which indicate that the potential for further development. It is not the intention for Council to 'endorse' or even comment on the 'conceptual' plans – rather they simply demonstrate the ability to cater for further subdivision and development of the whole of the land. Importantly, both concept plans show potential road access along the northern boundary of proposed lot 2 and the southern boundary of proposed lot 6.

In response, it is clear that the proposed five (5) lots can be considered without impacting upon the future development potential for the remainder of the land.

Roads/kerbing

Council is advised to seek as a condition of any WAPC subdivision Approval, curb and channelling of Sexton Way where the proposed lots are located. In addition, truncation of lots 1 and 5 should be sought to cater for future road development.

Crossovers

A condition is to be imposed to require the developer to construct a crossover to all new lots to the satisfaction of the local government.

Footpaths

No footpaths are currently provided within the Sexton Road subdivision.

Public Open Space

Industrial subdivision is not required to provide for public open space.

Services

Scheme water, electricity and telephone will be required to be provided to all the lots and the servicing requirements will be assessed by other government agencies during the referral process. The Shire understands that no sewer is available to the land. This will have implications for the use of the land for industrial purposes and the need for 'dry lot' industrial uses.

'Dry Lot' development.

The Applicant has made reference in the Application that the proposed lot size of 2000m² is acceptable for 'dry' industrial development. It should be noted that 'dry lot' industrial uses relate to those industrial uses that do result in significant water use.

The applicant has not advised as to the mechanism proposed to achieve 'dry lot' only industrial uses when such uses ordinarily don't require 'use' consent under the Scheme. It would appear that the only means open for the Council would be legal agreement whereby Council can control the type of industrial use. Any such agreement must be at the cost of the developer.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council in relation to the Subdivision referral of Subdivision Application WAPC No.139347 resolve to advise the WAPC that:

- A. From the additional information provided by the Applicant in the form of two (2) concept plans, Council is satisfied that a 'Development Guide Plan' pursuant to Schedule 14 of the Shire of Nannup Local Planning Scheme No. 3 ('Scheme') is not required in this instance.

Signed:

Dated 28 May 2009

- B. No objection is offered in relation to the WAPC approving Subdivision Application No.139347, subject to the inclusion of the following conditions.
1. The developer entering into a legal agreement with the Shire in relation to acceptable and practical provisions for 'dry' industrial use and development along with necessary legal mechanisms on the title to make land owners aware of the legal agreement. All cost associated with the legal agreement, including Council costs shall be borne by the developer.
 2. The developer to construct crossovers to all new lots to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
 3. Proposed lot 1 and lot 5 being truncated to the standard truncation of 8.5 metres in anticipation of a future road being developed along side both lots.
 4. Satisfactory arrangements being made with the Shire of Nannup for the upgrading of Sexton Way prior to the issue of clearance(s). In this regard, the upgrading will involve curb and channelling along with a contribution to the overall upgrading of Sexton Way to the requirements of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
 5. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
 6. The developer is to design and construct the subdivision, taking into consideration the standards adopted by servicing authorities to guide the provision of services in common / shared trenches to the satisfaction of the Shire of Nannup.
 7. Uniform fencing being provided along the boundaries of all lots and being constructed by the subdivider to the specifications and satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings for approval.
 8. The land being connected to the drainage system at the subdivider's cost along with a contribution to the cost of an upgrade of the system to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup prior to commencement of any works.

8155 BOULTER/ PINKERTON

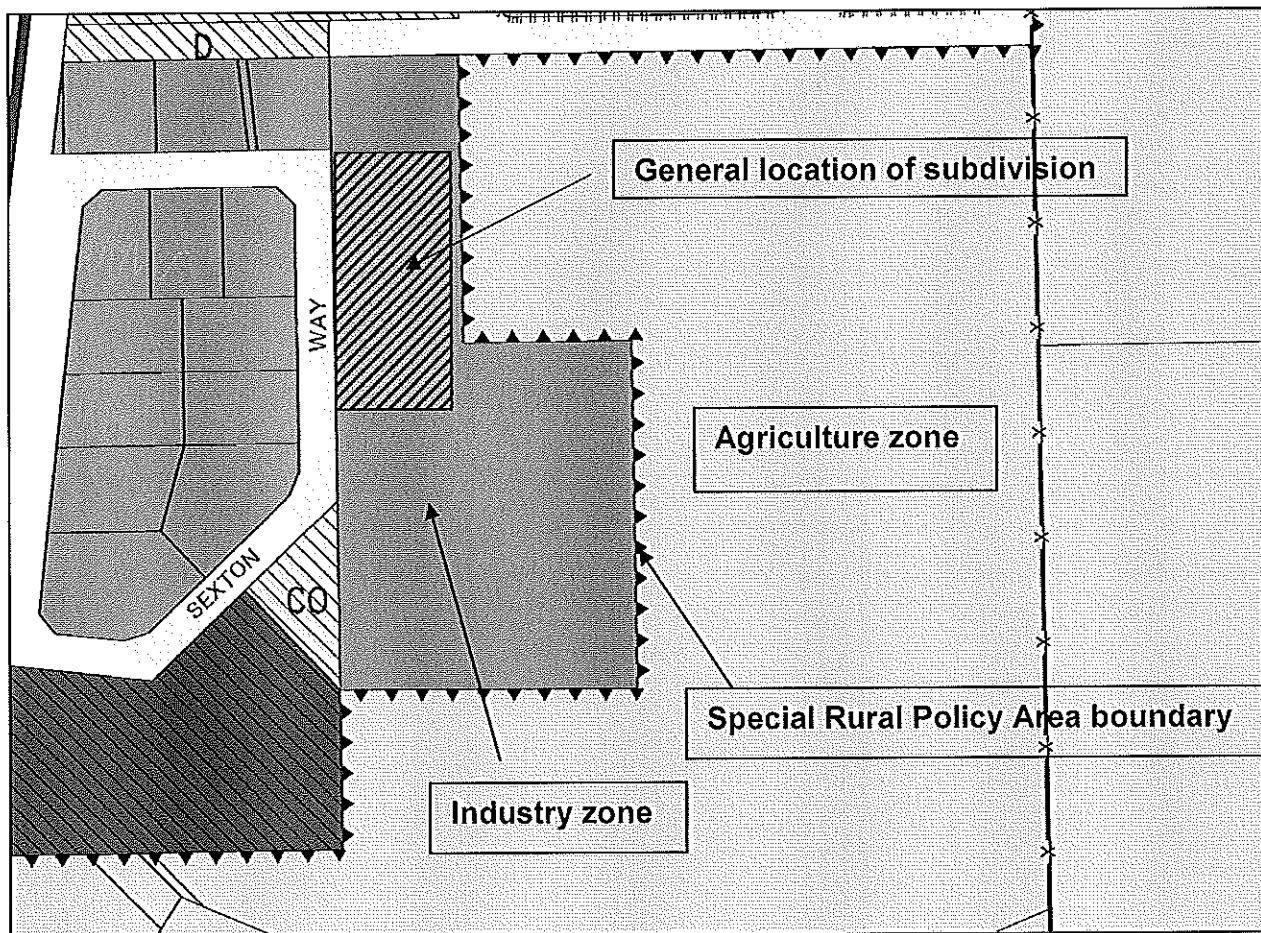
That Council in relation to the Subdivision referral of Subdivision Application WAPC No.139347 resolve to advise the WAPC that:

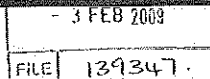
- A. From the additional information provided by the Applicant in the form of two (2) concept plans, Council is satisfied that a 'Development Guide Plan' pursuant to Schedule 14 of the Shire of Nannup Local Planning Scheme No. 3 ('Scheme') is not required in this instance.

- B. No objection is offered in relation to the WAPC approving Subdivision Application No.139347, subject to the inclusion of the following conditions.
1. The developer entering into a legal agreement with the Shire in relation to acceptable and practical provisions for 'dry' industrial use and development along with necessary legal mechanisms on the title to make land owners aware of the legal agreement. All cost associated with the legal agreement, including Council costs shall be borne by the developer.
 2. The developer to construct crossovers to all new lots to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
 3. Proposed lot 2 and lot 6 being truncated to the standard truncation of 8.5 metres in anticipation of a future road being developed along side both lots.
 4. Satisfactory arrangements being made with the Shire of Nannup for the upgrading of Sexton Way prior to the issue of clearance(s). In this regard, the upgrading will involve curb and channelling along with a contribution to the overall upgrading of Sexton Way to the requirements of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup, prior to commencement of any works.
 5. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and a geo technical submission and be approved by the Shire of Nannup, prior to commencement of any works.
 6. The developer is to design and construct the subdivision, taking into consideration the standards adopted by servicing authorities to guide the provision of services in common / shared trenches to the satisfaction of the Shire of Nannup.
 7. Uniform fencing being provided along the boundaries of all lots and being constructed by the subdivider to the specifications and satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings for approval.
 8. The land being connected to the drainage system at the subdivider's cost along with a contribution to the cost of an upgrade of the system to the satisfaction of the Shire of Nannup. Details to be submitted with engineering drawings and approved by the Shire of Nannup prior to commencement of any works.

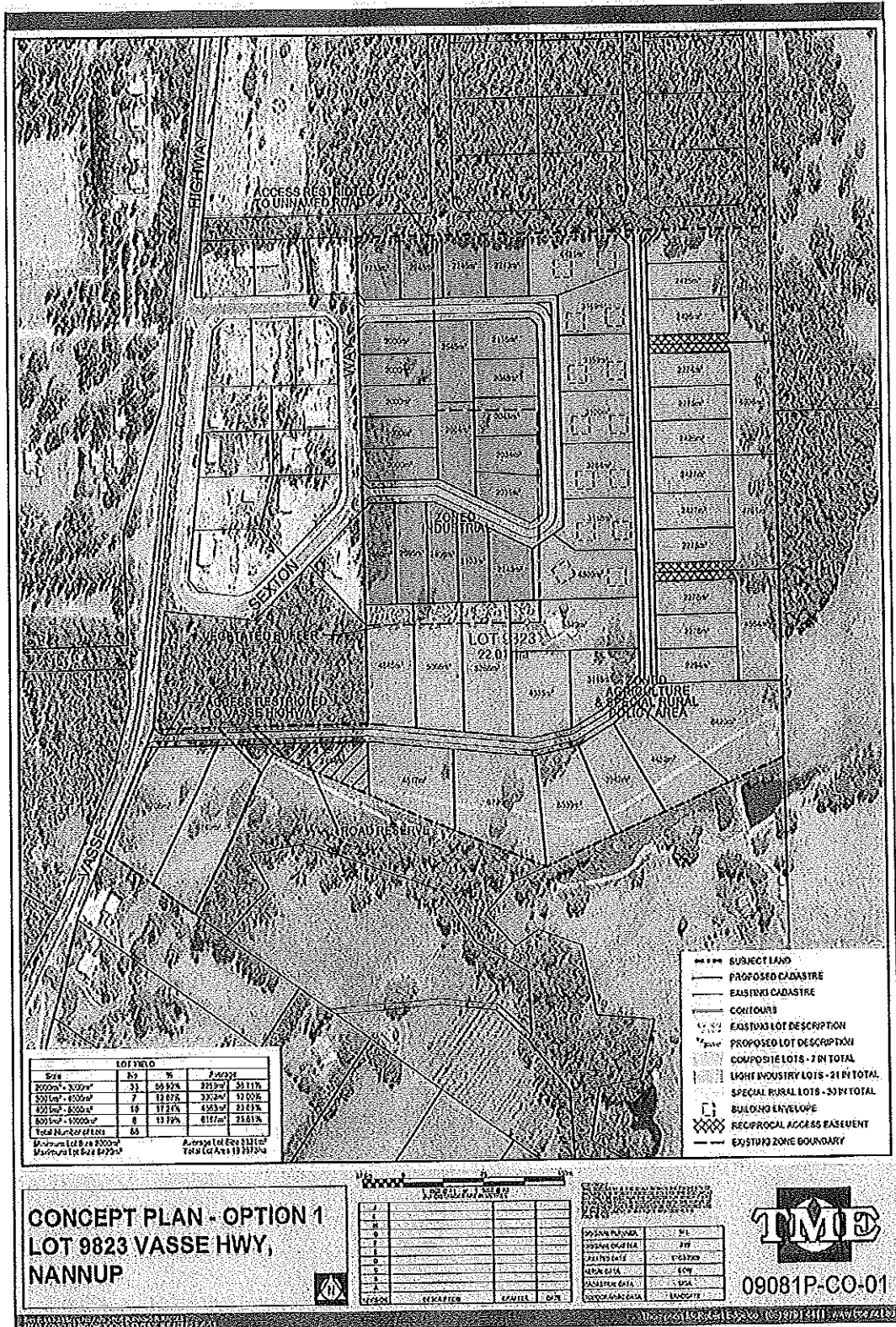
CARRIED 7/0

LOCATION AND ZONING MAP

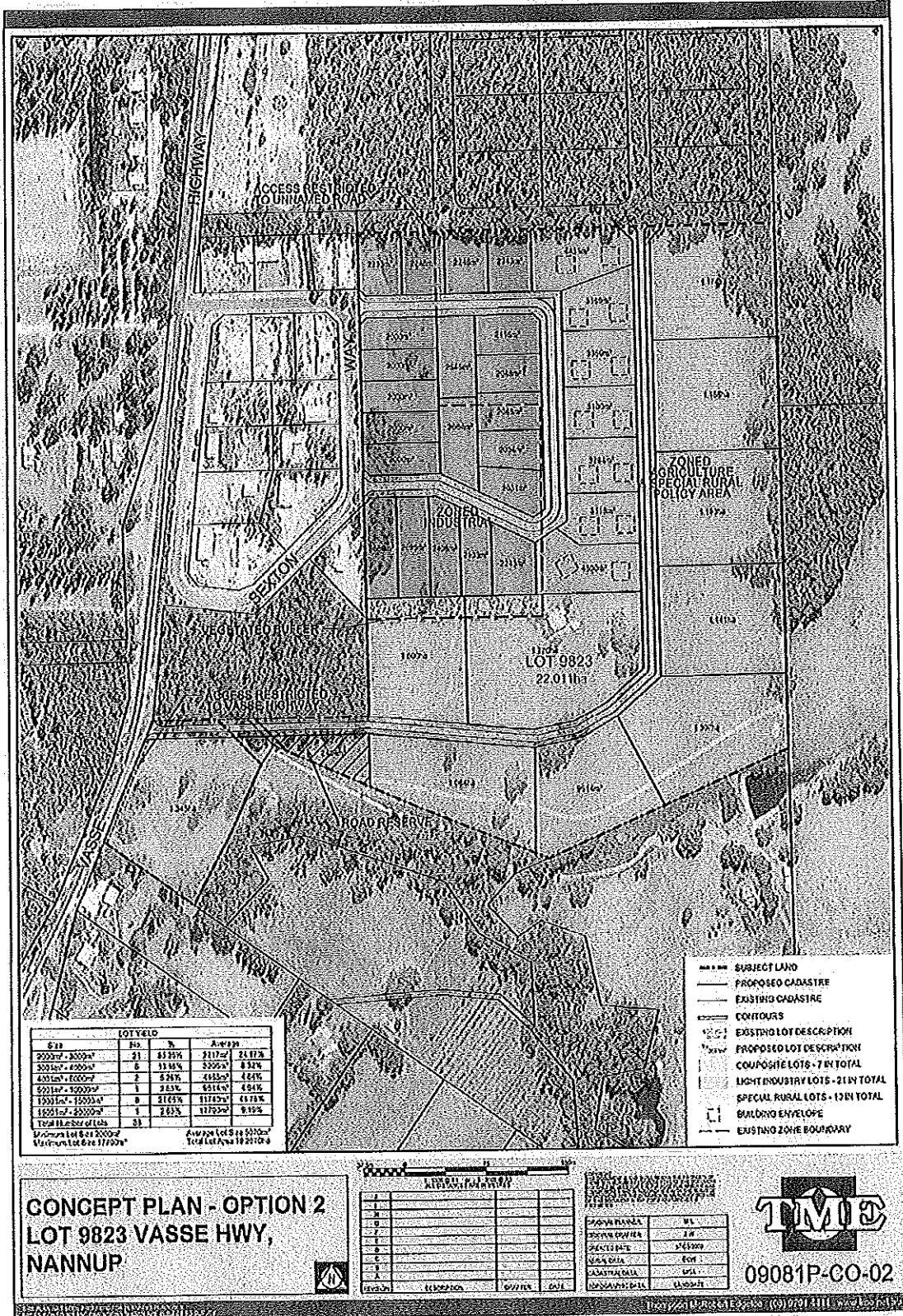




Attachment 3 Subdivision and Development Concept #1



Subdivision and Development Concept # 2



Councillor Lorkiewicz declared a financial interest in the following item and left the meeting at 5.08pm.

AGENDA NUMBER: 10.4
SUBJECT: Request to adopt draft Amendment No. 3 to Town Planning Scheme No. 3 for Final Approval
LOCATION/ADDRESS: Lot 74 East Nannup Road Nannup
NAME OF APPLICANT: Land inSights on behalf of Fast Sands Pty Ltd (Nannup Valley Resort)
FILE REFERENCE: A 1041
AUTHOR: Rob Paull - Planning Consultant.
DISCLOSURE OF INTEREST:
DATE OF REPORT: 7 April 2009

Attachments:

1. Location and Zoning Plan.
2. Draft Amendment No. 3 to Town Planning Scheme No. 3 including draft Development Guide Plan (as advertised).
3. Draft Development Guide Plan (Revised).
4. Schedule of Submissions.
5. Recommended Modifications to draft Amendment No. 3 to Town Planning Scheme No. 3.
6. Recommended Modifications to draft Development Guide Plan.

PURPOSE:

The purpose of this report is to:

- Update Council on the key events since Council last considered the scheme amendment request;
- Formally advise Council of the results of the public advertising of the scheme amendment;
- Consider key issues; and
- Consider whether or not Council wishes to support final approval of draft Scheme Amendment No. 3 with or without modifications.

BACKGROUND:

1. The Proposal

The proponent seeks Council's support to rezone Lot 74 East Nannup Road Nannup from 'Agriculture' to 'Special Use' to facilitate additional Tourist Accommodation and related uses. The following additional use and development was identified in the Amendment and on a draft Development Guide Plan comprising advertised for public comment with the Amendment:

- Enlarging the existing Chalets (to 3 bedrooms).

Signed:

Dated 28 May 2009

- Constructing a new restaurant.
- 9 additional Chalets in the southern area of the site (3 bed chalets)
- Day Spa building (no bedrooms).
- A combined Manager's residence and office administration building (two storey).

Recreational facilities including tennis court, pool, barn, boat shed, jetty and golfing facilities.

A revised Development Guide Plan has been submitted (after advertising) reflecting the following:

- Enlarging the existing Chalets (to 3 bedrooms).
- Constructing a new restaurant.
- 23 additional 'spa suites' (single beds).
- A combined Manager's residence and office administration building (two storeys).

Recreational facilities including tennis court, pool, barn, boat shed and jetty. No development is proposed within the southern (undeveloped) area of the Site

2. Subject land and Nearby Land Details

Presently the property contains the following improvements:

- Single Dwelling.
- 4 Chalets.
- Convention Centre (Guest Function Facility).
- Accommodation Building consisting of 3 self contained units.

The topography of the site consists of steeply sloping land running from the south-west corner of the site to the north-east boundary. The highest point is situated at the south-west corner of the site (240m AHD). The land slopes towards the north-east boundary of the site to form a valley roughly where the lake is located (125m AHD). The land then rises steeply through to the plantation north of the site. Development is concentrated on the southern side of the lake within the valley.

The site consists of a lake which enters the property from the north-west corner and extends in a south-east direction. The lake has existed for a number of years and has been formed through the damming of a creekline (Long Gully) which is a tributary of the Blackwood River.

A majority of the development on the site is concentrated around the lake, including the restaurant and lodge, recreation buildings and facilities, chalets and spa suites. Approximately half of the site is covered in remnant vegetation. A large majority of the vegetation exists in the centre of the property. A small amount of fringing vegetation also exists along the banks of the lake. Vegetation on the site mainly consists of marri, jarrah, blackbutt, wandoo and peppermint trees.

Surrounding properties are used for rural purposes. There is a property abutting the western boundary of the site that is currently used for cattle raising and agistment, with land to the south is used as a dairy farm. A plantation exists to the north on the opposite side of East Nannup Road which is managed by the Forest Products Commission. A significant proportion of the plantation directly across the road from the site was felled in the last year.

3. Local Statutory and Policy Framework

The principle 'strategic' document in support of the proposed rezoning of the subject land is the Local Planning Strategy. The relationship between the Local Planning Strategy and the Nannup Townsite Strategy is outlined in the Local Planning Strategy as such:

"In addition to the recommendations of the Townsite Strategy, Council, via this Local Planning Strategy, has adopted a philosophy of encouraging infill and consolidation of the townsite strategy area instead of identifying additional land for settlement outside of these areas."

The Local Planning Strategy has identified that tourist development has provided for the economic development of the Shire and contributed to population growth. The Local Planning Strategy has also noted opportunities exist for nature based tourism within the Shire.

The subject land is located within Rural Planning Precinct NR53 of the LPS, where:

"Consider proposals for tourism development as a means of rural diversification subject to avoidance of conflict with existing agricultural land uses".

The primary policy within the Local Planning Strategy is found at Section 17: 'Local Planning Policy Framework – Tourism'. The following objectives are stated for tourism at Section 17 of the LPS:

"Ensure that tourism/recreation use and development in the Shire is managed, located, designed and sited in a manner which protects and enhances the special environmental and landscape characteristics of the area.

Encourage tourism and recreation uses that:

- *are located, sited, managed and designed in a manner which protects and enhances the special environmental and landscape characteristics of the district;*
- *minimise adverse impacts on the amenity of local residents;*
- *relate to their immediate environment;*
- *have an appropriate standard of public road access;*
- *enhance the predominantly rural character of the Shire; and*

- *recognises the intrinsic value of existing natural vegetation and its value as a refuge or habitat for wildlife."*

The policy statement within the Local Planning Strategy in relation to tourism development also notes that chalet (holiday cottage) developments that propose more than five chalets will require rezoning to 'Special Use' to facilitate the proposal, and also contains a number of considerations with which any such proposal should be consistent.

The Local Planning Strategy defines the term 'Major Tourist Facilities' as follows:

"Major tourist facilities provide leisure and recreation facilities which occupy a site of more than 2 hectares or which provide for more than 50 visitors at any one time".

The Local Planning Strategy states that major tourist facilities should be located;

- *"within or adjoining Nannup Townsite on sites which can provide convenient access to a full range of retail, community and other support services; or*
- *in rural areas on sites where the proposed facility will be ancillary to an agricultural activity being carried out on the land;*
- *on sites where the facility can be accommodated without causing any adverse effects on the character and amenity of adjoining and nearby areas; and*
- *on a site that is connected to reticulated sewerage or is large enough to enable all wastewater to be adequately treated and retained within the boundaries of the lot.*
- *In the Agricultural, Agriculture Priority 1, Agriculture Priority 2, Cluster Farming and Coastal Landscape zones only where the use will:*
 - *be located to avoid potential conflict with normal farming operations or adjoining or other nearby properties;*
 - *be on sites that are at least 2 hectares or otherwise large enough to provide effective visual screening and buffering of the proposed use from adjoining land and maintain the overall character of the area; and*
 - *not contribute to a concentration of similar land use activities that would alter the established character of the surrounding area or detract from its amenity.*
- *Where the development of a major tourist facility is proposed on land outside of the Nannup Townsite a rezoning to the Special Use Zone will be required prior to development commencing. Within the townsite, the need for rezoning of the land will be determined by the permissibility of the proposed uses within the existing zoning of the land.*
- *Development shall be connected to a system suitable for treating the anticipated volume of effluent on-site. In the absence of a reticulated sewerage system being available the need for alternative treatment units will be considered".*

In discussions with Staff, the Proponent's planning and fire Management consultants were advised to consider significant modifications the Amendment, Development Guide Plan and the Fire Management Plan to ensure that both fire protection and limitations on

adjoining rural properties were significantly improved. The (revised) draft Development Guide Plan is as a result of these discussions.

4. Development Guide Plan

LPS3 includes at Schedule 14, specific requirements for the preparation of Development Guide Plans. The DGP process is to be run concurrently with this amendment as a component of amending documentation.

The issues identified by Schedule 14 have been addressed in the DGP and amending documentation where relevant. The proponent has provided a DGP that has been modified since advertising and includes Planning Notations and amendments to reflect the issues raised by the DEC.

As the DGP requirements identified in Schedule 14 cover a variety of possibilities for the requirements of Development Guide Plan, those items not relevant (such as the provision of community services) have not been addressed. In addition, recognition is given to the further process of detailed information requirements at the development application stage.

5. Remnant Vegetation

Remnant vegetation on the subject land has been subject to previous disturbance, particularly in the areas adjacent to the proposed chalet locations. This has been a determining factor in the location of the proposed chalets. Although the removal of vegetation for the chalets in the southern portion of the site was not a significant issue, the provision of access and the steep slope to get to the chalets would have resulted in significant removal of vegetation. The revised plan will require the removal and trimming of vegetation, it is nowhere as significant as that indicated in the original proposal. It should be noted that some further impact at the fringes of this vegetation will be required to establish to building and hazard reduction zones about proposed chalets.

6. Access

Access to the subject land is from East Nannup Road – a sealed road that is generally in good condition. No other access is available to the subject site.

7. Warren-Blackwood Rural Strategy

The Warren Blackwood Rural Strategy (WBRS) was developed as a collaborative overarching approach to strategic planning for the Warren Blackwood region, with many of those outcomes embodied within LPS 3. The WBRS does make some observations from a strategic perspective that are of relevance to the future development of the subject land, and the place of the proposed Special Use zoning within the general objectives for the region.

The WBRS summarises the outcomes of the WBRS, and in this summary of major findings and recommendations, identifies the following for the development of tourism relevant to this proposal:

- Up to five chalets may be appropriate within the agricultural zone, however further development requires rezoning;
- Formal planning consent should be required for all tourism development;
- Tourism development should not constrain normal agricultural use on adjoining land; and
- Tourism developments should not conflict with the management objectives of CALM (DEC).

The WBRS also identifies the importance of the protection of agricultural land, to which end areas of land strategically important for agricultural purposes have been identified. The subject land is not identified as 'significant agricultural land' in the WBRS, as suitable for perennial horticulture, or as 'versatile agricultural land' in the agricultural quality mapping of the WBRS.

The majority of the subject land appears to be within the 'Priority Agriculture' designation of Planning Unit BR2 of the WBRS. The scale of the WBRS mapping is 'awkward', but it would seem that the portion fronting East Nannup Road is also within the 'Agriculture' designation. Low-key tourism is identified as a 'primary use' in 'Agriculture' and a secondary use in 'Priority Agriculture'. It should be noted that adjoining land to the south and east are clearly "Priority Agriculture".

It should be noted that the subject land has not been given the 'Priority Agriculture' designation under the Planning Scheme (where it is zoned 'Agriculture'). Adjoining land to the south and east however is zoned 'Agriculture Priority 2' under the LPS 3.

With respect to the above, the recommended Amendment:

- proposes specific controls over the future development of the subject land, essentially prohibiting development for non 'rural' purposes where it abuts "Agriculture Priority 2' on the southern portion of the subject land;
- will require formal planning consent for any future development (although this needs to be clarified in modification to the Amendment);
- is not anticipated to conflict issues in terms of agricultural activities provided development reflects the revised Development Guide Plan; and
- will require a fire management regime to the requirements of the Shire and satisfaction of FESA.

8. WA Tourism Taskforce Report

A Ministerial Taskforce reporting to the (then) Hon. Minister for Planning and Infrastructure investigated issues relating to tourism planning and the use of strata title in tourism developments.

Signed:

Dated 28 May 2009

This 'Tourism Planning Taskforce Report' (TPTR) identified several key findings for the development of tourism projects and the use of strata title, which have been recognised in the Proposal and the proposed zoning of the subject land. Associated with the TPTR an 'Attributes of Success for Strata Titled Tourism' (ASSTT) was produced.

Should Council support the revised Amendment, these elements will need to be incorporated within the Amendment.

9. WAPC Planning Bulletin 83 – Planning for Tourism

Planning Bulletin No. 83 (PB83) sets out the WAPC's interim position to implement the recommendations of the Tourism Planning Taskforce Reports. PB83 is to be used as an interim guide for local government and the WAPC pending the preparation of a State Planning Policy address this issue. Many of the recommendations of the Tourism Planning Taskforce are specific to the development of local government and WAPC policies and strategy however there is also recognition of the use of strata schemes to finance tourism developments, and that this should be qualified by requirements for integrated development and management. PB83 provides that strata subdivision of tourism developments should be subject to consideration of whether the proposal will:

- Facilitate the development of a sustainable tourism facility;
- Provide for current and future tourism demand;
- Accommodate the necessary services, management and support facilities without compromising the character, development flexibility or tourism amenity of the site.

Should Council support the revised Amendment, these elements will need to be incorporated within the Amendment as relevant.

10. Council Resolutions, EPA Environmental Clearance and WAPC Consent to Advertise

In 2005, the proponent sought an Amendment to Town Planning Scheme No. 1 requesting the subject land be zoned to allow tourist use/development. At the Ordinary Shire Council meeting on June 2005, Council resolved to initiate an amendment to the then relevant and now superseded Town Planning Scheme No. 1, subject to the preparation of formal documentation. However the amendment did not progress past the initiation stage. Council at its Meeting held on 28 February 2008 resolved as follows:

1. *That Council initiate an amendment # 3 to Local Planning Scheme # 3 for rezoning of Lot 74 East Nannup Road Nannup from 'Agriculture' to 'Special Use' zone.*
2. *That Council request the proponent to prepare amendment documents prior to Council considering the amendment for formal adoption.*

The fee has been paid and the advertising process undertaken.

11. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 3 for 42 days and met the requirements of the WAPC including writing to adjoining/nearby neighbours, seeking the advice of relevant agencies, placing a sign on-subject land, placing a public notice in the Nannup-Bridgetown Times and details being available for public inspection at local public libraries and at Shire's Customer Service Centre in Nannup.

Seven (7) submissions were received on draft Scheme Amendment No. 3 during the advertising period and these are summarised in the Schedule of Submissions (note Attachment 4), along with a recommended action. Copies of all submissions are available to Councillors on request.

Two (2) submissions were received from landowners/individuals with four (4) submissions from State Government departments and one from the Shire's Fire Management Officer. The following summarises the submissions:

- Two (2) submissions made comment on draft Scheme Amendment No. 3 without modification;
- five (5) submissions either opposed or sought modifications to draft Scheme Amendment No. 3.

The issues raised in the submissions can either be addressed in modifications to draft Scheme Amendment No. 3 or are dealt with in the existing provisions.

It should be noted that the revised draft Development Guide Plan addresses many of the issues raised by submitters, in particular, fire management, agricultural setbacks and vegetation removal.

12. Fire Risk Assessment

In relation to fire risk, a draft Fire Management Plan (FMP) accompanied the Amendment Report. The draft FMP was not supported by FESA or the Shire's Fire Management Officer due to the extreme fire risk of the locality and the slope of the land where access was required to reach the proposed chalets of the 'original' Development Guide Plan. As noted, the proponent has provided a revised Development Guide Plan addresses fire management, however this would need to be considered in light of a further revised Fire Management Plan, should Council adopt the Amendment for final Approval in the recommended modified form.

To ensure protection from possible fire risk, the Shire has recommended chalet buildings be to a higher standard (level 2) than may ordinarily be required and also, the provision of hydrants to the chalets. This would have the affect of being 'retrospective' as the revised Development Guide Plan includes the existing chalets with 'clusters' of old and new chalets. In this regard, the Shire has recommended that following provisions be inserted into the Amendment:

- *Preparation and implementation of a fire management plan (prepared to the requirements of FESA and DEC) which amongst other things, identifies fire risk and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.*
- *Fire hydrant outlet is to be located centrally within each cluster of chalets. Hydrants are to have a minimum flow of 600litres /minute and fire fighting water supply is to be 250,000litres.*
- *All chalets shall be designed and constructed in accordance with the requirements of Standards Australia AS3959-1999 "Construction of Buildings in Bush Fire Prone Areas" (Level 2) construction standards. Should the revised AS3959-2009 standard require a higher degree of construction, the revised AS3959-2009 shall prevail.*

13. Suggested changes to the draft Scheme Amendment Provisions

From the submissions received and the assessment by the Shire, modifications to Amendment No. 3 are considered necessary.

The significant modifications relate to deletion from the Development Guide Plan advertised with the Amendment, development of southern half of the property. In this regard, a comparison with the 'advertised' Development Guide Plan and the 'revised Development Guide Plan, the Proponent's planning consultant has advised as follows:

'advertised' Development Guide Plan	'revised Development Guide Plan
<ul style="list-style-type: none"> • 4 existing chalets – 8 bedrooms (2 bedrooms in each chalet). • 9 new chalets – 18 bedrooms • Existing 3 chalets ('spa suites') – 3 bedrooms (1 bedroom in each unit). • Existing house – 3 bedrooms. • Manager accommodation – 2 bedrooms 	<ul style="list-style-type: none"> • 4 existing chalets – 8 bedrooms (2 bedrooms in each chalet). • Existing 3 chalets ('spa suites') – 3 bedrooms (1 bedroom in each unit). • 16 new single bedroom chalets ('spa suites') (16 bedrooms). • 7 new single bedroom chalets ('spa suites') attached to the existing restaurant. • Existing house (3 bedrooms) modified to be a 3 bedroom chalet. • Manager accommodation – 2 bedrooms
Total – 34 bedrooms	Total – 39 bedrooms

One area that will need to be clarified is the setback of buildings to boundaries. Under the existing provisions of the Agriculture zone, a minimum setback of 20 metres applies. The 'existing house' (identified on the revised Development Guide Plan as 'Existing Deluxe

Chalet Building' - on the western boundary) is in fact the existing house. This appears to be located about 20 metres from the boundary. Whilst no objection is seen for the conversion of house to a chalet, the setback of 20 metres should be applied as a standard which reflects the setback requirements of the existing zone. It should be noted however, that a setback to the Pine Plantation should be to the requirements of the DEC and FESA.

A 'caretaker's dwelling' is no longer shown on the revised Development Guide Plan. The only reference to such accommodation is the "*Reception/Administration and Manager's Accommodation*". To avoid confusion, the Amendment should indicate that the 'caretakers dwelling is associated with the Manager's Accommodation". In addition, given the extensive modifications to the Development Guide Plan and the submissions received, it is appropriate to have the Council assessment of all permitted uses. In this regard, the following notation in the Amendment is recommended:

All 'permitted land uses' shall be deemed to be 'D' uses pursuant to the Scheme.

It is noted that the advertised and revised Development Guide Plan refer to an extended dam/lake on the property. This has obvious aesthetic values for the development but also has fire fighting benefits too. However, there could be some issue in that the water source is essentially shared with the adjoining land (lot 73). In this regard, planning assessment should be sought for any such works. In addition, prior to any buildings or works on the Subject Land it is appropriate that a landscape assessment be prepared in relation to the view from adjoining Lot 74 and from East Nannup Road.

To ensure that the above matters are addressed, they should be included as provisions on the Development Guide Plan.

14. Suggested changes to the draft Scheme Amendment Report

It is necessary for draft Scheme Amendment No. 3 Report to be modified to provide for some minor formatting changes, administrative "tidy ups", fire management as discussed in this Report.

15. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No. 3 with or without modifications, Scheme Amendment No. 3 is then referred to the WAPC. The WAPC then makes its assessment and provides a recommendation to the Minister for Planning who makes the final decision on whether or not to grant final approval. If the Minister grants final approval, the Scheme Amendment No. 3 will, in time, be gazetted.

16. Conclusion

The revised Development Guide Plan appears to have addressed many of the concerns raised in relation to fire protection and impacts on adjoining and nearby rural land on the bases that the rear area does not include chalets.

The Proponent's Consultant has commented on the issue of the revised Development Guide Plan as follows:

"I also implore you to keep in mind that the plan was amended by the request of the Shire who asked for all development in the southern half of the property to be removed and it was agreed that another option would be to relocate these chalets amongst the existing development. The current plan reflects the Shire's wishes, while also aiming to retain a similar number of bedrooms/density as the previous plan".

The planning consultant also advised that the revised Development Guide Plan proposes 39 bedrooms, which are 5 more bedrooms than that proposed in the previous plan. The Proponent does not consider this to be a substantial increase.

It should be noted that at no stage did the Shire 'request' any modification to neither the Amendment nor the Development Guide Plan. The Shire simply provided the opportunity for the Proponent to revise the proposal based on the submissions and the reality that the proposal in the form sought was unlikely to be supported. The design of the Development Guide Plan is totally that of the Proponent and has not been 'requested' by the Shire.

The revised Development Guide Plan has removed what Staff considers to be the most significant of issue – being the development of the steep southern portion of the site. If this had not been undertaken, it is likely that the Amendment would not have been supported or at the very least, significantly modified. In response, the development concept now occurs in the 'front' section of the site and is more 'clustered'.

It is recommended that Council support final approval to Amendment No. 3 to LPS 3 subject to modifications to draft Scheme Amendment No. 3 provisions as set out in this Report and included in Attachment 5.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Town Planning Regulations 1967 (as amended), LPS 3.

POLICY / STRATEGIC IMPLICATIONS:

The subject land is located within Rural Planning Precinct NR3 of the LPS, where tourism is to be encouraged as a means of rural diversification, subject to addressing land use conflict issues.

However, the Amendment establishes some issues of density that need to be addressed in the longer term. The Local Planning Strategy states that:

Signed:

Dated 28 May 2009

- *The minimum number of chalets permitted to be developed at a site shall be two (2);*
- *Chalet developments in excess of five (5) units will require rezoning to the Special Use Zone;*

The Local Planning Strategy's direction is useful, however it is limited in that it doesn't address density or yield in relation to chalet development.

For example, the Shire of Busselton through its 'Rural tourist Accommodation Policy' generally seeks one chalet per 3 ha on rural areas to a maximum of 10 chalets. On land defined for rural/tourism, the ratio is the same but the site opportunities /constraints generally determines the yield.

The yield sought for this Amendment is 30 chalets and with a site area of 22.6 ha, results in one chalet per 0.75 ha. However, it should be noted that 26 of the 30 chalets are intended to be single bedroom. In this regard, a limit on the number of bedrooms is recommended in this instance.

As with Amendment 4 (which was considered by Council in January 2009), it is not suggested that the Amendment be modified or deferred to address the yield/ratio of chalets per ha., as this Amendment was initiated by Council some time ago. However, it would be appropriate for council to consider investigating the establishment of a 'rural/tourist' policy (possibly a modification to the Local planning Strategy that addresses the above matters).

SUSTAINABILITY IMPLICATIONS:

Environmental

A range of environmental issues have been considered at the draft Amendment stage and will be considered in greater detail at the development application and potentially, at strata-subdivision stages by relevant agencies and the Council.

Economic

Adoption of the Amendment could result in opportunities for additional low-key tourist development which can assist in providing economic benefits to the local economy.

Social

The proposal will provide additional recreational opportunities for tourists and possibly, locals.

FINANCIAL IMPLICATIONS: None anticipated.

VOTING REQUIREMENTS: SIMPLE MAJORITY

RECOMMENDATION:

That Council resolve to:

1. Support final approval to Scheme Amendment No. 3 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lot 74 East Nannup Road Nannup from 'Agriculture' to 'Special Use' zone to facilitate to facilitate tourism development (via an approved Development Guide Plan).
2. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 4.
3. Require the modifications to Scheme Amendment No. 3 provisions as set out in Attachment 5.
4. Require the modifications to the Development Guide Plan as set out in Attachment 6.
5. Request the Western Australian Planning Commission support and the Minister for Planning grant final approval to Scheme Amendment No. 3 to LPS 3, with the modifications set out in Resolution 3. (above).

8156 BOULTER/ DEAN

That Council resolve to:

1. Support final approval to Scheme Amendment No. 3 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lot 74 East Nannup Road Nannup from 'Agriculture' to 'Special Use' zone to facilitate to facilitate tourism development (via an approved Development Guide Plan).
2. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 4.
3. Require the modifications to Scheme Amendment No. 3 provisions as set out in Attachment 5.
4. Require the modifications to the Development Guide Plan as set out in Attachment 6.
5. Request the Western Australian Planning Commission support and the Minister for Planning grant final approval to Scheme Amendment No. 3 to LPS 3, with the modifications set out in Resolution 3. (above).

CARRIED 5/1

Councillors voting for the motion: Dunnet, Pinkerton, Camarri, Dean and Boulter.

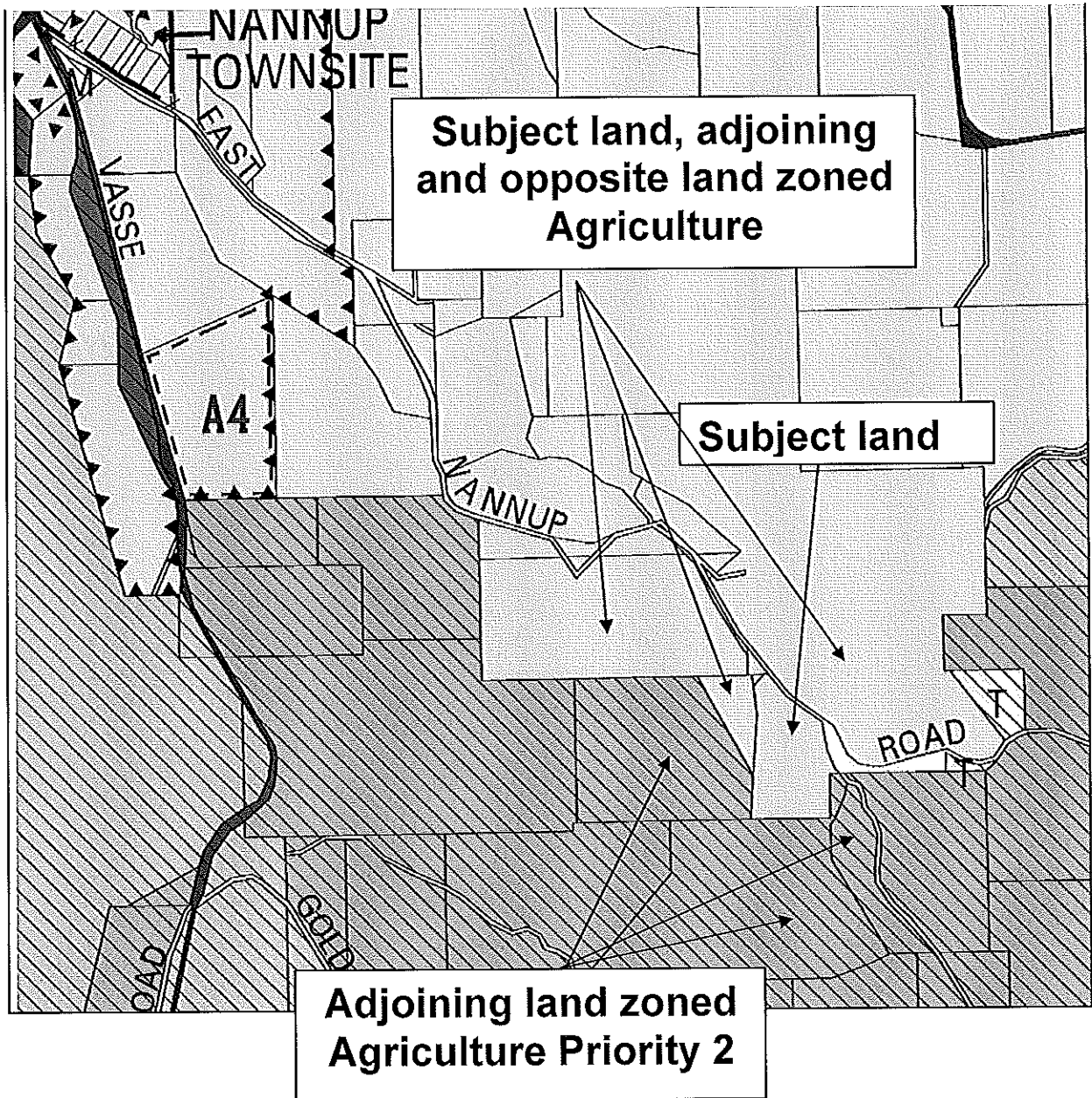
Councillor voting against: Taylor.

Councillor Lorkiewicz returned to the meeting at 5.15pm

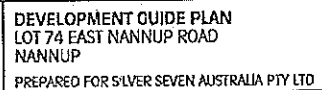
Signed:

Dated 28 May 2009

LOCATION AND ZONING MAP



draft Amendment No. 3 to Town Planning Scheme No. 3 including draft Development Guide Plan (as advertised).



PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
SHIRE OF NANNUP
LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO.3

The Shire of Nannup, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

- I. Rezoning Lot 74 East Nannup Road, Nannup from *Agriculture* to *Special Use*.
- II. Adding the following particulars to Schedule 4 – Special Use Zones.

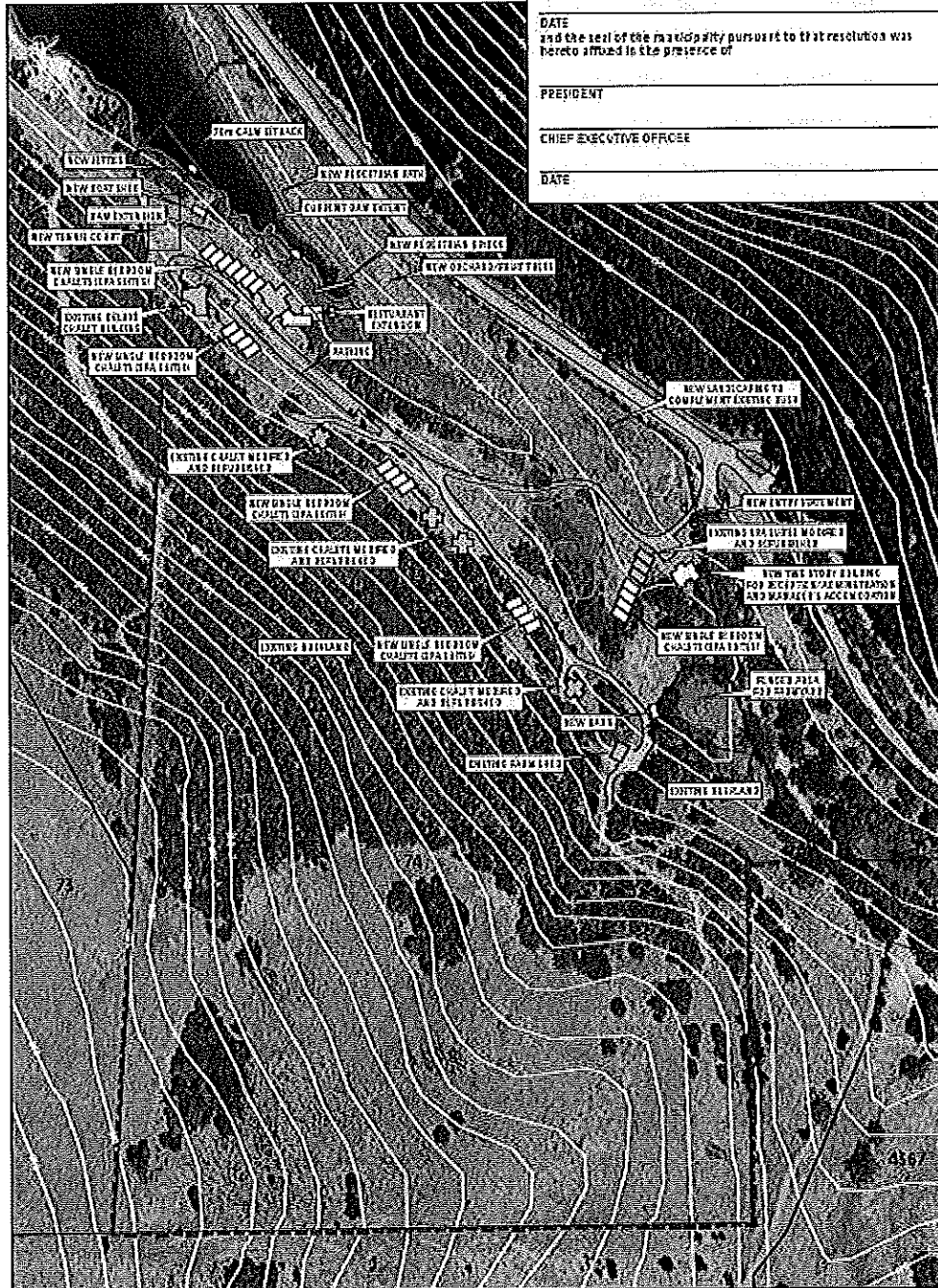
SCHEDULE 4 – SPECIAL USE ZONES		
DESCRIPTION OF LAND	PERMITTED LAND USE	SPECIAL PROVISIONS
Lot 74 East Nannup Road, Nannup	<ul style="list-style-type: none"> • Chalet development • Caretaker's dwelling • Administration office • Restaurant • Reception centre • Recreation and leisure • Rural pursuit 	<ol style="list-style-type: none"> 1. Development of the site shall be generally in accordance with the Development Guide Plan adopted by Council and endorsed by the Chief Executive Officer. 2. No trees or substantial vegetation shall be felled or removed from the site except where – <ol style="list-style-type: none"> i. Required for approval development works; ii. The establishment of a firebreak is required by Regulation or By-Law; or iii. Trees are dead, diseased or dangerous. 3. A development application shall be lodged and approved by Council prior to the commencement or development of any permitted uses. 4. Where required, each habitable building is to be connected to its own water storage tank of a minimum capacity of 50,000 litres or an alternative potable water source complying with relevant standards to the satisfaction of Local Government. 5. Where required, each habitable building is to be connected to an approved effluent disposal system to the satisfaction of the Local Government and the Department of Health WA following investigation and determination from a qualified consultant that will make recommendations for new development as well as existing

		<p>development.</p> <p>6. All buildings shall be designed in accordance with the Australian Standard for Building in Bush Fire Prone areas.</p> <p>7. A Fire Management Plan will be prepared at the amendment stage to the satisfaction of the Fire and Emergency Services Authority and Council. The plan is to be prepared in accordance with the publication '<i>Planning for Bushfire Protection Policy 2001</i>.' All development and ongoing management on the site to comply with the requirements of the Fire Management Plan. Recommendations from the Fire Management Plan are to be implemented at the planning approval development stage.</p> <p>8. No person shall occupy a chalet for more than a total of three months in any twelve month period.</p> <p>9. Prior to the commencement or development of any permitted uses, a Section 70A notification of the <i>Transfer of Land Act 1893</i> be lodged on the title of Lot 74 East Nannup Road Nannup stating that the property is within an agricultural area and agricultural practices may impact on the amenity of the land.</p>
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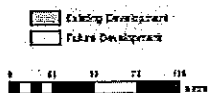
iii. Amending the Scheme Map accordingly.

Adopted by resolution of the Council of the SHIE OF HANNUF at the ordinary meeting of the Council held on the

DATE _____



1:2,500



PERMITS NO.	771	DATE	1 Apr 1981	SILVER SEVEN AUSTRALIA PTY LTD LOT 74 EAST NANNUP ROAD NANNUP DEVELOPMENT GUIDE PLAN
PERMITS NO.		DATE	1980	
PERMITS NO.		DATE	1980	
PERMITS NO.		DATE	1980	
PERMITS NO.		DATE	1980	

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
1	Patricia Fraser, Lot 73 East Nannup Road NANNUP WA 6275	<p>A) It will affect many agricultural businesses.</p> <p>B) The fire risk is already too great...the fire hazard must be taken in with a lot of consideration and thought.</p>	<p>A) Note and agree in part. It is likely that the original Development Guide Plan (DGP) would have had negatively impacted upon the agricultural uses of adjoining land - especially land zoned 'Agriculture-Priority 2' under the Scheme. The access to the rear of the property was via an extreme slope whereby vegetation would need to have been removed and substantive modification to the land would have been required for safe vehicle and fire access. The modified DGP focuses the tourist uses within the existing developed area. In addition, it is recommended that a provision be included in the Scheme that provides for the southern portion to only be used for 'agricultural' purposes.</p> <p>B) Note and agree in part. The fire risks both within and outside the site from the original Development Guide Plan (DGP) where chalets were proposed in the rear (southern) portion was considered unacceptable. The Fire Management Plan (FMP) as provided is not supported.</p> <p>It is recommended that a hydrant system be established for fire protection and the chalets be developed to Australian Standard Level 2 AS 3959 of 1999 Construction of Buildings in Bush Fire Prone Areas. A revised FMP that reflects the revised DGP will be required along with a FMP for any development. The FMO will have a significant role in considering the 'endorsed' FMP</p>	Modification as Recommended
				Modification as Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		C) The capacity if the existing development on site...can't at least 43 people stay at this development already? Why is more needed?	C) Noted. The proposal is to modify the zoning of the land to allow what is essentially a tourist 'enclave'. The need for such use and development is not necessarily a matter for Council. The issue relates to the planning merit and the impact on the use and enjoyment of adjoining land. The modifications recommended seek to limit any off site affects.	Modification as Recommended
		D) I will have all their vehicles that will be somehow getting up the steep hill so they can play golf and the new recreation amenity building. If you don't think that is going to affect me and my cattle, please tell me how and why.	D) Note response to A) above.	Modification as Recommended
		E) How is it that our working patterns are more important to the tourists i.e. noise, dust, odour, spray drift, than what they can do to us?	E) Note response to A). B), C) above.	Modification as Recommended
		F) There is already plenty of tourist chalet developments in the Nannup Shire. Most have either been sold or are on the market for sale so there can't be much money to be made in the tourist stay dollar.	F) Noted. The monetary value of the proposed use is not a matter for Council concern.	No Modification Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
2	Victor & Joan Lorkiewicz, Loc 4367 East Nannup Road, NANNUP WA 6275	<p>A) This proposal is not low key tourist development permissible in a priority agriculture zone as identified in the Warren Strategic Rural Plan page 71 (in the Agriculture zone promote and facilitate diversification and intensification of sustainable agriculture production within the capacity of the land with some allowance for the inclusion of low key tourist development).</p> <p>B) Nannup Valley Resort, we believe, already exceeds what would be considered as low key. Total beds is thirty four. This would be in conflict with the statement on page 71 of the Warren Blackwood Rural Strategy planning objectives, <i>manage conflicting land use, particularly tourism uses within the Agricultural zone, to minimise restrictions on adjoining agricultural uses.</i></p> <p>C) How and where the water supply was to be provided?</p>	<p>A) The WBRs does not relate to the capacity of tourist sites such as the number of beds or people who can stay on site. The WBRs provides an indication of what it considers 'low key tourism' to be. Page xiii of the Executive Summary indicates that <i>up to five chalets may be acceptable within a Rural zone.</i></p> <p>Five chalets is in keeping with the Council policy. However, the Amendment is seeking to rezone the land so it will not be in an 'Agricultural' zone.</p> <p>B) The current development has up to 34 beds available for tourist use. It is recommended that a significantly modified DGP be adopted that keeps tourist development within the area fronting East Nannup road and away from sensitive agricultural uses.</p> <p>C) It is recommended that rainwater tanks be made available to all chalets. In addition, water for fire fighting purposes would need to be provided.</p>	<p>No Modification Recommended</p> <p>No Modification Recommended</p> <p>Modification as Recommended</p>

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		<p>D) The Fire Management Plan is not only not to scale but not accurate in relation to existing topographical features. Fuller Road does not abut the south east corner of Lot 74. We can only presume that the identified road on Nelson Location 11175 is our internal strategic firebreak. We have not been approached by the owners for access nor will we grant it.</p>	<p>D) Note and agree in part. The fire risks both within and outside the site from the original Development Guide Plan (DGP) where chalets were proposed in the rear (southern) portion was considered unacceptable. The Fire Management Plan (FMP) as provided is not supported.</p> <p>It is recommended that a hydrant system be established for fire protection and the chalets be developed to Australian Standard Level 2 AS 3959 of 1999 Construction of Buildings in Bush Fire Prone Areas. A revised FMP that reflects the revised DGP will be required along with a FMP for any development. The FMO will have a significant role in considering the 'endorsed' FMP</p>	Modification as Recommended
4	<p>FESA Regional Office - South West PO Box 1288 BUNBURY WA 6231</p>	<p>A) FESA require an emergency exit from the rear of the property. The road leading to these exit must have passing bays at 200 metres intervals to allow two way traffic. They should be a minimum length of 20 m, with a combined width of the passing bay and access being a minimum of 6m.</p>	<p>A) Note and agree in part. The fire risks both within and outside the site from the original Development Guide Plan (DGP) where chalets were proposed in the rear (southern) portion was considered unacceptable. The Fire Management Plan (FMP) as provided is not supported.</p> <p>It is recommended that a hydrant system be established for fire protection and the chalets be developed to Australian Standard Level 2 AS 3959 of 1999 Construction of Buildings in Bush Fire Prone Areas. A revised FMP that reflects the revised DGP will be required along with a FMP for any development. The FMO will have a significant role in considering the 'endorsed' FMP</p>	Modification as Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		<p>B) In order for the Hazard Separation Zone to remain at 30 metres, all habitable buildings must comply with AS 3969-1999 "Construction of Buildings in Bush Fire Prone Areas" Level 2 construction standards.</p> <p>C) 'Building Protection and Hazard Separation Zones will need to be constructed prior to commencement of new building construction and is to be applied to current buildings'.</p>	<p>B) Note response to A) above.</p> <p>C) It is not possible to use the planning process to retrospectively make requirements over existing (permitted) uses. The land owner would be required to comply with existing fire break and clearance requirements. However, it is likely that the provision of a hydrant system would provide a fire protection benefit for existing buildings also.</p>	<p>Modification as Recommended</p> <p>Modification as Recommended</p>
5	Tourism WA GPO Box X2261 PERTH WA 6847	A) Tourism WA recognises the need for chalet development to reflect the rural character if the surrounding area, support sustainability principles and minimise land use conflicts to enhance the tourist experience.	<p>A) Noted and agreed. Should strata subdivision be sought, it is appropriate to include the following provision in the Amendment:</p> <p><i>"This lot is adjacent to agricultural land on neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time."</i></p>	Modification as Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		B) The amendment document does not make mention of an intent to strata title the chalets in the future, however in the event that this is proposed there may be some merit in incorporating a condition in the special provisions.	A) Noted and agreed.	Modification as Recommended
6	Terese Levick-Godwin – Fire Management Officer – Shire of Nannup	A) The proposed Fire Management Plan is not adequate given the topography.	A) Note and agree in part. The fire risks both within and outside the site from the original Development Guide Plan (DGP) where chalets were proposed in the rear (southern) portion was considered unacceptable. The Fire Management Plan (FMP) as provided is not supported. It is recommended that a hydrant system be established for fire protection and the chalets be developed to Australian Standard Level 2 AS 3959 of 1999 Construction of Buildings in Bush Fire Prone Areas. A revised FMP that reflects the revised DGP will be required along with a FMP for any development. The FMO will have a significant role in considering the 'endorsed' FMP	Modification as Recommended
		B) Most of the terrain where the proposed new chalets will be built is in what is considered an extreme risk area.	B) Note response to A) above.	Modification as Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		C) The proposed emergency access to Fuller Road is shown incorrectly on the Fire Management Plan...accessing it from Lot 74 would mean going through approximately 220m of private property. The owners of that property have indicated that approval will not be given, therefore, another access will need to be found to comply with planning regulations.	C) Note response to A) above.	Modification as Recommended
		D) On all roads and access ways there should be passing bays every 200 metres which should be at least 20m along and 6m wide.	D) Note response to A) above.	Modification as Recommended
		E) All future dwellings should be constructed to Australian Standard Level 2 AS 3959 of 1999 Construction of Buildings in Bush Fire Prone Areas.	E) Note response to A) above.	Modification as Recommended
		F) The Hazard Separation Zone as per the proposed Fire Management Plan is inadequate at 50 metres; 70 metres would be more appropriate considering the fire risk and the Building Protection Zone could remain at 30m giving a total of 100m.	F) Note response to A) above.	Modification as Recommended

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 3

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
		<p>G The fire safety standards around the current chalets does not comply with the Shire's standards at present. Any future development should not be considered until the property complies with the Shire standards in relation to fire safety.</p>	<p>G) Note response to A) above. The Amendment does not result in the issue of Approval for development. If approved, it will allow for Planning Approval to be sought and if satisfactory, supported by Council. It is not possible to use the planning process to retrospectively make requirements over existing (permitted) uses. The land owner would be required to comply with existing fire break and clearance requirements. However, it is likely that the provision of a hydrant system would provide a fire protection benefit for existing buildings also.</p>	<p>Modification as Recommended</p>
	<p>Department of Environment and Conservation Blackwood Region Queen Street BUSSELTON WA 6284</p>	<p>A) No buildings should be permitted within 100m from the boundary of the adjacent DEC managed land. The draft DGP should be amended to reflect this requirement.</p>	<p>A) Noted and agree in part. It would appear that the existing restaurant and chalet (closest to East Nannup Road) is within the 100m setback of the Pine Plantation referred to by the DEC. The DGP should include a Policy Statement requiring that all new buildings be set back 100m from the DEC managed land unless a reduced buffer can be achieved. This will require modification to location of the proposed new reception/administration/managers accommodation as well as he new restaurant building.</p>	<p>Modification as Recommended</p>

Recommended modifications to draft Amendment No. 3 to Town Planning Scheme No. 3.

PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 3

The Shire of Nannup under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended) hereby amends the above Town Planning Scheme by:

1. Rezoning Lot 74 East Nannup Road, Nannup from the Agriculture zone to the Special Use zone for the purpose of various tourism and agricultural purposes and amending the Scheme Map including a notation "V" accordingly;
2. Inserting applicable special provisions into Schedule 4 of the Scheme; and
3. Introducing a Development Guide Plan referenced in Schedule 4 of the Scheme Text.

No.	DESCRIPTION OF LAND	PERMITTED LAND USE	SPECIAL PROVISIONS
SU 12	Lot 74 East Nannup Road, Nannup	Chalet development Caretaker's dwelling/Administration office Restaurant Reception centre Recreation and leisure Rural pursuit	<ol style="list-style-type: none"> 1. Development of the site shall be generally in accordance with the Development Guide Plan adopted by the Local Government and endorsed by the Chief Executive Officer. 2. Development may be considered by the Shire as a variation from the Development Guide Plan provided that, in the opinion of the Shire, such development would not compromise the intent of the Development Guide Plan. 3. Any variation to the endorsed Development Guide Plan not within the general intent of the Development Guide Plan will require consideration and endorsement of a new Development Guide Plan in accordance with Schedule 14.

			<p><i>Use and Development</i></p> <ol style="list-style-type: none"> 4. All 'permitted land uses' shall be deemed to be 'D' uses pursuant to the Scheme. 5. An Application for Planning Approval shall be lodged and approved by the Local Government prior to the commencement of any use or development. 6. The maximum number of bedrooms for the Chalet development shall not exceed 39. 7. Prior to development occurring on the Site, the following will be prepared and/or undertaken to the satisfaction of the Local Government:: <ul style="list-style-type: none"> • Preparation of a development staging plan. • Preparation of a landscape assessment of all proposed buildings and works in relation to the view from adjoining Lot 74 and from East Nannup Road. • Preparation and implementation of a fire management plan (prepared to the requirements of FESA and DEC) which amongst other things, identifies fire risk and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation. • Fire hydrant outlet is to be located centrally within each cluster of chalets. Hydrants are to have a minimum flow of 600litres /minute and fire fighting water supply is to be 250,000litres. • All ' chalets shall be designed and constructed in accordance with the requirements of Standards Australia AS3959-1999 "Construction of Buildings in Bush Fire Prone Areas" (Level 2) construction standards. Should the revised AS3959-2009 standard require a higher degree of construction, the revised AS3959-2009 shall prevail. • Geotechnical Study being undertaken prior to development to confirm acceptable locations of buildings and appropriate methods and locations for effluent disposal. Each habitable building shall be connected to an approved effluent disposal system to the satisfaction of the Shire and Department of Health. In some cases an Alternative Treatment Unit (ATU) may be required. • Buildings are to be designed to incorporate a common thread of architectural style to ensure the development takes the form of
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			<p>one contiguous development.</p> <ul style="list-style-type: none"> • The colours and materials of buildings shall be essentially natural and earthy tone complimentary to the landscape. • Each single bedroom chalet shall be connected to a water storage tank/s with a minimum capacity of 50,000 litres either as individual or 'common' tanks. • All other chalets shall be connected to a water storage tank with a minimum capacity of 92,000 litres. <p>8. No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ol style="list-style-type: none"> i. required for approval development works; ii. the establishment of a firebreak is required by Regulation or By-Law; or iii. trees are dead, diseased or dangerous. <p>9. All development and ongoing management on the site to comply with the requirements of the Fire Management Plan. Recommendations from the Fire Management Plan are to be implemented at the planning approval development stage.</p> <p>10.No person shall occupy a chalet for more than a total of three months in any twelve month period.</p> <p>11.No dams or lakes shall be constructed without the written consent of the Local Government.</p> <p>12.East Nannup Road upgraded to the requirement and specifications of the Local Government.</p> <p><i>Subdivision</i></p> <p>13.Any strata subdivision of the proposed chalet development shall be preceded by a planning consent for development within each strata lot.</p> <p>14.In the event that the use and development of the land forms the subject of an application for approval to a strata scheme, the Shire shall recommend and the landowners shall prepare a management statement that addresses the following in addition to standard by-laws:</p> <ul style="list-style-type: none"> • The management of common property; • The management of the tourist development as a single entity from a communal management entity; • The coordinated management of fire risk to or from within the Site;
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			<ul style="list-style-type: none"> • Limitations on redevelopment to a common theme and style (linked to any previous or future development consent); • Provision for servicing, the management of waste and refuse; • Integrated common management of the units for a minimum period of 25 years; • Recommendation 12 of the Tourism Planning Taskforce that addresses (where applicable) the assessment criteria and strata management conditions and Tourist Accommodation Strata Title Guidelines. • The requirement for the WAPC, in consultation with Tourism WA, to approve any variations to the management statement; • Any other requirements of the Local Government, the WA Planning Commission and Tourism WA. <p>15. The creation of a survey strata scheme over the Site shall be subject to:</p> <ul style="list-style-type: none"> • The inclusion of communal facilities within common property; • A construction and staging program that demonstrates that common facilities and viable management arrangements are provided in each stage; • Limitation of the extent of strata lots to the area of the proposed chalets and their immediate cartilage; • The imposition of a restriction under Section 6 of the <i>Strata Titles Act (1985)</i> ensuring that no chalet is occupied for longer than 3 months in any one twelve month period; • Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the chalet lots advising: <ul style="list-style-type: none"> • <i>"This lot is adjacent to agricultural land on neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time."</i> • Means by which owners are aware that some or all of the following approved activities may occur in the State forest from time to time:
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			<ul style="list-style-type: none">• Prescribed burning for conservation and/or fire hazard reduction purposes;• Timber harvesting and regeneration in accordance with a Government approved forest management plan;• Baiting with poison to control predators of native fauna; and,• Application of herbicides and other chemicals for weed and plant disease control.
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Recommended modifications to draft Development Guide Plan

The adopted Development Guide Plan shall include the following notations:

1. *This Development Guide Plan provides a framework for future subdivision and development of the Land. Actual Subdivision, which may vary from the endorsed Development Guide Plan, requires the approval of the Western Australian Planning Commission.*
2. *The location and setback of any building shown on this Development Guide Plan is indicative and any setback provision of the Scheme or of this Development Guide Plan shall prevail.*
3. *No buildings shall be located closer than 100metres from the existing Plantation located opposite (fronting East Nannup Road) unless a lesser distance is agreed to in writing by the Shire after consultation with FESA and the Department of Environment and Conservation.*
4. *Irrespective of 2. above, no building shall be located closer than 20metres to any boundary unless a lesser distance is agreed to in writing by the Shire.*
5. *A Weed Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup prior to any further development or subdivision.*
6. *A Fire Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup, FESA and DEC prior to any further development or subdivision. All subdivision, development and land use shall comply with the endorsed Fire Management Plan.*
7. *Vegetation shall not be removed without the written permission of the Shire of Nannup.*
8. *No dams or lakes will be permitted, other than those shown on the DGP.*

AGENDA NUMBER: 10.5
SUBJECT: Adoption of Draft Local Planning Policy Cut and Fill/Retaining Walls
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: TPL10
AUTHOR: Rob Paull - Planning Consultant
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 9 April 2009

Attachments: 1. Schedule of Submissions.
 2. Draft Local Planning Policy – Cut and Fill/Retaining
 Walls (revised).

BACKGROUND:

Council resolved to advertise draft Local Planning Policy – Cut and Fill/Retaining Wall ('draft Local Planning Policy') at its February 2009 Council meeting. The draft Local Planning Policy was formulated to provide a set of guiding principles for landowners, developers and Shire staff in respect to where 'cut and fill' of residential land in the Shire is sought and specifically, where retaining walls and the like are proposed.

COMMENT:

Council has not previously had any policy in place in respect of this type of development. This was evident when Council considered an application for a retaining wall at Lot 106 Hitchcock Drive, Nannup ('Hines Subdivision') at the meeting of March 2009. Council considered matters such as material type and colour before issue Planning Approval. Consideration of this Application has been useful in finalising the draft Local Planning Policy that is before Council.

The draft Local Planning Policy seeks to ensure assessment for cut and fill and retaining walls proposals for residential land within the Shire, as similar issues to those currently experienced could apply to other land.

The draft Local Planning Policy was advertised for 21 day (and a copy placed on the Shire's Website) and one submission was received. Attachment 1 provides the Schedule of submissions.

Essentially, it is recommended that the draft Local Planning Policy be modified to reflect the suggestion in the Submission that a 'ratio of slope' rather than a 'percentage' be used. In addition, the draft Policy has been further modified to be consistent with the Council determination for the retaining wall over Lot 106 by:

- referring to a preferred colour chart; and
- requiring that where Approval is issued, the land owner be required to being satisfied that the proposed wall and drainage is totally with the respective lot.

Signed:

Dated 28 May 2009

A further modification requiring a 'clean' finish to any retaining wall has been included. The modifications recommended are shown in the draft Local Planning Policy (Attachment 2) as bold (underlined).

Conclusions

The Local Planning Policy will enable Council to exercise control over cut and fill as well as retaining walls within the Shire. The modification recommended by the Submitter is considered reasonable and the Council decision of Lot 106 Hitchcock Drive has provided guidance to Staff.

STATUTORY ENVIRONMENT:

The Shire of Nannup Local Planning Scheme No.3 provides a statutory framework for the establishment of a Local Planning Policy. The draft Local Planning Policy been advertised for public submissions for a period of not less than 21 days pursuant to Clause 2.4 of the Scheme. Should Council adopt the Local Planning Policy for final approval, the Scheme requires that this be advertised in the newspaper circulating the locality.

POLICY IMPLICATIONS:

This is a new policy initiative which will strengthen the policy framework, provide a basis for the imposition of justifiable development conditions and clear guidance for the Shire and the community in relation to development standards for cut and fill as well as retaining walls.

FINANCIAL IMPLICATIONS:

The Shire would bear the cost of advertising the draft Local Planning Policy.

STRATEGIC IMPLICATIONS:

No implications are anticipated.

RECOMMENDATION:

That Council:

1. Note the submission lodged during advertising of Local Planning Policy – Cut and Fill/Retaining Wall.
2. Adopts the draft Local Planning Policy – Cut and Fill/Retaining Wall as modified in Attachment 2 to this Report as a Draft Local Planning Policy for final approval under the provisions of Cl. 2.4 of the Shire of Nannup Local Planning Scheme No.3.

3. Advertise the adoption of the Policy referred to in 1. above pursuant to Cl. 2.4 of the Shire of Nannup Local Planning Scheme No.3.
4. Request the Chief Executive Officer to advise the Submitter of Council's decision.

8157 DEAN/PINKERTON

That Council:

1. Note the submission lodged during advertising of Local Planning Policy – Cut and Fill/Retaining Wall.
2. Adopts the draft Local Planning Policy – Cut and Fill/Retaining Wall as modified in Attachment 2 to this Report and further modified to include a notation advising land owners and developers of their 'Health and Safety' responsibilities, as a Draft Local Planning Policy for final approval under the provisions of Cl. 2.4 of the Shire of Nannup Local Planning Scheme No.3;
3. Advertise the adoption of the Policy referred to in 1. above pursuant to Cl. 2.4 of the Shire of Nannup Local Planning Scheme No.3.
4. Request the Chief Executive Officer to advise the Submitter of Council's decision.

CARRIED 7/0

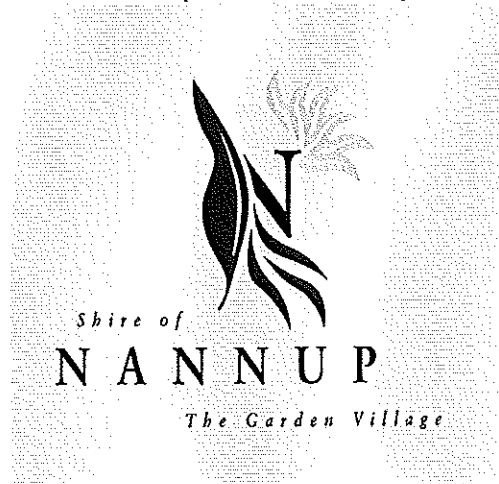
ATTACHMENT 1 - SCHEDULE OF SUBMISSIONS.

Shire of Nannup Draft Local Planning Policy – Cut and Fill/Retaining Wall

No.	Name & Address of Submitter	Summary of Submission	Comment	Recommendation
1	Mr David Lewis PO Box 108 Nannup 6275	A) The submitter sought clarification of the intent of the Policy, especially the aspect to the Hines development. B) Suggests that rather than slope being measured as a percentage, it is more accurate to relate to a 'ratio' of slope	A) The Shire's Planning consultant met with the writer to discuss the Submission and to explain the purpose and intent of the Policy. B) Noted and agreed. Reference to 'percentage' of slope is an excellent suggestion and the draft Local Planning Policy should be modified to refer to a ratio of slope for purposes of clarity and accuracy.	No modification is required. Modification as Recommended

ATTACHMENT 2

Modified (recommended) draft Local Planning Policy



Local Planning Scheme No. 3

Local Planning Policy

Cut & Fill/Retaining Wall Policy

1.0 Introduction

The natural topography of the Shire of Nannup provides a number of challenges to land owners and developers, in particular finding level building sites in some areas. To create these level sites cut and fill techniques are often used along with the development of retaining walls.

This is more easily addressed at subdivision stage where the systematic development of retaining walls can be addressed for the whole of the land. More problematic is where individual landowners seek to establish retaining walls and the impacts unregulated designs and finishes will have on immediate neighbours and the locality as a whole.

It is becoming increasingly apparent that the management of these forms of development has not been sufficient.

This policy has been formulated to provide a set of guiding principles for landowners, developers and Shire staff in respect to where 'cut and fill' of residential land in the Shire is sought and specifically, where retaining walls and the like are sought.

2.0 Objectives

The principal objectives of this Policy are:

- To preserve the natural topography of the Scheme Area by restricting the level of cut and fill development specifically on steep slopes which may be more suitable to other construction techniques (i.e.: pole homes, stump system, retaining walls.)
- To ensure that at subdivision stage, an assessment is undertaken as to the likely need for cut and fill and/or the development of retaining walls based on the slope of the land, lot size and vegetation cover prior to clearance of WAPC subdivision conditions.
- To ensure that where individual landowners seek to undertake cut and fill and/or the development of retaining walls on boundaries, the assessment provided in this Local Planning Policy is undertaken.

3.0 Application of this Policy

Table 3 of the *Residential Planning Codes* ('R Codes') would normally require a minimum setback to a common boundary of 1.5m for a 'building' that is 2.4m in height. Under the *R Codes*, a 'retaining wall' is defined as a 'building'. Any modification is addressed under the *R Codes* as follows:

"2.4 Discretionary decisions

In relation to the codes, discretionary decisions shall be decisions made by the council with respect to any aspect of a proposed development that varies from the relevant acceptable development provision or a provision of a local planning policy.

2.5 Exercise of discretion

2.5.1 Where codes approval is required, the applicant shall make an application in accordance with the form set out in appendix 2 to the council for approval. Subject to clauses 2.5.2 and 2.5.3, the council is to exercise its discretion in considering such applications having regard to the considerations, standards and requirements provided in the codes.

2.5.2 Discretion shall be exercised having regard to the following considerations:

- (a) the stated purpose and aims of the scheme;*
- (b) the provisions of parts 1-7 of the codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provision;*
- (e) any local planning strategy incorporated into the scheme;*
- (f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) orderly and proper planning."*

The Policy applies to all applications relating to site development of residential land where cut and fill resulting in the construction of retaining walls associated with private residential development within the Shire of Nannup, is sought.

4.0 Relationship to Other Policies

This Policy should be read in conjunction with all Council Policies and the Shire of Nannup Local Planning Scheme No.3 (as amended).

This Policy is adopted pursuant to clauses 2.2, 2.3 and 2.4 of the Shire of Nannup Local Planning Scheme No.3 (as amended).

5.0 Interpretations

- **“Terrace”** – for the purpose of this policy a “terrace” is a series of flat platforms (or steps) on the side of a hill, rising one above the other. The base of the terrace is taken to be the bottom of the lowest step with the top being the highest point of the highest step.
- **“Topsoil”** - for the purpose of this policy “topsoil” is taken to be the soil zone containing decomposed organic matter and seed source, generally not to exceed 150mm in depth.
- **“Unprotected Embankment”** – for the purpose of this policy an “unprotected embankment” is taken to be the face area of a section of fill that is not subject to retaining or other forms of stabilisation.

6.0 Policy Provisions

In assessing a proposal the Shire shall consider the following:

- 6.1.1 Where Council suspects that unstable soil and site conditions occur, or the slope is greater than 1:5 Council will require a geotechnical report and a structural engineer's report to determine building construction requirements.
- 6.1.2 No land over 1:4 slope prior to grading shall be developed using cut & fill construction techniques, except at the specific discretion of Council and where it can be shown that a minimum amount of development is in the spirit and not incompatible with the objectives of this policy.
- 6.1.3 The specific policy requirements that apply to all land within Local Planning Scheme No. 3 as set out below:
 - Access tracks are to be located in such a manner as to minimise the required earthworks.
 - All exposed earthworks will be required to be landscaped in accordance with an approved landscaping plan (see section 6.4).

- Topsoil is to be stripped separately and stockpiled on site, to be respread during landscaping.
- Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.
- Where a residence is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. Consolidated in even lifts, not exceeding 600mm, to produce a density which will resist seven blows per 300mm of standard 16mm diameter penetrometer. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.
- Fill is not to exceed 1.5m at any given point on the site and the top level of the fill is not to exceed 2.4m from the base of the fill.

6.2 *Retaining wall requirements*

- 6.2.1 Unless otherwise provided for within this policy, retaining walls will be required where cut or fill is equal to, or in excess, of 1.0 metre.
- 6.2.2 A retaining wall is not to exceed 2.4m in height (measured from the base of the wall).
- 6.2.3 Where it is proposed to terrace a portion of a lot the policy provisions set out above apply in so far that where a step is in excess of 1m retaining will be required and the top level of the terrace is not to exceed 3.0 from the base of the terrace.
- 6.2.4 Where an unprotected embankment is proposed no retaining will be required where it is in accordance with BCA Volume 2 Part 3.1.1 – Earthworks (note Attachment 1). Such embankments are to be landscaped in accordance with an approved landscaping plan.

6.3 *Landscaping plan requirements*

- 6.3.1 Where a landscaping plan is required it is to include:
- list of species to be used;
 - location of planting;
 - location of reticulation areas;
 - location of compensating basins/sumps;
 - areas to be direct seeded/mulched;
 - species used in a seed mix (if applicable);
 - timing of revegetation program; and
 - fertiliser use is to be specified (including the type of fertiliser, application rates, method of application and timing of application).

7.0 Application Details

7.1 Subdivision Development

7.1.1 Where as part of the overall subdivision and development of land, any permanent excavation with a slope steeper than the angle of repose or natural slope of the soil shall have retaining walls of masonry or other materials approved by the Shire of sufficient strength and stability to retain the embankment together with any surcharged loads.

7.1.2 Design of the retaining structure is to be by a practising Civil or Structural Engineer with certified engineering drawings to be submitted to Shire for approval.

7.1.3 Information to be supplied with the engineering assessment will include but not be limited to the following:

- a site plan showing the main topographical features of the site including slope;
- contours and drainage lines;
- vegetation;
- dams and water courses;
- rock outcrops;
- soil type,
- fences
- buildings;
- level of top of sand pad/fill;
- finish floor level;
- cut and fill section showing sub soil drainage and cut off drains;
- cut and fill section (of greatest cut and fill) showing method of retention;
- landscaping plan (if required);
- design and construction details of any retaining walls (if required) which shall be prepared by a suitably qualified structural engineer; and
- other details required elsewhere within this Local Planning Policy

7.1.4 The Shire will determine the type and colour of materials to be used forming the retaining wall. In considering the type and colour of materials, the Shire may require the subdivider to undertake a visual assessment to the requirements of the Shire. **In addition, any brick or block work undertaken will be required to have a 'clean' finish to the adjoining lot.**

7.2 Individual Lots

7.2.1 Where any permanent excavation with a slope steeper than the angle of repose or natural slope of the soil shall have retaining walls of masonry or other materials approved by the Shire of sufficient strength and stability to retain the embankment together with any surcharged loads.

7.2.2 Design of the retaining structure by a practising Civil or Structural Engineer will be required and shall be submitted to Shire for approval prior approval of a Building Licence.

7.2.3 Information to be supplied with the engineering assessment will include but not be limited to the following:

- contours of site;
- level of top of sand pad/fill;
- finish floor level;
- cut and fill section showing sub soil drainage and cut off drains;
- cut and fill section (of greatest cut and fill) showing method of retention;
- drainage;
- landscaping plan (if required);
- design and construction details of any retaining walls (if required) which shall be prepared by a suitably qualified structural engineer;
- provisions of the Residential Planning Codes; and
- other details required elsewhere within this Local Planning Policy

7.2.4 Where a retaining wall in the Residential zone is proposed on a boundary, a Licensed Surveyor must be employed by the landowner to set out the boundaries prior to the commencement of any works. In this regard, the requirement for a Licensed Surveyor will be included as a condition of Building Licence.

7.2.5 The Shire will determine the type and colour of materials to be used forming the retaining wall. Generally, the type of retaining wall structure will be of 'earth' tones and normally not include concrete blocks or similar.

In relation to the development of land forming the 'Hines' subdivision, retaining walls will be in accordance with the endorsed Development Guide Plan as included in Attachment 2 and ensure that the buildings are in 'earthy tones' and not limestone in colour. Examples of colours that are acceptable include Dulux*:

- Latte;
- Ground Coriander;
- Stucco Tan; and
- Nubuck;

as per the colour chart included as Attachment 3.

Other colours may be also be acceptable and in this regard, it is recommended that you closely liaise with the Shire.

* Dulux is a Registered Trademark

In addition, any brick or block work undertaken will be required to have a 'clean' finish to the adjoining lot.

7.2.6 As part of the assessment process, consultation is to be undertaken. Council will require applicants to supply written support from adjoining landowners specifically implicated by the proposed retaining wall. Where written comments are not able to be obtained by the applicant, staff will provide written advice to adjoining landowners and community groups (at the applicants cost) of the proposed construction and invite them to submit comments to the Shire.

- 7.2.7 If an adjoining landowner or community group does not respond within the time provided (generally 21 days), the Shire will consider the application on the basis that the landowner has not exercised their opportunity to comment.
- 7.2.8 Where objections are received the submission(s) will be reviewed and considered in light of the applications relevance against the Local Planning Scheme No. 3 and the provisions of this policy.

Attachments:

1. Building Codes of Australia Table 3.1.1.1
2. Subdivision Guide Plan Lot 23 Brockman Highway – P0486-01(SGP) dated July 2006.
3. Dulux* colour chart

AGENDA NUMBER: 10.6
SUBJECT: Application for Strata Subdivision referral No. WAPC 318-09
LOCATION/ADDRESS: Lot 10 Balingup Nannup Road Nannup
NAME OF APPLICANT: TME on behalf of Mr. R Blom
FILE REFERENCE: A 1436
AUTHOR: Rob Paull - Planning Consultant
DISCLOSURE OF INTEREST:
DATE OF REPORT: 14 April 2009

Attachments: 1. Location and Zoning Plan.
 2. Plan of Subdivision.
 3. Amendment No 2 to be tabled at the meeting.

BACKGROUND:

Council may recall that the land subject of this Subdivision Application was adopted by Council as Amendment No.2 to the Shire of Nannup Local Planning Scheme No. 3 ('Scheme'). The Amendment changes the zoning of the land from agriculture to special use (4 tourist chalets and caretakers residence) in order to provide for a future application for the construction of one further chalet and provide for a future strata subdivision with the land for the Chalets sites.

The property is 3.7 hectares and is located approximately 15kms from the Nannup townsite. Building improvements include four chalets, a caretaker's residence and outbuildings.

The Minister has approved Amendment No. 2 (Attachment 3) and the documents have been returned to the Shire for gazettal. It is anticipated that the Amendment will be gazetted before or immediately after this Council meeting. On this basis, Council will be advised at the meeting of the status of Amendment No. 2.

The landowner has made application for the fifth chalet (proposed strata lot 3). Once Amendment No. 2 is gazetted, the Manager, Development Services can consider the application and issue consent. The fifth and final chalet is in accordance with the Development Guide Plan.

COMMENT:

The Subdivision is in accordance with the Development Guide Plan in that it reflects the siting of the chalets and the caretakers residence. The although the fifth chalet is still to be approved, it is anticipated that it would be undertaken upon Gazettal of Amendment No. 2. A significant issue for tourist subdivisions is the WAPC's *Planning Bulletin 83 - Planning for Tourism* and the implementation of the Tourism Planning Taskforce recommendations, which was endorsed by the WAPC in June 2006.

Planning Bulletin 83 notes:

Signed:

Dated 28 May 2009

"Strata schemes are an important component in the funding of tourist accommodation development. However, it is acknowledged that there are risks in the use of such schemes in achieving sustainable tourism developments unless particular management requirements are met. The requirements and criteria for strata schemes are set out in detail in recommendation 12 of the taskforce report and in Tourism WA's Attributes of Success document (www.westernaustralia.com). At a minimum, in considering any application for the strata subdivision of tourism developments, the WAPC will require:

- *a valid development approval issued by the local government which demonstrates that the development is designed as an integrated tourism facility;*
- *a construction and staging program which demonstrates that common facilities and viable management arrangements are provided for each stage; and*
- *inclusion of a management statement for the strata scheme to provide for integrated common management of the units for a minimum period of 25 years as a tourism facility.*

The recommended conditions associated with Subdivision referral No. WAPC 318-09 reflects the above documents and the documentation of Amendment No. 2.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advise the WAPC as follows:

- A. No objection to Strata Subdivision referral No. WAPC 318-09 subject to the following conditions:
1. Survey Strata Lot 3 (development and use subject to Planning Consent) to consist of accommodation building, the car parking facilities and curtilage for private purposes (and include effluent disposal and water supply) thereto.
 2. Notification(s) in accordance with section 6 of the Strata Titles Act 1985 are to be placed on the Certificates of Title of the proposed lot(s) 1-5 confirming that the units are to be used for short stay occupancy only and that the land is at risk of flooding. The Notice(s) are to be included on the Deposited Plan. The Notice for lots 1-5 is to state as follows:

Signed:

Dated 28 May 2009

"No person shall occupy any Tourist Accommodation Unit for more than a total of 3 months in any one 12 month period. In this regard a register of guests is to be made available for perusal by the Shire of Nannup."

The Notice for all lots is to state as follows:

"The site is at risk of flooding from the Blackwood River. To minimise risk, a minimum habitable flood level of 81.0AHD is required for proposed buildings".

3. The subdivider entering into an agreement with the Local Government to ensure that:
 - (a) all strata owners have legal access to the water supply associated with the existing bore located within proposed strata lot 6; and
 - (b) purchasers of the proposed lot 3 use the developer nominated builder to construct the tourist accommodation unit.
4. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots 1 - 5 advising: *"This lot is adjacent to agricultural land on neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time."*
5. A Management Statement being prepared and submitted in accordance with Section 5C of the Strata Titles Act 1985, to establish a Schedule 1 by-law that requires, as a minimum, the establishment of a unit management agreement, lease or alternative arrangement between each owner of a tourist use and commercial use strata unit, or the owners collectively, and a common facility manager/operator to provide for common management of all such units for a minimum period of 25 years as a tourist facility, but providing the Strata Company the ability to terminate a contract with the facility manager/operator at the end of a 5 year contract or a lesser period based on performance criteria as determined by the Strata Company.
 - (a) The management agreement, lease or alternative arrangement shall cover, but not be limited to, resort reception, security, maintenance, care taking, refurbishment, marketing, rights of access to units by facility manager and other services required for the development to operate as a tourist facility.
 - (b) Additionally, the Management Statement is to include the following additions to the by-laws contained in Schedules 1, 2 and 2a of the Strata Titles Act:

- i. development or redevelopment on the strata lots must comply with an existing development approval(s) issued by the Local Government, or such alternative development approval(s) as the Council may grant, which complies with the requirements of the Local Government's Town Planning Scheme;
- ii. termination of one facility manager/operator must be followed by the immediate appointment of a replacement manager/operator;
- iii. the facility management agreement between each unit owner/owners and the Facility Manager must bind successive unit owners;
- iv. development refurbishment, including the common property lots, as required to maintain or upgrade the tourist standard of the facility, is to be managed by the Facility Manager on a development-wide basis through the establishment of a refurbishment reserve, or similar mechanism;
- v. entry to units, including by owners, is controlled by the facility manager/operator with the management agreement providing that all tourist use units will be available only for tourist use, including owners use, unless subject to maintenance and refurbishment;
- vi. internal fixtures/fittings and decor in each tourist unit are to be provided and maintained to a specified appropriate standard suitable to tourist letting of the units. Upgrading fixtures/fittings and decor by owners (i.e. personal fit-outs) is not permitted;
- vii. the Facility Manager, on an annual basis, is to keep a written record of all bookings of each owner's unit and must notify the strata company in writing if it becomes aware of any person occupying the unit for a period exceeding 3 months in aggregate in any 12 month period. The strata company on receipt of such notification, and in addition to its own compliance actions, shall advise the Local Government and Tourism WA;
- viii. The tourist accommodation unit will be available a minimum 9 months out of 12 with all check in/check outs being handled by the manager who will have access to all units;
- ix. all recreation, servicing/support and tourist-related facilities be available for all guests;
- x. the Strata Company being responsible to maintain the validity of the Planning Approval;

- xi. the on-site reception facilities and tourist resort-related uses are to be subject to lease arrangements or ownership restrictions and disposal mechanisms linked to the facility management/operator function; and
 - xii. any changes to the management statement affecting the matters identified above are to be approved by the Western Australian Planning Commission in consultation with Tourism WA.
- 6. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
- 7. All strata lots being serviced by a suitably constructed and drained vehicular access road which is connected to the public road system.
- 8. All common vehicle access, manoeuvring areas and services are to be contained within the common property lot or, if within proposed strata lots, protected with rights of carriageway or appropriate easements.
- 9. The subdivider making arrangements to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of a Fire Management Plan including the provision of water tanks for each strata lot with a minimum storage capacity of 50,000l.
- 10. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Fire Management Plan, by way of a Section 70 A Notification.
- 11. Vehicular access from Balingup-Nannup Road be located, designed and constructed by the subdivider to the requirements of the Shire of Nannup.
- B. Advise and update the WAPC on the consideration of the 'fifth' chalet for proposed Strata Lot 3.

8158 BOULTER/DEAN

That Council advise the WAPC as follows:

- A. No objection to Strata Subdivision referral No. WAPC 318-09 subject to the following conditions:
 - 1. Survey Strata Lot 3 (development and use subject to Planning Consent) to consist of accommodation building, the car parking facilities and curtilage for private purposes (and include effluent disposal and water supply) thereto.

Signed:

Dated 28 May 2009

2. Notification(s) in accordance with section 6 of the Strata Titles Act 1985 are to be placed on the Certificates of Title of the proposed lot(s) 1-5 confirming that the units are to be used for short stay occupancy only and that the land is at risk of flooding. The Notice(s) are to be included on the Deposited Plan. The Notice for lots 1-5 is to state as follows:

"No person shall occupy any Tourist Accommodation Unit for more than a total of 3 months in any one 12 month period. In this regard a register of guests is to be made available for perusal by the Shire of Nannup."

The Notice for all lots is to state as follows:

"The site is at risk of flooding from the Blackwood River. To minimise risk, a minimum habitable flood level of 81.0AHD is required for proposed buildings".

3. The subdivider entering into an agreement with the Local Government to ensure that:
 - (a) all strata owners have legal access to the water supply associated with the existing bore located within proposed strata lot 6; and
 - (b) purchasers of the proposed lot 3 use the developer nominated builder to construct the tourist accommodation unit.
4. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots 1 - 5 advising: *"This lot is adjacent to agricultural land on neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time."*
5. A Management Statement being prepared and submitted in accordance with Section 5C of the Strata Titles Act 1985, to establish a Schedule 1 by-law that requires, as a minimum, the establishment of a unit management agreement, lease or alternative arrangement between each owner of a tourist use and commercial use strata unit, or the owners collectively, and a common facility manager/operator to provide for common management of all such units for a minimum period of 25 years as a tourist facility, but providing the Strata Company the ability to terminate a contract with the facility manager/operator at the end of a 5 year contract or a lesser period based on performance criteria as determined by the Strata Company.
 - (c) The management agreement, lease or alternative arrangement shall cover, but not be limited to, resort reception, security, maintenance, care taking, refurbishment, marketing, rights of access to units by facility manager and other services required for the development to operate as a tourist facility.

- (d) Additionally, the Management Statement is to include the following additions to the by-laws contained in Schedules 1, 2 and 2a of the Strata Titles Act:
- xiii. development or redevelopment on the strata lots must comply with an existing development approval(s) issued by the Local Government, or such alternative development approval(s) as the Council may grant, which complies with the requirements of the Local Government's Town Planning Scheme;
 - xiv. termination of one facility manager/operator must be followed by the immediate appointment of a replacement manager/operator;
 - xv. the facility management agreement between each unit owner/owners and the Facility Manager must bind successive unit owners;
 - xvi. development refurbishment, including the common property lots, as required to maintain or upgrade the tourist standard of the facility, is to be managed by the Facility Manager on a development-wide basis through the establishment of a refurbishment reserve, or similar mechanism;
 - xvii. entry to units, including by owners, is controlled by the facility manager/operator with the management agreement providing that all tourist use units will be available only for tourist use, including owners use, unless subject to maintenance and refurbishment;
 - xviii. internal fixtures/fittings and decor in each tourist unit are to be provided and maintained to a specified appropriate standard suitable to tourist letting of the units. Upgrading fixtures/fittings and decor by owners (i.e. personal fit-outs) is not permitted;
 - xix. the Facility Manager, on an annual basis, is to keep a written record of all bookings of each owner's unit and must notify the strata company in writing if it becomes aware of any person occupying the unit for a period exceeding 3 months in aggregate in any 12 month period. The strata company on receipt of such notification, and in addition to its own compliance actions, shall advise the Local Government and Tourism WA;
 - xx. The tourist accommodation unit will be available a minimum 9 months out of 12 with all check in/check outs being handled by the manager who will have access to all units;
 - xxi. all recreation, servicing/support and tourist-related facilities be available for all guests;

- xxii. the Strata Company being responsible to maintain the validity of the Planning Approval;
 - xxiii. the on-site reception facilities and tourist resort-related uses are to be subject to lease arrangements or ownership restrictions and disposal mechanisms linked to the facility management/operator function; and
 - xxiv. any changes to the management statement affecting the matters identified above are to be approved by the Western Australian Planning Commission in consultation with Tourism WA.
- 6. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
 - 7. All strata lots being serviced by a suitably constructed and drained vehicular access road which is connected to the public road system.
 - 8. All common vehicle access, manoeuvring areas and services are to be contained within the common property lot or, if within proposed strata lots, protected with rights of carriageway or appropriate easements.
 - 9. The subdivider making arrangements to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of a Fire Management Plan including the provision of potable water equivalent to 50,000 litre supply available to each strata lot.
 - 10. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Fire Management Plan, by way of a Section 70 A Notification.
 - 11. Vehicular access from Balingup-Nannup Road be located, designed and constructed by the subdivider to the requirements of the Shire of Nannup.
- B. Advise and update the WAPC on the consideration of the 'fifth' chalet for proposed Strata Lot 3.

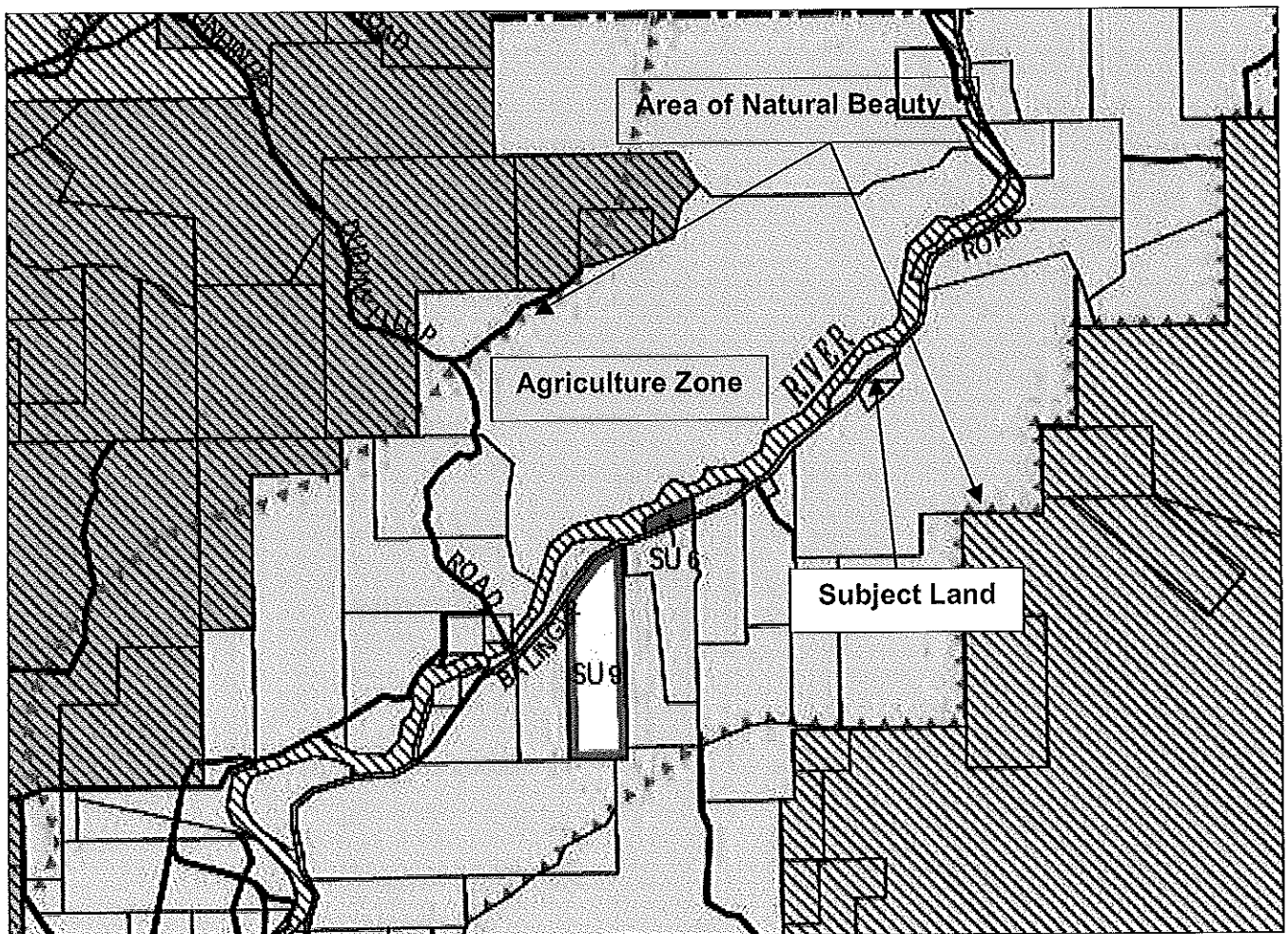
CARRIED 5/2

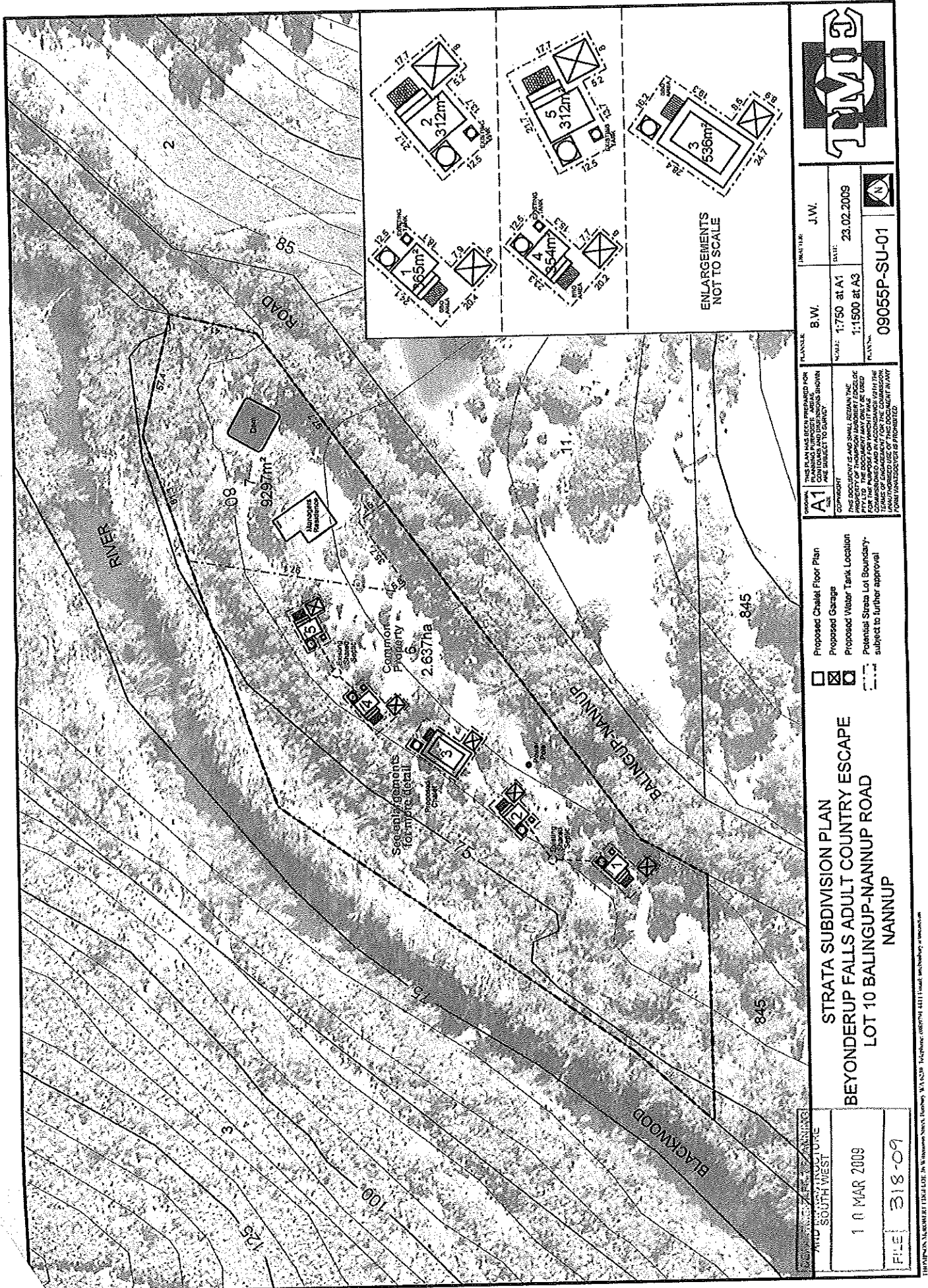
Councillors voting for the motion: Dunnet, Pinkerton, Camarri, Dean and Boulter.

Councillor voting against: Lorkiewicz and Taylor.

ATTACHMENT 1

LOCATION AND ZONING PLAN





Our Ref: 853/6/17/3 Pt 2
Your Ref: A 1436
Enquiries: Ms Helen Aitken (9264 7639)

SHIRE OF NANNUP RECEIVED			
Ref:	No. 164		
- 7 APR 2009			
CEO MCS WM MDS	AO EO CDO CR:	LIB PUB	FMO YO RO

2 April 2009

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

Dear Sir

**TOWN PLANNING SCHEME No 3
AMENDMENT No 2**

I refer to your letter of 11 March 2009 and advise that the Minister for Planning has granted final approval to the above amendment on 31 March 2009.

Pursuant to section 87(3) of the *Planning and Development Act 2005*, the local government is to:

- (a) cause the amendment to be published in the *Gazette*;
- (b) advertise the amendment in accordance with the regulations; and
- (c) ensure that copies of the amendment are available to the public.

A copy of the notice is attached for your information and action in accordance with section 87.

The full text of the amendment is to be published, and in accordance with section 87(5), it is sufficient compliance with subsection (3) if a local planning scheme or amendment to a local planning scheme is published in the *Gazette* without any maps, plans or diagrams which form part of the local planning scheme or amendment.

Arrangements should now be made by your local government with the State Law Publisher to publish the notice in the Government Gazette. Advertising costs (approximately 20%) may be saved, depending upon the length of the notice, if the scheme text was emailed (in MS Word format) to State Law Publisher at the same time as the notice was faxed to them. For advertising enquiries, please telephone the Publications Officer on (08) 9426 0012. The State Law Publisher website is at www.slp.wa.gov.au.

Council is also reminded of its obligations to publish a copy of the notice in accordance with the provisions of regulation 23(2) of the *Town Planning Regulations 1967* and to notify each person who made a submission in relation to the amendment that the amendment has been approved in accordance with the provisions of regulation 23(2a) of the Regulations.



Local Governments participating in WALGA's Town Planning Composite Advertising program can save on costs by including this notification in a regular Wednesday advertisement published in the West Australian. Further details on the composite advertisement can be obtained by emailing purchasing@walga.asn.au.

One signed set of the amending documents is returned herewith.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Evans', written over a circular stamp or seal.

FOR TONY EVANS
SECRETARY
WESTERN AUSTRALIAN PLANNING COMMISSION

Attach

Copy to: Thompson McRobert Edgeloe

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
SHIRE OF NANNUP
TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 2

Ref: 853/6/17/3 Pt 2

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning approved the Shire of Nannup local planning scheme amendment on 31 March 2009 for the purpose of:

1. Rezoning Lot 10 Balingup - Nannup Road, Nannup (as depicted on the Scheme Amendment Map) from "Agriculture" to "Special Use".
2. Amending the Scheme text Schedule 4 (Schedule of Special Use Zones) by including Lot 10 together with the permitted landuse and special provisions referring to the subject land as follows:

SCHEDULE 4 - SPECIAL USE ZONES

DESCRIPTION OF LAND	PERMITTED LAND USE	SPECIAL PROVISIONS
Lot 10 Balingup - Nannup Road, Nannup	Chalet Caretakers Dwelling Rural Pursuit	<ol style="list-style-type: none"> 1. Subdivision and development of the land shall generally be in accordance with a Development Guide Plan endorsed by the Local Government and the WAPC. Any proposal which is a departure from the endorsed Development Guide Plan shall be considered as required by Schedule 14 of the Scheme. 2. A development application shall be lodged and approved by the Local Government prior to the use and development of the permitted uses. 3. Prior to the approval of any survey strata scheme, a Tourism Management Statement shall be prepared and submitted in accordance with the WAPC endorsed Tourism Accommodation Strata Title Guidelines. The management statement shall be implemented to the satisfaction of the Shire and the WAPC in consultation with Tourism WA. The Management Statement shall include a requirement for a

		<p>permanent on-site manager, associated with the Managers Residence as shown on the Development Guide Plan.</p> <p>4. A condition of survey strata subdivision shall require a notification(s) in accordance with section 6 of the Strata Titles Act 1985 are to be placed on the Certificates of Title of the proposed lots confirming that the units are to be used for short stay occupancy only. The Notice(s) are to be included on the Deposited Plan. The Notice(s) are to state as follows:</p> <p><i>"No person shall occupy any Tourist Accommodation Unit for more than a total of 3 months in any one 12 month period. In this regard a register of guests is to be made available for perusal by the Shire of Nannup."</i></p> <p>5. A condition of survey strata subdivision shall require Section 70A memorials pursuant to the Land Administration Act to be placed on each title making prospective purchasers aware of agricultural operations within close proximity. The memorials are to state as follows:</p> <p><i>"This lot is adjacent to agricultural land on neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time."</i></p> <p>6. Each habitable building is to have a potable water supply complying with relevant standards to the satisfaction of the Local Government.</p> <p>7. All effluent disposal systems are to be to the satisfaction of the Local Government and the Department of Health WA.</p> <p>8. The site is at risk of flooding from</p>
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		<p>the Blackwood River. To minimise risk, a minimum habitable flood level of 81.0 AHD is required for proposed buildings.</p> <p>9. The endorsed Bush Fire Management Plan is to be implemented prior to the clearance of the approved strata subdivision and/or development, to the satisfaction of the Local Government and the Fire and Emergency Services Authority of Western Australia.</p> <p>10. No vegetation is to be removed from the site without the approval of the Local Government, except where required for the following:</p> <ul style="list-style-type: none"> • Required for approved development works; • Establishment of a fire break as required by regulation or bylaw; or • The vegetation is diseased or a hazard.
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B DUNNET
SHIRE PRESIDENT

S A COLLIE
CHIEF EXECUTIVE OFFICER

AGENDA NUMBER: 10.7
SUBJECT: Nannup Community Recycling and Waste Management Advisory Committee
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ASS22
AUTHOR: Ewen Ross - Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 16 April 2009

Attachment: Minutes of the Nannup Community Recycling and Waste Management Advisory Committee 19 March 2009.

BACKGROUND

The Nannup Community Recycling and Waste Management Advisory Committee Meeting was held on 19 March 2009. Due to the date of the meeting it was not reported in full to the March 2009 Council Meeting, other than the two key issues, that being the endorsement of the "Towards Zero Waste Warren Blackwood Strategic Waste Management Plan 2008 and the Nannup Strategic Waste Management Plans 2008 plans to meet submission deadlines.

COMMENT:

There are two further items that require Council's consideration:

1. The committee is suggesting a name change to the Nannup Waste Management Facility to "Nannup Waste Management and Recycling Facility" to provide a positive statement that the facility is more than just waste disposal.

Officer Comment: If Council is in agreement in principle, costs to replace signage and formal Council resolution will be put forward in due course.

2. Endorsement of the Terms of Reference:

Officer Comment: Supported.

STATUTORY ENVIRONMENT:

The committee is established under the powers of the Local Government Act 1995 and any appointments to the committee are to be in accordance with this Act.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

Signed:

Dated 28 May 2009

RECOMMENDATION:

That Council endorse the Nannup Community Recycling and Waste Management Advisory Committee Terms of Reference dated 20 March 2009.

8159 BOULTER/PINKERTON

That Council endorse the Nannup Community Recycling and Waste Management Advisory Committee Terms of Reference dated 20 March 2009.

CARRIED 7/0

Signed:

Dated 28 May 2009

20 March 2009

Our Reference ASS22

**Minutes of the Nannup Community
Recycling and Waste Management
Advisory Committee
Held on 19th March 2009 in the
Shire of Nannup Council Chambers**

1. **Opening:** The chairperson declared the meeting open at 1pm, welcoming all and introduced Mr Ewen Ross, the newly appointed Manager Development Services.
2. **Attendance/Apologies:** In attendance were:

Cr C Pinkerton (Chairperson)
Cr D Boulter
Mr K Kealley
Mr R Bartrop
Mr P Battrick
Mr B Black
Mr B Healey
Apology was received from Mr P Watts
3. **Public Questions:** Nil
4. **Petitions/Deputations/Presentations:** Nil
5. **Confirmation of previous meeting:** The minutes of the previous meeting held on 3rd June 2008 were circulated and taken as read.

Resolution: That the Minutes of the Nannup Community Recycling and Waste Management Committee Meeting held in Council's Function Room on Tuesday 3rd June 2008 be confirmed as a true and correct record.

Moved: Mr P Battrick
Seconded: Mr D Boulter

Carried 7/0

6. **Business arising from the minutes:** Mr R Bartrop asked that item 6, bullet point two, that he had concerns still with the tip operation. This is

issue was on the agenda and discussion was held till the item was discussed.

7. **Agenda Items:**

- a. **Terms of Reference:** The draft Terms of reference were circulated for comment;
- i. Clause 6 is amended to read Mr R Bartrop.
 - ii. Clause 6 is amended to read, "...and six (6) Council appointed community members..."
 - iii. Clause 7.1 is amended to read, "Relevant past or present interest/experience in waste management and/or recycling issues."
- b. Draft "Towards Zero Waste Warren Blackwood Regional Strategic Waste Plan 2008 and the Nannup Strategic Waste Management Plan 2008 plans are endorsed.

Resolution:

1. That Council endorse the "Towards Zero Waste Warren Blackwood Regional Strategic Waste Plan 2008" and that it is advertised for community comment until September 2009".

Moved D Boulter
Seconded: Mr P Battrick
Carried 7/0

2. That Council endorses the "Nannup Strategic Waste Management Plan 2008" and that it is advertised for community comment until September 2009".

Moved R Bartrop
Seconded: Mr P Battrick
Carried 7/0

- c. **Street collection**, (General waste – green bins and Recycling – yellow bins): General discussion on the collection system which indicated in principle the system is working and that there is a quantifiable improvement to recycling in the Shire.

Discussion points included:

Need to retain weekly green bin removal or reduce there size given recycling should reduce volumes.

Need for a collection method for those not receiving the yellow bin collection service. A converted sea container was suggested by the Regional Waste Management Officer which was received favourably with Mr R Bartrop offering to assist.

Need for reliable data of the volumes of waste being removed at kerb side and weighing of the Warren Blackwood Waste vehicle could provide this data.

Action Points:

1. WMO investigate the provision of bulk recyclable bins for the Nannup Waster Management and Recycling Facility.
2. WMO to provide data of the recycling and normal waste tonnage to identify volumes and trends in disposal.
- d. **Refuse Tip:** Discussion on the Nannup Waste Management and Recycling Facility included:

Increase recycling at the tip which improved traffic flows, gate access controlled, sorting if recoverable materials and improved reception facilities for commercial users would enhance operations.

Concern that when considering waste management that there is an unbalanced focus towards the cost of recycling, without any balanced assessment incorporating the long term cost on providing facilities and undefined environmental benefits. Would encourage Council to incorporate the benefits that recycling achieves and that this is factored in the decision making process.

That there is daily covering of the tip face.

8. **General Business:**

Discussion on the name of the "Tip" which indicated that to encourage a positive approach to recycling that the facility be formally named, "The Nannup Waste Management and Recycling Facility.

The glass disposal at the facility has stalled and that options are considered for ongoing removal of glass waste. Indication that the most cost effective and environmentally sustainable method is landfill disposal given that glass is "silica" which is a naturally occurring element and it is not a concern in landfills.

The approach to Council by a waste disposal firm to provide skips in the Scott River area was discussed. It is recognised in the current collection contracts that expansion of the service was envisaged subject to cost benefit analysis. Any service would need to be implemented based on community demand, business case to Council for approval and subsequent implementation process initiated. Any service would likely to be a charge to users similar to the current yellow bin recycling service.

Action Points:

1. The WMO investigate options including use of the Manjimup glass crushing machine, approaching the Works Manager for use in roading and lobbying of government for a deposit on all bottles to encourage recycling.
2. The MDS to provide feedback to the next meeting on the renaming of the "Nannup Waste Management and Recycling Facility".
9. **New Business of an urgent nature:** Nil
10. **Next Meeting:** Tuesday 16 June at 10am at the Nannup Council Chambers.
11. **Closure of Meeting:** There being no further business the meeting was closed at 3pm.

**EWEN ROSS
MANAGER DEVELOPMENT SERVICES**

Enclosure:

1. **Terms of Reference dated 20 March 2009**
2. **Refuse data (WMO)**



ENCLOSURE 1 TO
AGENDA 20 MAR 09

20 March 2009

Our Reference: ASS22

<p>Nannup Community Recycling and Waste Management Advisory Committee</p>
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Terms of Reference

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Committee in Summary

Name:	Nannup Community Recycling and Management Advisory Committee
Established:	21 September 2001 (First record of minutes)
Membership:	Councillors x 2 Cr C Pinkerton Cr David Boulter Community Members Ms K Kealley Mr R Bartrop Mr Paul Battrick Mr P Watts Mr B Black Mr B Healey
Council Support:	Manager Development Services (Non voting/not quorum) Klaus Muller (Contract Waste Management Officer)
Meetings:	Tri - monthly
Current Chairperson:	Cr C Pinkerton
Instrument Review due:	20 August 2009 or upon re-establishment of the Committee (whichever is the earliest)
Quorum Requirement:	4 members
Term:	Committee disbands upon resolution of Council

1.0 Introduction

The Council of the Shire of Nannup (hereinafter called "the Council") hereby establishes a committee under the powers given in Section 5.8 of the Local Government Act 1995, such committee to be known as the Nannup Community Recycling and Management Advisory Committee (hereinafter called the "Committee").

The Council appoints to the Committee those persons whose names appear in section 6.0 herein. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the third Saturday in October in the year the Council's local government elections are held, after which time the Council may appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and policy of the Shire of Nannup and this Instrument.

2.0 Name

The name of the Committee shall be Nannup Community Recycling and Waste Management Advisory Committee.

3.0 Objectives

To assist Council in the assessment, planning and implementation of relevant waste management caravan parks as they are presented to, or developed by Council.

Recommendations from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources.

The Council will set, annually, the terms of reference for the Committee.

4.0 Duties and Responsibilities of the Committee

The duties and responsibilities of the committee will be to:

- 4.1 To provide a conduit between the Community and Council in relation to waste management.
- 4.2 To advise and make recommendations to Council including (but not limited to) the following strategic matters related to Waste Management for the purposes of:
 - Identifying improvements to the service delivery to the Nannup Community for waste management and recycling.
 - Aiming to reduce the amount of waste currently dumped at the Shire's landfill site.
 - Where necessary undertake periodic review of Council's Waste Management Plans.

- Where possible identify waste management outcomes which will result in cost effective environmental, economic and social benefits for all Shire residents.

4.3 To provide regular communication with the community and Council regarding the process and progress of projects.

5.0 Powers of the Committee

The committee is a formally appointed committee of Council and is responsible to the Council. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its Objectives and Duties and Responsibilities. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

5.1 General Powers

The Committee has the power to co-opt persons to attend the Committee meetings from time to time to assist the Committee in its functions, but does not have the power to appoint members to the Committee. Co-opted persons do not have voting rights.

5.2 Specific Powers

The Committee has no delegated powers under the Local Government Act and is to advise and make recommendations to Council only. There is no delegation or scope with regards operational matters between Council and the Contractor.

6.0 Membership

The committee will consist of two (2) elected members and six (6) Council appointed community members as listed below. All members shall have full voting rights.

Cr C Pinkerton
Cr David Boulter
Ms K Kealley
Mr R Bartrop
Mr Paul Battrick
Mr P Watts
Mr B Black
Mr B Healey

The CEO and Shire of Nannup employees are non voting members of the committee.

The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the committee.

The Shire of Nannup shall provide secretarial and administrative support to the committee.

7.0 Selection Criteria

In making their selection for the community members of this Committee, Council shall take into account the following:

- 7.1 Relevant past or present experience/interest in waste management and/or recycling.
- 7.2 Relevant skills in either business planning or community engagement,
- 7.3 Evidence of a long positive commitment or involvement in the Nannup community,
- 7.4 Quality of networks within the Nannup community.

8.0 Meetings

The committee shall meet at least four times per year. Additional meetings shall be convened at the discretion of the presiding person.

- 8.1 Notice of meetings including an agenda shall be given to members at least 3 days prior to each meeting.
- 8.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on such

Committee. The Council shall be informed, and the Council may appoint a replacement for the balance of the term of appointment.

8.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 business days after each meeting, provide the committee members and Council with a copy of such minutes.

8.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding can cast a second vote.

9.0 Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

10.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Local Government Act 1995 and any Council policies, procedures or standing orders which may be in force from time to time.

11.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices (simple majority), whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority. (Quorum requirement = 4 members)

12.0 Disclosure of Interests

Committee members are required to disclose a direct or indirect financial interest or a proximity interest in any matter that is relevant to the member or relevant to a person with whom the member is closely associated.

Shire employees are to disclose interests relating to delegated functions of the Committee.

A member has a financial interest in a matter if it is reasonable to expect that the matter will, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A member has a proximity interest if the matter concerns a proposed change to a planning scheme, zoning or use of land, or a proposed development of land that adjoins the member's land.

The reference to an indirect financial interest of a member in a matter refers to a financial relationship between a member and another person who requires a local government decision in relation to the matter.

Division 6 – Disclosure of Financial Interests of the Local Government Act 1995 should be referred to in relation to disclosure of interests and their application and conversely, when some interests need not be disclosed.

The Shire Officer will provide guidance to Committee members at the time of disclosure. If in doubt, members are requested to err on the side of caution and submit a disclosure of interest form.

14.0 Termination of Committee and its Members

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) At the direction of Council.

The term of the appointment of a Committee member continues until the member is removed from the Committee, the position becomes vacant (eg through member resignation), the Committee is disbanded, or the next ordinary election day – whichever happens first.

15.0 Amendment to the Terms of Reference

This document may be altered at any time by Council.

Last review date:	20 August 2008
Adopted by Council:	XX March 2009

16.0 Committee Decisions

Committee decisions shall not be binding on Council.

17.0 Officer(s) Responsible for Management of Committee

The following officers of the Shire of Nannup are responsible for the administration of this committee:

Principal Shire Officer: Manager Development Services
Deputy Shire Officer: Klaus Muller

Specifically, the Manager Development Services is responsible for the following matters:

- The conduct of the election of a Presiding Member;
- Preparation and distribution of Agendas to all members;
- Recording and preparation of minutes of meetings;
- Preparation of any reports required to be forwarded to Council or a Council Committee. Such reports shall contain the committee recommendation and any officer comment deemed necessary;
- Booking of all meetings including ensuring any catering arrangements required are in place; and
- Any other administrative tasks required to ensure the proper and smooth operation of the committee.

18.0 Governing Legislation, Policies, Procedures and Standing Orders

This Committee is governed by:

- Section 5.3 of the Local Government Act 1995, Subdivision 2 – *Committees and their meetings* (parts 5.8 to 5.18)
- Schedule 2.3 of the Local Government Act 1995 *When and how mayors, presidents, deputy mayors and deputy presidents are elected by council*
- Shire of Nannup's *Code of Conduct*
- Shire of Nannup's *Guidelines on the Debate of Motions Before Council*
- Shire of Nannup's *Committees Guidelines*

Adopted Committee Meeting: 19 March 2009