



MINUTES

Council Meeting held
on Thursday 22 January 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.25 pm.

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

Councillors Dunnet, Pinkerton, Bird, Boulter, Dean, Taylor, 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

10

APOLOGIES

Cr Camarri

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr M Loveland asked for the percentage of rates paid in full on time. This question was taken on notice.

Ms. C Brown asked whether there could be more recycling bins placed at the refuse site. The Chief Executive Officer responded that this would be attended to.

Mr G Mackie asked if the submissions that were received due to the extended submission period were going to be addressed as they appeared not to be in the agenda item under discussion for today's meeting reference Amendment 1 to Town Planning Scheme No. 3 for final approval.

Mr R Paull responded indicating that late submissions would be considered by Council and these documents have been circulated. They do not appear in the agenda as they arrived after the agenda was circulated.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr S Hedley made a presentation on the Folly rezoning,

Mr G Mackie made a presentation on the Folly rezoning.

Mr T Hale made a presentation on the Folly rezoning.

Ms C Brown made a presentation on the telecentre.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8086 BOULTER/PINKERTON

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 18 December 2008 be confirmed as a true and correct record.

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Trails meeting

Warren Blackwood Strategic Alliance meeting

10. REPORTS OF OFFICERS

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|--|
| AGENDA NUMBER: 10.1 SUBJECT: Proposal to initiate Amendment to Local Planning Scheme No. 3 LOCATION/ADDRESS: N/A FILE REFERENCE: TPL10 AUTHOR: Rob Paull, Planning Consultant DISCLOSURE OF INTEREST: Nil DATE OF REPORT: 23 December 2008 |
|--|

Attachment: Matters to be Considered by Local Government

BACKGROUND:

Clause 6.2.1.1 (b) of Shire of Nannup Local Planning Scheme No. 3 ('Scheme') states in part:

A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land on the Scheme Map or on other land which, in the opinion of the local government, may be liable to flooding, unless:

- (i) the floor of any dwelling house or other habitable building is, or will be, raised a minimum of 500 millimetres (mm) above the 1 in 100 year flood level identified for the land;*

Furthermore Clause 6.2.1.4 of the Scheme states in part:

Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b).

(It should be noted that reference to 6.2.2.1 is believed to be a typographical areas and should be 6.2.1.1)

Clause 5.6 of the Scheme provides discretionary powers to approve variations to the normal provisions of the Scheme if certain "matters" can be achieved as per Scheme Clause 10.2 as referred to in the attachment.

However, the ability to use the discretionary powers of Clause 5.6 in relation to Clause 6.2.1.4 of the Scheme is not considered possible given the unequivocal wording of Clause 6.2.1.4 ("*under no circumstances*"). It is noted that for uses within flood prone land other than 'tourist' or 'commercial (including dwellings and habitable buildings), such discretion to vary the floor height or utilise other measures can be sought via an application for Planning Approval.

The Chief Executive Officer has requested that mechanisms be investigated to provide discretion in assessing of tourist or commercial applications within flood

prone land. Such discretion should not be interpreted as 'support' for other measures, but rather, the intent is to provide the opportunity for an applicant to explore measures other than raising the floor to a minimum of 500 millimetres above the 1 in 100 year flood level as identified for the land.

Two clear options for discretion could be considered:

- site specific amendments; or
- a generic modification to the Scheme (specifically to Clause 6.2.1.4).

This Report comments on the most appropriate means of achieving discretion in assessing of tourist or commercial uses applications within flood prone land.

COMMENT:

- *Site specific amendment/s option*

A site specific Amendment to the Scheme could be considered on a case by case basis. However, the proponent would be required to instigate costly structural, engineering and environmental assessments with no clear outcome. In addition, the Shire could charge over \$3,000 for an amendment/rezoning fee and it is possible that a final determination could take up to 12 months. There is no guarantee of success for the Applicant or the Shire as the Minister for Planning determines the success or otherwise of an amendment to the Scheme.

- *A generic modification to the Scheme (specifically to Clause 6.2.1.4) option*

A generic modification to the Scheme itself would provide 'discretion' for Council to address the appropriate floor height of 'tourist' and 'commercial' buildings. This is considered an acceptable way to achieve 'discretion' compared to a site-specific amendment, which in contrast, would be required for any individual site. It is not clear where the specific wording of Clause 6.2.1.4 (in relation to 'tourist' and 'commercial' buildings) originated, however, it is likely that the input of the Department of Water ('DoW') would have been sought in the preparation of the Scheme.

The suggested wording for a 'generic' modification to the Scheme is as follows (**bold** for additional wording and ~~'strikethrough'~~ for the removal of words):

Clause 6.2.1.4:

*Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development **and approved only where the Department of Water agrees with the Shire that the proposed floor level will not***

~~**exacerbate the potential for flood risk. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b).**~~

Conclusions

Should Council wish to pursue discretion in assessing tourist or commercial uses applications within flood prone land, it is recommended that a 'generic' amendment to the Scheme be pursued.

Such flexibility in the Scheme is in keeping with the direct of the WAPC's 'Model Scheme Text' where it seeks to ensure that Schemes provide flexibility in planning content to suit local circumstances. It is appropriate that an amended Clause 6.2.1.4 require the input and direction of the DoW to the point where a DoW objection would lead to refusal.

However, it is important to note that such a provision would provide the opportunity for an Application to be appealed to the State Administrative Appeals Tribunal.

STATUTORY ENVIRONMENT:

Council's Local Planning Scheme provides a statutory framework for all development in the Shire.

Should Council resolve to initiate an Amendment, consent from the Environment Protection Authority ('EPA') would need to be sought in relation to whether the Amendment would need to be 'assessed' by the EPA. Where no assessment is required, the Amendment would be advertised for 42 days and referred to numerous agencies, including the DoW.

It is also recommended that prior to advertising, the Amendment be referred to the Western Australian Planning Commission to ensure conformity with standard planning practice.

POLICY IMPLICATIONS:

Council has adopted its Natural Resource Strategy. Under the sub-heading of 'Water Resources, the Policy seeks to ensure that Council:

- v) *Consider(s) flood risk and avoid intensifying the potential for flooding as a result of inappropriately located land uses and development.*

Any amendment to the Scheme must ensure that it does not lead to enhancing flood risk in any form. Accordingly, the direction of the DoW must provide a significant direction of any proposal.

FINANCIAL IMPLICATIONS:

The Shire would bare the cost of preparing an Amendment to the Scheme and if approved by the Minister for Planning, Gazettal of the Amendment. This cost would be in the vicinity of \$2,000 - \$3,000.

Council did make an allowance in the current year's budget for this expenditure.

If the recommendation to this item is adopted, it need to be by an absolute majority.

STRATEGIC IMPLICATIONS:

No implications are anticipated.

RECOMMENDATIONS:

Council, in pursuance of Part V of the Planning and Development Act 2005('Act') adopt for community consultation purposes draft Amendment No. 7 ("Amendment") to the Shire of Nannup Local Planning Scheme No. 3 ("Scheme") that proposes:

1. That Clause 6.2.1.4 be modified as follows:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and approved only where the Department of Water agrees with the Shire that the proposed floor level will not exacerbate the potential for flood risk".

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred to the Western Australian Planning Commission ('Commission') for consent to advertise.
3. Should consent to advertise from the Commission be provided, the Amendment be advertised for a period of 42 days (or other period if required by the Commission) in accordance with the *Town Planning Regulations 1967* and the matter be referred back Council for final consideration.

4. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment or the Commission does not support advertising of the Amendment, the matter be referred back to Council for consideration.

8087 BOULTER/PINKERTON

Council, in pursuance of Part V of the Planning and Development Act 2005('Act') adopt for community consultation purposes draft Amendment No. 7 ("Amendment") to the Shire of Nannup Local Planning Scheme No. 3 ("Scheme") that proposes:

1. That Clause 6.2.1.4 be modified as follows:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and approved only where the Department of Water agrees with the Shire that the proposed floor level will not exacerbate the potential for flood risk and/or damage".

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred to the Western Australian Planning Commission ('Commission') for consent to advertise.
3. Should consent to advertise from the Commission be provided, the Amendment be advertised for a period of 42 days (or other period if required by the Commission) in accordance with the *Town Planning Regulations 1967* and the matter be referred back Council for final consideration.
4. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment or the Commission does not support advertising of the Amendment, the matter be referred back to Council for consideration.

**CARRIED 6/1
BY AN ABSOLUTE MAJORITY**

Councillors voting for the motion: Dunnet, Pinkerton, Dean, Bird, Boulter, Taylor.

Councillor voting against: Lorkiewicz

Matters to be Considered by Local Government

The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application—

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;*
- (b) the Local Planning Strategy;*
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (d) any approved Statement of Planning Policy of the Commission;*
- (e) any approved Environmental Protection Policy under the Environmental Protection Act 1986;*
- (f) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;*
- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4, any heritage policy statement for any designated Heritage Area adopted under clause 7.2, or any other plan or guideline adopted by the local government under the Scheme;*
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- (i) the conservation of any place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990, or which is subject of an order under Part VI of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a Heritage Area;*
- (j) the compatibility of a use or development within its setting;*
- (k) any social issues that have an effect on the amenity of the locality;*
- (l) the cultural significance of any place or area affected by the development;*
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (n) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk;*
- (o) the preservation of the amenity of the locality;*
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
- (t) whether public utility services are available and adequate for the proposal;*
- (u) whether adequate provision has been made for access for pedestrians and cyclists;*
- (v) whether adequate provision has been made for access by disabled persons;*
- (w) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;*
- (x) whether the proposal is likely to cause soil erosion or land degradation;*
- (y) the potential loss of any community service or benefit resulting from the planning approval;*
- (z) any relevant submissions received on the application;*
- (aa) (za) the comments or submissions received from any authority consulted under sub-clause 10.1.1; and*
- (bb) (zb) any other planning consideration the local government considers relevant.*

AGENDA NUMBER: 10.2

SUBJECT: Request to adopt draft Amendment No. 1 to Local Planning Scheme No. 3 for Final Approval.

LOCATION/ADDRESS: Lots 1-4, 8, 11, 41-43,45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup

NAME OF APPLICANT: Greg Rowe and Associates on behalf of Nannup Investments Pty Ltd.

FILE REFERENCE:

AUTHOR: Rob Paull - Planning Consultant.

DISCLOSURE OF INTEREST: Nil

DATE OF REPORT: 31 December 2008

- Attachments:**
1. Draft Amendment No. 1 to Local Planning Scheme No. 3 (as advertised).
 - 2A. Draft Scheme Amendment map
 - 2B. Proposed East Nannup Concept Plan
 3. Schedule of Submissions.
 4. Recommended modifications to draft Amendment No. 1 to Town Planning Scheme No. 3.

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. 1 with or without modifications.

BACKGROUND:**1. The Proposal**

The proponent seeks Council's support to rezone lots 1-4, 8, 11, 41-43,45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' zone to facilitate residential, special rural, tourist development, community purpose and public open space uses. The subject land has an area of approximately 325.36ha and is currently zoned "Agriculture" under the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3'). Attachment 1 includes draft Amendment No 1. as advertised. Attachments 2A & 2B include the draft Scheme Amendment map and Proposed East Nannup Concept Plan (respectively).

Signed:

Dated 26 February 2009

If Approved, draft Scheme Amendment No. 1 will facilitate urban (residential) and special rural development in accordance with, and as outlined in, the Shire of Nannup Local Planning Strategy for LPS 3 (the "Local Planning Strategy"). That is to say, this rezoning request seeks to implement the recommendations of the Local Planning Strategy by rezoning the subject land in accordance with its recommendations.

Draft Scheme Amendment No. 1 introduces specific provisions to be included in a new Appendix/Schedule to LPS 3 to outline the operation of the "Future Development" zone. This will detail the conditions of use of the "Future Development" zone including, but not limited to, the preparation of Structure Plans. The permitted uses will be identified by reference to an amended Table 1 – Zoning Table.

Draft Scheme Amendment No. 1 introduces a new objective for the "Future Development" zone into Part 4 of LPS 3 as well as objectives and planning requirements. It is intended that the development and subdivision of the land will be generally in accordance with a 'Structure Plan' to be adopted by Council and endorsed by the Western Australian Planning Commission (WAPC) in accordance with the requirements of Schedules 14 and 16 of LPS 3.

Draft Scheme Amendment No.1 also introduces new procedures for adopting 'Structure Plans' as well as additional 'Definitions'. Both the 'Structure Plan' process and the new 'Definitions' have relevance to all land in the Shire. The additional definitions are as follows:

- *"Holiday Home" – means a residential building used to provide accommodation for short-stay guests rather than permanent residency, and excluding those uses more specifically defined elsewhere".*
- *"Micro-Brewery" - means premises used for the small scale production of beer and may include sale of the produce".*
- *"Micro-Distillery" – means premises used for the small scale production of alcoholic liquors such as whiskey, vodka and gin and may include the sale of the produce".*

2. Site and Nearby Land Details

The subject land has previously been used as a pine plantation and is generally steeply sloping. Most of the pine trees have been harvested (with the exemption of the northern most portion the land) leaving the land in a somewhat degraded state. The slope of the land is a critical consideration in respect of the subdivision design both in respect of road placement and usability of the individual allotments created. The placement of roads so as to avoid (as much as possible) the steeper portions of the site will assist in minimising the potential for erosion and

assisting drainage management. In some areas it is unavoidable that extensive road works will be required, however, in general the internal road network will be dictated by the topography of the site.

In some portions of the site, however, it is difficult to achieve containment of an area of land with a slope that can easily and readily be developed for the construction of a dwelling. Land surrounding the subject site is predominately zoned "Agriculture" under the provisions of LPS 3 and is a combination of pine plantation purposes and grazing.

To the west of the site opposite Dunnet Road is the existing Nannup Townsite which forms the core residential area of Nannup as well as the "Town Centre" zone along Warren Road with local shops and community services.

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 Local Planning Strategy seeks to:

"..... become a central feature of the Scheme [The Shire of Nannup Local Planning Scheme No. 3], setting out the Council's general aims and intentions for future long term growth and change...The Local Planning Strategy will become a central part of the Scheme, being a consideration the Council will have regard to in making planning decisions, and will carry significant weight in planning appeals...The Local Planning Strategy provides an opportunity for an integrated approach to planning across all areas of the district, including consideration of social, environmental and economic aspects. Once adopted, the LPS is translated into an action plan through the adoption and implementation of Town Planning Scheme No. 3."

The Local Planning Strategy has incorporated recommendations that were formulated within the Shire of Nannup Townsite Strategy ("Nannup Townsite Strategy"), which was adopted by the Shire of Nannup in June 1999. The purpose of the Nannup Townsite Strategy is to:

"identify land suitable for urban and rural-residential expansion of the townsite. The Strategy explores the variety of opportunities and constraints associated with the identification of land suitable to, and required for, long-term townsite expansion."

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 policy areas, as outlined in the Townsite Strategy, have been similarly incorporated into the Local Planning Strategy as rural planning precincts. As such, the Local Planning Strategy states:

"The Townsite Strategy adopts a simple format utilising information based mapping and plans together with policy areas and statements which, when combined, illustrate the strategic directions for the townsite and surrounds."

The subject land is located in Policy Area No. 8 – Folly: Precincts 8a and 8c of the Nannup Townsite Strategy. Below is a short description and summary of recommendations for Policy Area No. 8 – Folly, as outlined in the Local Planning Strategy:

"Policy Area Description

The Folly policy area adjoins the Nannup Townsite on its north-eastern border. While the land contains steep land and commercial tree plantations, it is, by way of topography, divided into a number of precincts which are considered to suit a range of alternative uses and, consistent with the State Planning Strategy, are considered to provide opportunities for a "range of residential lifestyles, tourism experiences and economic opportunities" and "for nodal development with local employment opportunities." This policy area has been divided into three Policy Precincts 8a, 8b and 8c.

The recent sale of the Folly plantation and its removal from the 'State Forest' reserve in Council's existing Town Planning Scheme No. 1 presents opportunities not previously considered due to the land's 'State' ownership and perceived reservation as 'State Forest'.

The land is not regarded as 'Prime Agricultural Land' and would not significantly diminish the existing stock of productive agricultural land currently available within the Shire particularly given its existing use for commercial tree plantations".

The Policy Statement seeks as follows:

"To provide for the progressive development of the land for limited townsite expansion having regard to topographical constraints and the existence of commercial tree plantations.

- *Precinct 8a: approx. 20ha where land is to be reserved for urban (residential) expansion of the townsite due to its topographical, physiological and locational suitability.*

- *Precinct 8c: approx. 285ha where a mix of traditional rural residential and cluster/nodal rural residential subdivision is to be encouraged.*
- *To require the preparation of a Structure Plan over all policy areas and to include the integration of landuses, provision of appropriate linkages between the precincts and staging of lot creation.*
- *To require the rezoning of land (where necessary) as well as require the preparation of a Development Guide Plan to be prepared for the land to be adopted by Council prior to recommending approval to any subdivision or development of land.*
- *Structure Plans and Development Guide Plans are to be endorsed by the Western Australian Planning Commission.*
- *To encourage a range of housing types and lot sizes and therefore, lifestyle opportunities.*
- *To encourage a range of tourist uses having regard to the land's scenic qualities, outlook opportunities and other features.*

Development Issues

| | |
|---|---|
| <ul style="list-style-type: none"> • <i>Effluent Disposal</i> • <i>Drainage</i> • <i>Topography</i> | <ul style="list-style-type: none"> • <i>Water Supply</i> • <i>Landscape features</i> • <i>Provision of Community Infrastructure and Services</i> • <i>Land Capability</i> |
| <ul style="list-style-type: none"> • <i>Population Growth</i> • <i>Alternative housing/development & lifestyle opportunities</i> • <i>Residential Land - Development Costs, Sale Prices & Demand</i> • <i>Servicing Constraints</i> | <ul style="list-style-type: none"> • <i>Road Access</i> • <i>Power Supply</i> • <i>Tourism/Local employment</i> • <i>Nodal Settlement</i> |

Land Use

| <u>Primary</u> | <u>Secondary</u> | <u>Undesirable</u> |
|---|---|--|
| <ul style="list-style-type: none"> • <i>Single Dwellings</i> • <i>Tourist Development/Uses</i> • <i>Rural-Residential</i> • <i>Special Residential</i> • <i>Urban Development</i> <p><i>Land Uses are restricted by the purpose and intent specified for each precinct within the above Policy Statements.</i></p> | <ul style="list-style-type: none"> • <i>Camping Area</i> • <i>Cottage Industry</i> • <i>Function Centre</i> • <i>Rural Pursuit</i> • <i>Restaurant</i> | <ul style="list-style-type: none"> • <i>Animal Boarding</i> • <i>Caravan Park</i> • <i>Grouped/Second Dwelling</i> • <i>Industry</i> • <i>Motor Vehicle Wrecking</i> • <i>Stock Yards</i> • <i>Storage Yard</i> • <i>Transport Depot</i> • <i>Veterinary Centre</i> |

| | | |
|--|--|--|
| <p><u>Ancillary</u></p> <ul style="list-style-type: none"> • <i>Ancillary Accommodation</i> • <i>Home Business</i> • <i>Home Occupation</i> | | |
|--|--|--|

Council's Local Planning Strategy was prepared subsequent to the *Nannup Townsite Strategy* and essentially reflects the same policy direction. Both the draft Scheme Amendment No. 1 and the "*Proposed East Nannup Concept Plan*" seek to promote the preferred Primary, Ancillary and Secondary uses as identified in the *Nannup Townsite Strategy*.

However, as noted in earlier Reports to Council, the strategic direction provided by the Local Planning Strategy and the *Nannup Townsite Strategy* is generic in nature and will need to be 'ground truthed'. Draft Scheme Amendment No. 1 seeks to acknowledge the results of the site inspection carried out as part of the 'workshop' that confirmed the nature of the steep topography of most of the Subject Land. Lot and road design along with the long-term management will need to be thoroughly addressed as part of the development guide plan process. The Proponent has undertaken some engineering assessment, which should be included in the Scheme Amendment Report.

Some areas shown as *Precinct 8a* (residential) are unlikely to be developed for residential purposes due to the very steep slope of the land. This has resulted in the 'Residential/Special Residential' development area identified in the *Local Planning Strategy* and the *Nannup Townsite Strategy* being amended in the '*East Nannup Concept Plan*'

The proposed rezoning of the subject land is consistent with the recommendations of both the *Nannup Townsite Strategy* and *Local Planning Strategy*.

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

A formal rezoning request was lodged with the Shire in January 2007. The request was to rezone the land under LPS 3 to 'Residential R10/15' and 'Special Rural'. Council acknowledged receipt of the draft Scheme Amendment No. 1 request and advised on 17 May 2007, that given the scale and complexity of the draft Scheme Amendment No. 1, Council's intention was to outsource the services of a suitable experienced and qualified planning consultant to assist with the assessment of the draft Scheme Amendment No. 1 and provide advice to the Council.

Council at its Special Meeting held on 4 May 2006 considered and made determinations on a number of submissions received on the draft Local Planning Strategy and (then) draft LPS 3. Council in the same resolution also adopted the draft Local Planning Strategy and LPS 3 for final approval subject to a number of minor modifications. The documentation associated with LPS 3 was forwarded to the WAPC seeking final approval by the (then) Minister for Planning and Infrastructure.

On the 15 May 2007 the WAPC confirmed that final approval could be granted subject to some additional modifications. A meeting of Council on the 16 June 2007 sought the endorsement of the modifications from the WAPC. Council at the same meeting also established a position that it would not consider any further amendment proposals under the existing Town Planning Scheme No. 1. Council resolved to advise proponents of any rezoning proposals to prepare documentation for consideration as an amendment under the (new) LPS 3 once gazetted.

Following the applicants initial rezoning request submitted to Council on the 24 January 2007 and consequent meetings between Council staff and representatives a report was presented to Council at its meeting of the 28 June 2007 and it was resolved as follows:

1. *"That Council advise that with respect to the request to consider an Amendment to Town Planning Scheme No. 3 for Lots 1-4, 8, 11, 41-43,45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup, it is not in a position to consider any such request until Gazettal of Town Planning Scheme No. 3.*
2. *That Council, in relation to Lots 1-4, 8, 11, 41-43,45, 46 and 79 generally east of the Nannup Townsite (Folly block) and north of Brockman Highway, is prepared to invite a draft Amendment that seeks to provide a range of residential and rural residential development (along with tourist uses) that addresses (not limited to) the following criteria:*
 - *any Amendment to reflect the requirements of draft Local Planning Scheme 3 in particular Clauses 4.13.10.2, Clause 5.2.3 and Schedule 14 and WAPC Planning Bulletin 11 Town Planning Scheme Amendments;*
 - *assessment of issues including slope, servicing, access, building construction, ongoing (practical) land management, landscaping, rehabilitation of 'pine' land and fire management; clarification of staging; ensuring that the land defined for 'residential' is developed as an early stage;*

- *assessment of impact of development on the Nannup Township (including impact on school capacity, open space, community infrastructure etc);*
 - *consideration of developer contributions and to identify community requirements over a 10-20 year period;*
 - *possible use of 'Precinct Plans' for each stage that provides more detail - e.g. - building envelopes, access arrangements, vegetation plan;*
 - *landscape visual assessment of development fronting Brockman Highway and other visually significant areas;*
 - *initial engineering assessment that the land shown for either lot production and/or road development can in fact be developed (along with an indication of construction profiles); and*
 - *appropriate Scheme Provisions and consideration of a 'special' (specific) zoning of Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup.*
3. *That Council advise the proponent that the 'invitation' referred to in 2 above should be regarded as an informal/conceptual support to the concept of rezoning and should not be construed that an amendment will be initiated or will be finally adopted and to continue discussions with Council staff on the proposal".*

On the 25th October 2007, a formal scheme amendment request was lodged with the Shire of Nannup in anticipation of the impending gazettal of LPS 3. LPS 3 was approved and subsequently gazetted on 14 December 2007. Following the gazettal of LPS 3, Amendment No. 1 was initiated by Council on 20 December 2007.

It should be noted that on 27 November, the Council resolved:

1. *That Council request an extension of time to assess amendments 1, 3 and 4 to its Local Planning Scheme # 3 from the Western Australian Planning Commission until the 1st February 2009.*
2. *That Council take the position that it will accept late submissions following the advertising period up until the time that the amendments are presented to Council for final adoption (with or without modifications) or refusal.*

The Shire requested the extension of time and this was agreed to by the WAPC.

5. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 1 for 60 days and meeting the requirements of the WAPC including writing to adjoining/nearby neighbours, seeking the advice of relevant agencies, placing a sign on-site, placing a public notice in a local newspaper and details being available for public inspection at local public libraries and at Shire's Customer Service Centre in Nannup.

Ten (10) submissions were received on draft Scheme Amendment No. 1 during the advertising period and these are summarised in the Schedule of Submissions (note Attachment 3), along with a recommended action. Copies of all submissions are available to Councillors on request.

Five (5) submissions were received from landowners/individuals (including the proponent) with five (5) submissions from State Government departments. The following summarises the submissions:

- three (3) submissions support draft Scheme Amendment No. 1 without modification;
- one submission (Water Corp) does not support draft Scheme Amendment No. 1; and
- six (6) submissions support draft Scheme Amendment No. 1 subject to modifications and/or confirmation that issues will be appropriately addressed.

The issues raised in the submissions can either be addressed in modifications to draft Scheme Amendment No. 1 or are dealt with in the existing provisions.

It should be noted that two adjoining landowners have requested that their land be included in the adopted Scheme Amendment No. 1. The inclusion of the land in Scheme Amendment No. 1 is an option for Council (and addressed in the Schedule of Submissions). However, it is recommended that draft Scheme Amendment No.1 not include these two land parcels. This is not to suggest that the lots in question do not necessarily have some planning merit in relation to a scheme amendment, but rather that no specific assessment has been undertaken by the Shire and these lots have not been through a public advertising process.

Should Council wish to include the 'additional' land subject of the Submissions in Scheme Amendment No. 1, it would need to re-initiate Scheme Amendment No. 1 to include the additional land, seek WAPC consent for the modification and if provided re-advertise Scheme Amendment No. 1 (probably for 42 days).

Accordingly, it is considered more appropriate to suggest that the submitters in question formally request Council to initiate an Amendment to LPS 3 and if supported, appropriate scheme amendment documents and fees would be provided by the submitters (as proponents).

The further issues are discussed further.

COMMENT:

1. Overview

Following an assessment of the submissions, relevant Council, WAPC and EPA policies, it is suggested draft Scheme Amendment No. 1 is appropriate for final approval subject to various modifications. While there are various issues to address at the Structure Plan (SP), subdivision and development stages, it is suggested that the proposal:

- is generally consistent with the Local Planning Strategy for future subdivision/development;
- will result in the residential and special rural lots being capable and suitable for the intended purpose (further investigations and studies are required to ensure that all lots are capable and suitable);
- will have fully serviced residential lots and some fully serviced special rural lots;
- if approved and suitably implemented, has the potential to create a high standard "product" which will complement the Nannup townsite and positively add to the area; and
- will use land more "efficiently", through smaller lots in an appropriate location, which is relatively close to the town centre and other facilities. This is considered to be a sound planning outcome which is consistent with numerous planning documents including the WAPC's Statement of Planning Policy No. 3 "Urban Growth and Settlement" and the State Sustainability Strategy.

The submissions from the local community are generally consistent in that they either totally support draft Scheme Amendment No. 1 or support subject to having issues addressed - which is to be expected given the scale of the proposal. Importantly, it is suggested that most key issues raised through the submissions can be appropriately addressed based on the results of the technical studies and further investigations, further detail at the SP and subdivision stages and meeting associated subdivision/development conditions.

2. Using land more efficiently

There is planning merit in using residential and rural residential land more efficiently, provided relevant issues are appropriately addressed to the satisfaction of Council and other relevant agencies. Such a concept has been consistently supported by Council where sites have been identified for rural living or more intensive development in the endorsed Local Planning Strategy, or

where there has been previous Council and State Government support and associated zoning for rural residential.

3. Land Use Compatibility

There is a need to provide appropriate buffers between proposed future dwellings and tourist accommodation on the subject land from off-site agricultural areas.

It is recognised there will be issues to address at the interface between agriculture and residential/rural living development. Some of these issues could include sprays and use of machinery, especially at night, that may give rise to cause for complaint by residential property owners (if the issue is not appropriately addressed) or the agriculturalists being required to adopt different practices.

The Local Planning Strategy recognises interface issues and sets out criteria to appropriately manage impacts which require both residents and agriculturalists to address their responsibilities including keeping their impacts on their own property and respecting nearby land uses. It should be noted that no objection has been raised from the adjoining agricultural property.

4. Water Supply, Effluent Disposal and Drainage

The proponent will need to prepare suitable water supply, drainage and waste water strategies, to the satisfaction of the Council and other relevant agencies, which incorporates best management practice. The residential component will need to be fully serviced (water, sewer, drainage etc) whilst some rural residential lots will require reticulated water and perhaps, sewer. The drainage strategy should seek to improve water quality leaving the site, as a result of the proposed subdivision/development and the associated drainage strategy, compared to the current situation.

5. Visual Impact and Landscape Assessment

The draft Amendment outlines key requirements of addressing the visual impact of future development in detail at the SP stage. It is intended that it will need to ensure that it 'softens' the impacts of development and add to the area's distinctiveness. While noting this, it is highlighted there will be landscape change resulting from the proposal, if approved and implemented, which is inevitable for subdivision/development on the subject land.

6. Public Open Space

The proposed location of the public open space will be suitably addressed as part of the SP assessment for the needs and requirements of future residents. It

would be possible for council to determine smaller than usual open space areas and possibly, 'cash-in-lieu' for open space. However, the detailed planning of the SP will provide the opportunity to address the open space needs.

7. Suggested changes to the draft Scheme Amendment Provisions

In addition to the modifications supported by the proponent, set out in Attachment 3 from the publicly advertised version of the scheme provisions, it is suggested that the scheme provisions be modified as provided in Attachment 4.

8. Suggested changes to the draft Scheme Amendment Report

It is necessary for draft Scheme Amendment No. 1 Report to be modified to provide for some minor formatting changes and administrative "tidy ups".

9. Requirement for Additional Studies and Consultation

As mentioned in previous Reports to Council, given the proposal is a large development/subdivision concept for Nannup and for this Shire, the proponent is proposing a 'staged' approach to the provision of necessary studies/investigations. Should Draft Scheme Amendment #1 be gazetted, there is a legal requirement for the developer to suitably address wide-ranging studies/investigations prior to possible adoption of a SP and later gain subdivision approval.

The approach of requiring a broad Concept Plan "upfront" and the later requirement of a detailed and appropriately justified SP is a common practice for larger scale projects in other parts of Western Australia. This approach typically provides an effective balance between certainty and flexibility, with the potential for the proponent/developer to change "non-core" components of the subdivision/development design (following further public advertising of the SP and adoption by Council and endorsement by the WAPC). It is recognised that given the large size of the development area, that some "non-core" changes are anticipated between the preparation of the SSP and the final subdivision plans based on undertaking more detailed investigations and revisiting market conditions/requirements etc.

As previously outlined to Council, one draw-back with the staged approach is that stakeholders did not have all available information "upfront" when they assessed the draft Amendment and the 'Proposed East Nannup Concept Plan'. It is suggested these concerns can create uncertainty in the minds of some submitters and other submitters sought increased information in order to make an informed decision/submission.

While noting the above, the "staged" approach to developing plans for the site is still supported given there are considered to be a number of "safeguards" and

requirements (including advertising of the SP/s), which are legally backed, as outlined in the proposed scheme (legal) provisions.

10. Developer Contributions

From the initial discussions with the Shire and the proponent, the issue of developer contributions was aired. All parties associated with draft Scheme Amendment No. 1 were aware of the need for developer contributions that would relate to 'off site' community improvements such as (but not limited too):

- Nannup TimeWood Centre
- Recreation Centre Upgrade
- Children's Service Building Upgrade
- Youth Centre

These are the main 'bricks and mortar' facilities, however there are many opportunities for non financial partnerships and proposals that would have a positive impact on the economy, jobs, people relocating and of course buying land. Although draft Scheme Amendment No. 1 makes extensive reference to developer contribution requirements (as part of the SP assessments), it is also recommended that a MoU between Council and the developer be prepared that could be more than just relating to developer contributions.

It could also include 'developer commitments' in relation to promoting Nannup, promoting 'Folly' as a 'place of residence' and supporting the use of local workers, contractors and resources.

Accordingly, a further Report covering this aspect is presented to Council under separate cover.

11. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No. 1 with or without modifications, Scheme Amendment No. 1 is then referred to the WAPC. The WAPC then makes its assessment on Scheme Amendment No. 1 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. 1 will, in time, be gazetted.

Should the scheme amendment be finally gazetted, but prior to development or subdivision occurring, the proponent/developer is legally required to undertake relevant studies/investigations, to the satisfaction of the Council, including the following:

- Drainage Management Plan;
- Access Strategy;

- Fire Management Plan;
- Agricultural Impact Assessment;
- Visual Impact Analysis;
- Local Water Management Strategy;
- Landscape Management Plan;
- Land Capability/Geotechnical Assessment;
- Developer's Contribution Plan;
- Environmental Assessment; and
- producing Building Design Guidelines.

Following the receipt of legally required details for the SP, the Shire will publicly advertise the SP to the community, adjoining/nearby landowners, relevant government agencies etc. If the Council adopts the SP, the WAPC is then required to undertake its assessment. Providing the WAPC also adopts the SP, the next step is for the proponent/developer to seek subdivision approval. Should subdivision approval be issued, the subdivider is required to undertake more detailed investigations, suitably meet the conditions and supply required infrastructure prior to the issue of new titles.

12. Conclusion

It is recommended that Council support final approval to Amendment No. 1 to LPS 3 subject to modifications to draft Scheme Amendment No. 1 provisions as set out in this Report and included in Attachment 4.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

As noted in this Report, the subject land is located in Policy Area No. 8 – Folly: Precincts 8a and 8c of the Nannup Townsite Strategy.

Such a concept has been consistently supported by the Shire administration and Council where sites have been identified for rural living or more intensive development in the endorsed Local Planning Strategy, or where there has been previous Council and State Government support and associated zoning for rural living etc.

The proposal, if approved and implemented, will provide the Nannup townsite with an important supply of residential and rural residential lots in the short to longer term.

The proposal does however raise the need, in time, for the preparation of a Nannup Townsite Strategy. The preparation of a Nannup Townsite Strategy will assist in more orderly and planned development and the coordinated provision of infrastructure and services. This, in turn, will assist Council in its planning, the Shire with its service delivery and will provide increased certainty for other stakeholders. This should be considered by Council as part of its corporate strategic review process.

SUSTAINABILITY IMPLICATIONS:

The proposal have wide ranging environmental, economic and social implications. Some of implications are summarised below.

Environmental

A range of environmental issues has been considered at the draft Amendment stage and will be considered in greater detail at the SP stage by relevant agencies, the community and the Council.

Based on available information, the proposal, overall, does not raise key environmental issues given:

- the site is predominantly cleared;
- the subdivision/development is intended to be fully serviced (except the provision of reticulated sewerage and relevant State Government agencies and the Shire administration consider that on-site effluent disposal is appropriate);
- the advice from relevant State Government agencies and the Shire administration's assessment;
- the land is committed for more intensive subdivision/development; and
- subject to addressing the results of relevant studies/investigations and meeting subdivision and development conditions, the subdivision/development should result in minimal on-site or off-site environmental impacts.

The key environmental issues are considered addressing water management and addressing land use compatibility especially with adjoining/nearby agricultural uses.

Further, the efficient use of urban and rural living land is considered to be a sustainable planning outcome. Subdivision and development at increased densities complies with the State Sustainability Strategy and other government policies that seek to minimise the ecological footprint of communities in rural areas.

It should be noted that the SP will be referred to relevant agencies and the community for assessment and there will be further assessment at the subdivision stage.

Economic

Adoption of the Amendment could result in approximately 250 - 300 residential and rural living lots and opportunities for low-key tourist development. Additional development can assist to provide economic benefits to the local economy including consolidating the town's service function. Expansion/demand for land at Nannup has been anticipated and supported in Council's strategic planning.

Social

Additional development in this area has been known for a few years, however it will be important that the capacity of essential services keeps pace with additional demands. It is noted that the take-up rate of lots and subsequent development on the site may change social dynamics in Nannup, however there appears to be broad community support for additional growth as outlined in the endorsed Local Planning Strategy.

The additional population resulting from implementation of the proposal should add to the strength of the community and make better use of available services. However, it will also tend to create the demand for increased levels of service to meet the widening levels of interests within the town.

The proposal will provide additional residential lots for those wishing to buy land and live in the town.

FINANCIAL IMPLICATIONS:

None at this stage, however the proposal raises the potential for significant financial contributions from the Council that are unbudgeted.

Following subdivision occurring, if appropriately designed and constructed, the Shire will accept responsibility for usual infrastructure and POS, however this is off-set with increased rates. Council should adequately increase budget accounts for the new POS and drainage reserves, paths, verges and roads that will be created and transferred into Shire management especially given the scale of the development.

VOTING REQUIREMENTS: SIMPLE MAJORITY

RECOMMENDATIONS:

That Council:

1. Support final approval to Scheme Amendment No. 1 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' zone to facilitate residential, special rural, tourist development, community purpose and public open space uses.
2. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 3.
3. Require the modifications to Scheme Amendment No. 1 provisions as set out in Attachment 4.
4. Request the Western Australian Planning Commission support and the Minister for Planning grant final approval to Scheme Amendment No. 1 to LPS 3, with the modifications set out in Resolution 2 (above).

8088 DUNNET/BOULTER

That Council:

1. Support final approval to Scheme Amendment No. 1 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' zone to facilitate residential, special rural, tourist development, community purpose and public open space uses.
2. Accept 'Late Submissions' as provided to Council in Attachment 5.
3. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 3.
4. Require the modifications to Scheme Amendment No. 1 provisions as set out in Attachment 4.
5. Require the boundaries Scheme Amendment Map and 'Proposed East Nannup Concept Plan' to reflect the boundaries of the Nannup Townsite Strategy'.
6. Request the Western Australian Planning Commission support and the v Minister for Planning grant final approval to Scheme Amendment No. 1 to LPS 3, with the modifications set out in Resolutions 4 and 5 (above).

DRAFT AMENDMENT NO. 1 TO TOWN PLANNING SCHEME NO. 3 (AS ADVERTISED).

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- | | |
|---|-----------------------------|
| 1. LOCAL AUTHORITY: | SHIRE OF NANNUP |
| 2. DESCRIPTION OF TOWN PLANNING SCHEME: | LOCAL PLANNING SCHEME NO. 3 |
| 3. TYPE OF SCHEME: | LOCAL PLANNING SCHEME |
| 4. SERIAL NUMBER OF AMENDMENT: | AMENDMENT NO. 1 |
| 5. PURPOSE: | |

To amend the Scheme Text by:-

1. Amending Local Planning Scheme No. 3 by inserting Schedule 16 "Structure Plan Areas" and associated special provisions, as follows.

Schedule 16: Structure Plan Areas

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
|--|--|--|
| <p>"Future Development" Zone</p> <p>Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup</p> | <p>1. Structure Plans shall generally reflect the 'Proposed East Nannup Concept Plan' adopted by Council on 20/12/2007.</p> <p>2. Structure Plans shall be prepared and approved pursuant to the provisions of Schedules 14 and 16 of the Scheme. Independent Structure Plans may be developed for the precincts as identified in the adopted 'Proposed East Nannup Concept Plan'.</p> <p>3. A Structure Plan for Precinct 4</p> | <p>1. Any lots proposed within the Structure Plan that adjoin land zoned Rural, shall have Section 70A memorials pursuant to the Land Administration Act on each title making prospective purchasers aware of intensive agricultural operations within close proximity.</p> <p>2. The community purpose site and Public Open Space identified within the Structure Plan will be given up free-of-cost to the Shire. In order to ensure that an</p> |

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
|--------------------------|---|---|
| | <p>(Rural/Residential Plantation Area) shall not be approved by the Shire or WAPC until such time as the pines have been harvested and detailed investigations have been undertaken, to determine a suitable subdivision and development outcome.</p> | <p>appropriate community facility is established, a 'Memorandum of Understanding' will be prepared between the proponent and the Shire to ensure construction of a community facility at a future date consistent with the Shire's budgetary commitments and residents needs.</p> <p>3. The following studies, assessments and plans shall be prepared and be submitted with any Structure Plan, for approval by the Local Authority and the relevant Government Authority. The recommendations within the documents shall be used to inform the Structure Plan and relevant recommendations shall be implemented to the satisfaction of the Local Authority and the relevant Government Authority:</p> <ul style="list-style-type: none"> • A Stormwater and Drainage Management Plan, incorporating Water Sensitive Design principles, management of any existing and future dams and the identification of areas at risk of erosion and flooding; • A Transport and Access Strategy, providing safe movements and legal access for vehicles, pedestrians and cyclists into and around the site; • A Fire Management Plan, which identifies fire risk, and proposes appropriate mitigation while |

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
|--------------------------|-----------------------|---|
| | | <p>recognising the objective to minimise clearing of quality vegetation.</p> <ul style="list-style-type: none"> • An Agricultural Impact Assessment and Management Plan, which identifies the associated risks and potential conflict between adjoining landuses, and provides appropriate mitigation such as the provision of appropriate separation distances and buffer zones; • A Landscape and Habitat Enhancement Management Plan, which includes a strategic landscape analysis, appropriate street tree planting, the retention of native vegetation and enhancement of environmental corridors and wetlands using appropriate local provenance species; • A Developer's Contribution Plan, which identifies how the developer will contribute towards the provision of, and upgrading of, infrastructure and community facilities within the Nannup Township and on site. |

2. Amending Local Planning Scheme No. 3 by inserting the following Interpretations into Schedule 1 of the Scheme:

"Holiday Home" – means a residential building used to provide accommodation for short-stay guests rather than permanent residency, and excluding those uses more specifically defined elsewhere".

"Micro-Brewery" - means premises used for the small scale production of beer and may include sale of the produce".

"Micro-Distillery" – means premises used for the small scale production of alcoholic liquors such as whiskey, vodka and gin and may include the sale of the produce".

3. Rezoning Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' Zone.
4. Amending Local Planning Scheme No. 3 by inserting the following text into Part 4 of the Scheme.

4.2 Objectives of the Zones

The broad objectives of the zones are –

Future Development Zone

To provide for additional sustainable development within and around existing settlements within the Scheme Area.

4.13.12 Future Development Zone

Objectives:

- a) *To designate land considered to be generally suitable for future development purposes and to prevent such land being used or developed in a manner which could prejudice its possible future;*
- b) *To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services;*
- c) *To require, as a pre-requisite to subdivision and development, the preparation and approval by the local government together with the endorsement by the Western Australian Planning Commission of a Structure Plan in accordance with the provisions of Schedules 14 and 16 of the Scheme.*

4.13.12.1 Map Designation & Interpretation

Structure Plan Areas are shown on the Scheme Map as SPA with a number that corresponds with the number against each area in Schedule 16.

For the purpose of clause 4.13.12, unless the context otherwise requires:

'Proponent' means any owner of land to which the Proposed Structure Plan relates which has submitted that Proposed Structure Plan.

'Proposed Structure Plan' means a structure plan, which may apply to either a local area or a district, which has been prepared in accordance with the provisions of Schedule 14.

'Structure Plan' means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under the provisions of Schedule 14.

4.13.12.2 Purpose

- a) *To identify areas requiring comprehensive structure planning prior to subdivision and development.*
- b) *To coordinate subdivision, land use and development in areas requiring comprehensive planning.*

4.13.12.3 Planning Requirements

- 4.13.12.3.1 *The provisions of clause 4.13.12 apply to land in a Structure Plan Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.*
- 4.13.12.3.2 *The local government requires a Structure Plan for a Structure Plan Area, or for any part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.*
- 4.13.12.3.3 *Notwithstanding the clause 4.13.12.3.2 requirement to prepare a Structure Plan for land in a Structure Plan Area, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan Area.*
- 4.13.12.3.4 *Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule 16.*
- 4.13.12.3.5 *The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide*

additional detail to the proposals contained in the Proposed Structure Plan.

- 4.13.12.3.6 *Schedule 16 describes the Structure Plan Area in more detail and sets out the land use expectations, matters to be addressed and associated provisions for Structure Plans.*

4.13.12.4 *Preparation of Structure Plans*

- 4.13.12.4.1 *A Structure Plan may include plans and other documents.*

- 4.13.12.4.2 *A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages and relate to only part of a Structure Plan Area.*

- 4.13.12.4.3 *In considering a Proposed Structure Plan for part only of a Structure Plan Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be co-ordinated and the arrangements for implementation of the Structure Plan.*

- 4.13.12.4.4 *A Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule 16, and without limiting the generality of the foregoing, may include the following details:*

- a) The area to which the Proposed Structure Plan applies;*
- b) A statement of vision for the land;*
- c) A concise history and present use of the land, including any known indigenous history and all current approvals applicable to the land but not substantially commenced or implemented;*
- d) The planning context for the Structure Plan Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;*
- e) Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the*

land, landform, topography, hydrology, landscape, vegetation, soil type and quality using the most recent analysis tools published by the Department of Agriculture, conservation and heritage values, ownership, existing land uses, roads and public transport, and services;

- f) *An environmental assessment of the land and any impacts the proposals shown on the Proposed Structure Plan will have on the environmental values of the land, with particular reference to any Matters of National Environmental Significance that occur on the land or might be impacted by activities on the land, and the ways in which those impacts will be managed;*
- g) *Identification and mapping of any remnant native vegetation, and resident flora and fauna, together with a report as to the status of any species under State and Commonwealth threatened species list;*
- h) *Identification of any natural or built dam, soak, wetland, watercourse and drainage channel including dimensions, capacity and flows of such water bodies where relevant;*
- i) *How the proposed Structure Plan will satisfy the relevant State and local strategic and statutory planning instruments applicable to the Structure Plan Area including, but not limited to State Planning Strategy, Statements of Planning Policies, planning strategies, planning policies and the relevant principles from the State Sustainability Strategy (as amended from time to time);*
- j) *The proposed major land uses;*
- k) *Specific description of how and from where potable water will be supplied and how and where waste water will be treated and released;*
- l) *Where significant physical features, such as watercourses, require conservation or enhancement and the manner in which that is to be achieved;*
- m) *Any land or waters likely to be contaminated and measures to be taken to address the issue;*
- n) *The proposed indicative lot pattern;*

- o) *Estimates of future lots, dwellings, population and employment;*
- p) *Provision for major infrastructure, including main drainage, storm water management, sewerage, water supply and other key infrastructure services;*
- q) *The proposed road network and hierarchy, public transport services (where relevant), and bicycle and pedestrian networks and how these will be connected;*
- r) *The timeframe and staging of subdivision and development, and the method of implementation, including any proposed funding by developer contributions;*
- s) *assessment of issues including slope, servicing, access, building construction, ongoing (practical) land management, landscaping, rehabilitation of 'pine' land and fire management; clarification of staging; ensuring that the land defined for 'residential' is developed as an early stage;*
- t) *assessment of impact of development on the Nannup Township (including impact on school capacity, open space, community infrastructure etc):*
- u) *consideration of developer contributions and to identify community requirements over a 10-20 year period;*
- v) *possible use of 'Precinct Plans' for each stage that provides more detail - e.g. - building envelopes, access arrangements, vegetation plan;*
- w) *landscape visual assessment of development fronting Brockman Highway and other visually significant areas;*
- x) *initial engineering assessment that the land shown for either lot production and/or road development can in fact be developed (along with an indication of construction profiles);*
- y) *Details as appropriate relating to:*
 - i) *Traffic volumes and management;*

- ii) *Vehicular access and parking;*
 - iii) *Storm water management and quality control;*
 - iv) *Traffic noise;*
 - v) *The location, orientation and design of buildings and the space between buildings;*
 - vi) *Fire Management;*
 - vii) *Retention and Removal of Pine Plantations;*
 - viii) *Conservation areas;*
 - vix) *Heritage places;*
 - vx) *Visual impact;*
 - vxi) *Landscaping;*
 - vxii) *Building design guidelines, setbacks and building exclusion areas; and*
 - vxiii) *Special development control provisions.*
- t) *Such other information as may be required by the local government; and*

4.13.12.5 *The local government may require a Structure Plan to be prepared for any land not within a Structure Plan Area where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision or development and the provisions of the foregoing clauses shall apply as relevant to the preparation of any such Plan.*

4.13.12.6 *Operation of Structure Plan*

4.13.12.6.1 *A Structure Plan commences operation on the date it is adopted by the local government pursuant to the provisions of Schedule 14.*

4.13.12.7 *Subject to the Scheme, if a Structure Plan imposes a classification on the land included in it by reference to reserve, zones or Residential Design Codes, then;*

- a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
- b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.*

4.13.12.8 *Without limiting the generality of clause 4.13.12.7, under a Structure Plan:*

- a) *In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;*
- b) *The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;*
- c) *The planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and*
- d) *Any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*

4.13.12.9 *A Structure Plan, adopted and approved under the Scheme, will be used by the local government and the Western Australian Planning Commission respectively as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under the provisions of Part 10 of the Planning and Development Act.*

5. Amending Local Planning Scheme No. 3 by inserting the following text into Part 10 of the Scheme.

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

(zb) any Structure Plan or other plan or Policy endorsed by the Council applying to or that is considered to relate to the land to which the development application relates; and

(zc) any other planning consideration the local government considers relevant.

6. Amending Local Planning Scheme No. 3 by inserting an additional column into the Zoning Table in Part 4 of the Scheme to provide for the proposed 'Future Development' Zone, and include the additional land uses as detailed in Part 2 above:

Zoning Table

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|-------------------------------|-------------|---|---------------------------|-----------------|-------------------|--|----------|-----------|-------------|---------------------|---------------|-------------|
| Abattoir | D | D | D | X | D | As identified in the approved Structure Plan | X | X | X | X | X | X |
| Agriculture – Extensive | P | P | P | P | P | | X | X | X | X | P | X |
| Agriculture – Intensive | P | P | P | D | D | | X | X | X | X | D | X |
| Animal Boarding | D | D | D | X | D | | X | X | X | X | A | X |
| Animal Husbandry – Intensive | D | D | D | D | D | | X | X | X | X | A | X |
| Bed & Breakfast Accommodation | D | D | D | D | D | | X | D | D | D | D | D |
| Camping Area | A | A | A | A | A | | X | X | X | X | X | X |
| Car Park | A | A | A | D | D | | D | D | A | X | X | D |
| Caravan Park | A | A | A | A | A | | X | A | X | X | X | A |
| Caretaker's Dwelling | D | D | D | D | D | | D | D | D | X | X | D |
| Chalet Development | A | A | A | A | A | | X | X | X | A | X | X |
| Child Care Centre | X | X | X | X | X | | X | D | A | A | A | D |
| Civic Use | D | D | D | D | D | | D | D | D | D | D | D |
| Community Purpose | D | D | D | D | D | | D | D | D | D | D | D |
| Consulting Rooms | X | X | X | X | X | | X | D | A | A | A | D |
| Corrective Institution | A | A | A | X | A | | X | A | X | X | X | X |
| Cottage Industry | D | D | D | D | D | | D | D | D | D | D | D |
| Dwelling – Single Dwelling | P | P | P | P | P | | X | P | P | P | P | P |
| Dwelling – Grouped Dwelling | X | X | X | X | X | | X | D | D | X | X | D |
| Education Centre | A | A | A | A | A | | X | A | A | X | X | A |
| Entertainment Centre | A | A | A | A | A | | X | D | X | X | X | D |
| Exhibition Centre | A | A | A | A | A | | X | D | A | X | X | D |
| Factory Unit Building | X | X | X | X | X | | P | D | X | X | X | D |
| Farm Supply Centre | A | A | A | X | A | | D | D | X | X | X | D |
| Fuel Depot | A | A | A | X | X | | X | A | X | X | X | A |
| Funeral Parlour | X | X | X | X | X | | D | D | X | X | X | D |
| Garden Centre | A | A | A | X | D | | D | P | X | A | A | P |
| Holiday Home | | | | | | | | | | | | |
| Home Business | D | D | D | D | D | | X | D | D | D | D | D |

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|------------------------|-------------|---|---------------------------|-----------------|-------------------|--------------------|----------|-----------|-------------|---------------------|---------------|-------------|
| Home Occupation | D | D | D | D | D | | X | D | D | D | D | D |
| Home Office | P | P | P | P | P | | X | P | P | P | P | P |
| Hospital | X | X | X | X | X | | X | D | X | X | X | D |
| Hotel | X | X | X | X | X | | X | D | X | X | X | D |
| Industry – Extractive | A | A | A | X | A | | X | X | X | X | X | X |
| Industry - General | X | X | X | X | X | | P | D | X | X | X | D |
| Industry – Hazardous | A | A | A | X | A | | A | X | X | X | X | X |
| Industry – Light | X | X | X | X | X | | P | D | X | X | X | D |
| Industry – Rural | D | D | D | D | D | | D | D | X | X | X | D |
| Industry – Service | X | X | X | X | X | | P | D | X | X | X | D |
| Market | D | D | D | D | D | | D | D | D | D | D | D |
| Medical Centre | X | X | X | X | X | | X | D | A | X | X | D |
| Micro-Brewery | | | | | | | | | | | | |
| Micro-Distillery | | | | | | | | | | | | |
| Motel | X | X | X | X | X | | X | D | X | X | X | D |
| Motor Vehicle Wrecking | A | X | X | X | X | | P | A | X | X | X | D |
| Office | X | X | X | D | X | | D | D | X | X | X | D |
| Place of Assembly | A | A | A | A | A | | X | D | A | X | X | D |
| Place of Worship | A | A | A | X | A | | X | D | A | X | X | D |
| Plantation | D | D | D | D | D | | X | X | X | X | X | X |
| Plant Nursery | A | A | A | A | A | | D | P | X | X | X | P |
| Public Utility | P | P | P | P | P | | P | P | P | P | P | P |
| Recreation and Leisure | D | D | D | D | D | | D | D | A | A | A | D |
| Research Centre | A | A | A | A | D | | A | D | X | X | X | D |
| Residential Building | A | A | A | A | D | | X | D | D | A | A | D |
| Restaurant | A | A | A | A | A | | X | D | X | X | X | D |
| Restricted Premises | X | X | X | X | X | | D | A | X | X | X | D |
| Roadhouse | A | A | A | X | A | | A | A | X | X | X | A |
| Rural Pursuit | P | P | P | P | P | | X | X | X | P | P | X |
| Salvage Yard | X | X | X | X | X | | D | D | X | X | X | D |
| Shop | X | X | X | A | X | | D | P | X | X | X | P |

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|--------------------------------------|-------------|---|---------------------------|-----------------|-------------------|--------------------|----------|-----------|-------------|---------------------|---------------|-------------|
| Showroom | X | X | X | A | X | | D | P | X | X | X | P |
| Stock & Sale Yard | D | D | D | X | D | | D | X | X | X | X | X |
| Storage Units or Yard | X | X | X | X | X | | P | P | X | X | X | P |
| Tavern | X | A | A | X | A | | X | D | X | X | X | D |
| Telecommunications Infrastructure | D | X | X | D | X | | D | D | D | D | D | D |
| Trade Display | D | D | D | D | D | | D | D | X | X | X | D |
| Transport Depot | A | A | A | X | A | | D | D | X | X | X | D |
| Veterinary Centre | D | D | D | A | D | | D | P | X | X | X | P |
| Warehouse | X | X | X | X | X | | D | D | X | X | X | D |
| Winery | D | D | D | A | D | | X | A | A | X | X | A |
| Workers Accommodation | D | D | D | D | D | | X | X | X | X | X | X |

* As identified in the approved Structure Plan

7. Amending Local Planning Scheme No. 3 TABLE OF CONTENTS by inserting reference to the Future Development Zone in Part 4 and Schedule 16 in Part 12.
8. Amending the Scheme to delete any reference to 'Development Guide Plan' and to replace such reference with 'Structure Plan'.
9. Amending the Scheme Map accordingly.

GREG ROWE & ASSOCIATES

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date 29 Aug '08
scale 1:12500@A3
designer G Casey

job no. 4820
a ref 080801
drawn P Scanlon

proposed east nannup concept plan

NORTH

address brockman highway, nannup

LEGEND
----- TOWN SITE (1)
----- RURAL / RESIDENTIAL (2)
----- RURAL / TOURIST (3)
----- RURAL / RESIDENTIAL (4)
----- PLANTATION AREA

--- 100m PLANTATION BUFFER
--- SUBJECT SITE

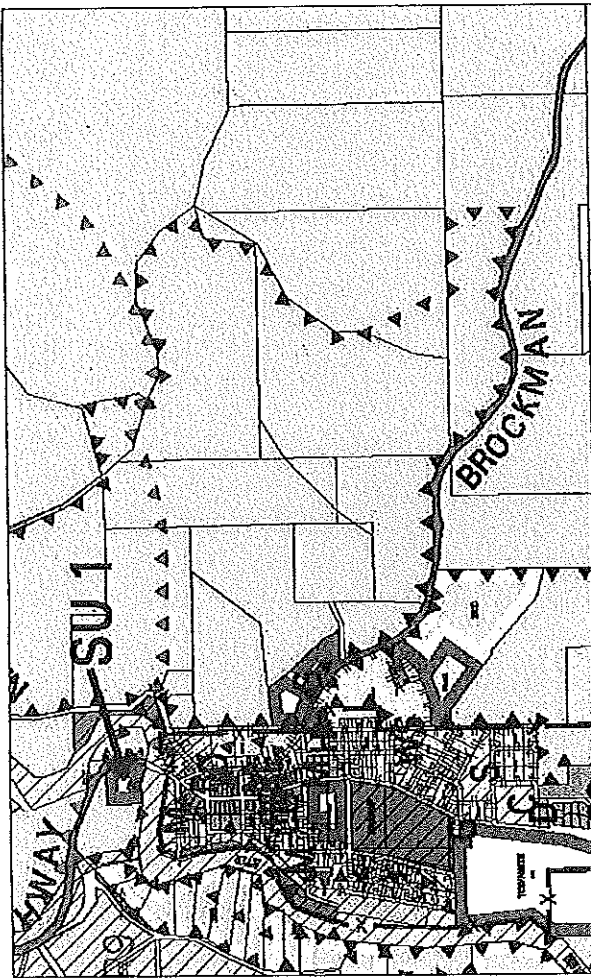
NOTE 1: A STRUCTURE PLANS MUST BE PREPARED AND APPROVED BY BOTH THE WESTERN AUSTRALIAN PLANNING COMMISSION AS A PRECURSOR TO ANY SUBDIVISION OR DEVELOPMENT OF THE LAND

NOTE 2: THE STRUCTURE PLANS MAY ADDRESS PART OF THE CONCEPT PLAN AREA

NOTE 3: THE STRUCTURE PLANS ARE TO BE PREPARED IN ACCORDANCE WITH THE SUBDIVISION OF LAND ACT 1945 AND THE SHARP OF NANNUP TOWN PLANNING SCHEME NUMBER 3.

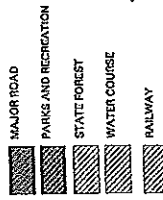
NOTE 4: ROAD ALIGNMENTS ARE CONCEPTUAL AND MAY BE ADJUSTED IN THE COURSE OF THE DEVELOPMENT GUIDE PLAN PROCESS.

Shire of Nannup
Local Planning Scheme No. 3
Planning and Development Act 2005 and Town Planning Regulations 1967 (As Amended)
Amendment No. 1

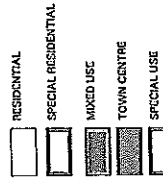


LEGEND

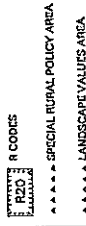
LOCAL SCHEME RESERVES



ZONES

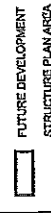


OTHER

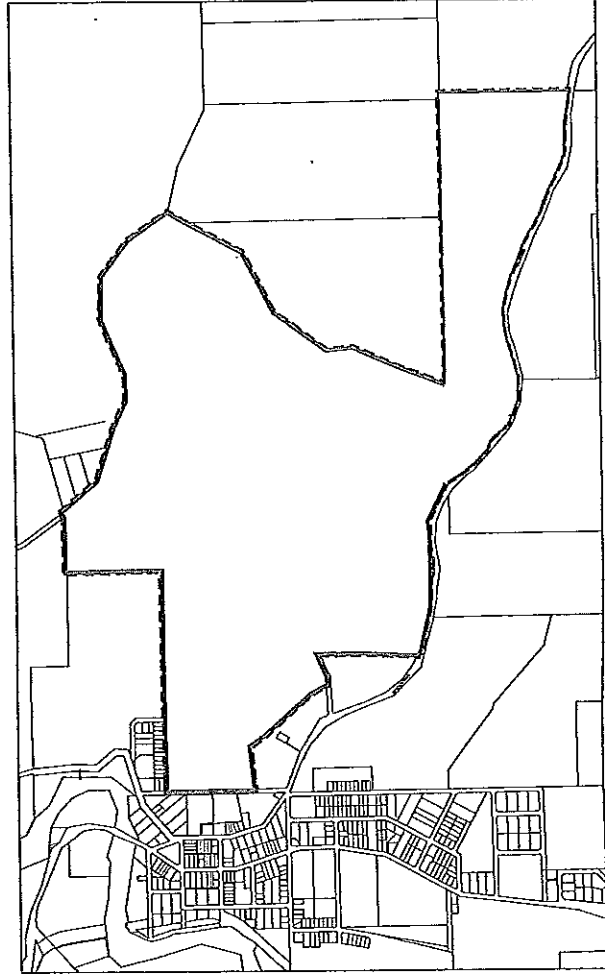


LEGEND

ZONES



NORTH



ADOPTION/REFUSAL

ADOPTION [Regulation 13(1)]
ADOPTED by resolution of the Council of the
Shire of Nannup at the Ordinary Meeting of the
Council held on the 20th of December 2007

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

1. FINAL ADOPTION BY COUNCIL
Adopted for Final Approval by Resolution of
the Shire of Nannup at the _____
Meeting of Council held on the _____
day of _____.
The Common Seal of the Shire of Nannup
was hereunto affixed by authority of a
resolution of the Council in the presence of:

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

2. RECOMMENDED / SUBMITTED FOR FINAL
APPROVAL :

DELEGATED UNDER S.16 OF PD ACT 2005

Date: _____

3. FINAL APPROVAL GRANTED

MINISTER FOR PLANNING AND INFRASTRUCTURE

Date: _____

SCHEDULE OF SUBMISSIONS.

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 1

| No. | Name & Address of Submitter | Summary of Submissions | Council Comments | WAPC Recommendation |
|-----|--|---|--|---|
| 1 | Scott Headley 8 O'Neile Pde Redcliffe WA 6104 | <p>A) Supports the Amendment</p> <p>B) Advises that Amendment No. 1 abuts his land (Loc 11090 Brockman Highway) and requests Council to include his land in Amendment No. 1. Mr Hedley notes that the land has:</p> <ul style="list-style-type: none"> • Frontage to Brockman Highway; • An all weather road runs through the land which could be upgraded; • Power and Telstra is available to the land; • The land is an old pine plantation and is suitable for redevelopment (not farming); • One Chain Road can be upgraded to service the lot. | <p>A) Noted</p> <p>B) Noted, however this would need to be considered by Council as a separate Amendment to the Planning Scheme. The ability to 'link' any additional land to the Amendment is limited and may lead to re-advertising.</p> | <p>No modification</p> <p>No modification</p> |
| 2 | Graham Mackie 3a Braunton Street Bicton 6157 | <p>A) Mr. Mackie advises that his land (Lot 500) adjoins the proposed rezoning and is significantly affected by it. He advises that he has been making submissions about aspects of planning for over a year to little avail.</p> | <p>A) Noted. Mr Mackie has been in communication with Shire Staff and the Shire's planning consultant in relation to his views. Mr Mackie has been advised on several occasions on the process to pursue rezoning of his land, however, the zoning sought may not be in conformity with the strategic direction of the Shire. This can be 'tested' through a separate rezoning request and request to modify the Townsite Strategy and Local Planning Strategy. However, Mr Mackie has been advised that he would need to provide evidence and details as to why a higher density zoning should be supported by Council and the WAPC. Mr Mackie has been advised in writing (and</p> | No modification |

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| | | B) His submission includes plans he has prepared. | B) Noted. | No modification |
| | | C) Mr Mackie suggests that a plan prepared by Greg Rowe and Associates showing a suggested rearrangement of the boundaries of his land to give 7 lots generally running downhill from a new road location to the east of lot 500. The 7 lots are each a little over 1 ha and a 2.54 ha parcel is shown as POS. Mr. Mackie is not in favour of this lot arrangement. | C) Noted. The plan/s referred to by Mr Mackie are believed to have been prepared by the proponent however, they have not been submitted to Council nor endorsed under this Amendment. The plan/s does not have any backing or support of the Shire/Council. Detailed planning associated with lot design will be undertaken through the Structure Plan process, which will be advertised for community comment. | No modification |
| | | D) Mr. Mackie has provided a possible alternative layout of six (6) 1 ha. lots on lot 500, including a lake and Public Open Space fronting Brockman Highway. He advises that this plan requires no land swaps with the proponents. The final plans D shows a modification of the Master Plan to allow Plan C to be implemented without the need for land exchanges. | D) Note response to C) above. | No modification |
| | | E) Mr. Mackie is not opposed to the rezoning but has expressed reservations to Council, Councils Consultant Planner Rob Paul and the proponents consultant about the location of the residential component given the slopes of the land and the difficulties of access and servicing. | E) Noted and agreed. The original Amendment was significantly modified (before advertising) to ensure that residential development would be responsive to land slope. Detailed planning associated with lot design will be undertaken through the Structure Plan process. | No modification |
| | | F) Mr. Mackie suggests that his land is eminently more suited to residential and special residential development ought to have been considered however this has been ignored on each occasion it was suggested. | F) Note response to A) above. | No modification |

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| | | <p>G) Mr. Mackie advises that he has also expressed the view that minimum sized lots of 1ha. in Area 8(c) was not the best use of land and an outwards transition grading from 2000sq. m and 4000 sq.m lots gave a more satisfactory use of land close to the townsite and provided choice in lot sizes and livability to potential residents.</p> <p>H) Mr. Mackie supports the rezoning but requests that Council take note of his concerns and resolve to give greater flexibility in future planning for Lot 500.</p> | <p>G) Note response to A) above.</p> <p>H) Note response to A) above. It is difficult for Council to give any consideration to</p> | <p>No modification</p> <p>No modification</p> |
| 3 | <p>Dr R Raymond & Dr I Jenkins 2 Renown Avenue CLAREMONT WA 6010</p> | <p>A) Strong support for the Amendment No 1 and believe this amendment will have the following benefits for the Shire (as follows).</p> <p>B) The amendment as advertised will allow the orderly, well-planned and high-quality development of Nannup in the short, medium and long term. It is vital for Nannup that there is a clear development plan, to promote controlled, predictable and sustained population growth to allow the development of new businesses, expansion of employment and to enhance Shire revenue which will ensure that important public services can be maintained and improved;</p> <p>C) The approval of rural-residential and rural-tourist type developments essentially along the line of the Brockman Highway reduces the need for significant new major roads, reduces on-going Shire maintenance of</p> | <p>A) Noted.</p> <p>B) Noted</p> <p>C) Noted</p> | <p>No modification</p> <p>No modification</p> <p>No modification</p> |

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| 4 | Trevor Hine Askino Pty Ltd (by Email) | <p>A) Mr. Hine suggests that with regard to the sections designated as 1 hectare that these sections be defined as either an average of 1 hectare rather than a minimum of 1 hectare. His reasoning for this is that given there has been no accurate survey done. Having personally inspected the site in some detail, he believes that there are certain areas where it would be difficult or neigh impossible to attain ease of vehicle access or establish an envelope within or near too 1 hectare on which a dwelling could be created using normal or common construction methods.</p> <p>B) By allowing averaging this would enable the planners to redraw the individual lot boundaries on completion of the survey more in keeping with the topography whilst not increasing the desired density. Even if this meant a number of lots as small as 5,000 sq/m so as to create the flexibility needed.</p> <p>C) Should the minimum rule be retained, Mr. Hine believes that any developer will try and maximize the lots attained and this will invariably not allow the best possible end result and or outcome.</p> <p>D) With regard to the concept of denuding the entire site of the existing pines, he believes this would be an error and spoil what is currently an impressive vista. Fire risk is certainly an issue that needs to be addressed however this such could be attained without ruining</p> | <p>A) Noted and agreed. Detailed planning associated with access, lot design, lot size etc. will be undertaken through the Structure Plan process where development will be responsive to land slope.</p> <p>B) Noted and agreed. Detailed planning associated with access, lot design, lot size etc. will be undertaken through the Structure Plan process where development will be responsive to land slope.</p> <p>C) Noted. The Council and the WAPC in association with the proponent determine the appropriate yield and lot size to ensure it reflects the constraints of the land.</p> <p>D) Noted and agreed. The Amendment requires a detailed landscape assessment to ensure that the amenity and integrity of the locality is maintained.</p> | <p>No modification</p> <p>No modification</p> <p>No modification</p> <p>No modification</p> |
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| | what he describes as the general feel and ambience of the area. | | |
| | <p>E) Mr. Hine advises that whilst he has a vested interest in the visual impact this would create near to town the same or similar view is taken by those traveling along Brockman Hwy and for a far greater distance than would have consequence for him.</p> <p>F) He advises that whilst at a function in Perth the subject of Nannup arose. Several commented their only real recollections of the town were the beauty of the drive on leaving town in either the direction of Balingup or Bridgetown. One other was quite familiar with Nannup and strongly endorsed the sentiments of the others, further commenting it must be a major tourist attraction for the town.</p> <p>G) Mr. Hine suggests at the very least a certain percentage of the existing forest be retained, at least on the southern slopes of those visible from the Highway.</p> | <p>E) Note response to D) above.</p> <p>F) Note response to D) above.</p> <p>G) Note response to D) above.</p> | <p>No modification</p> <p>No modification</p> <p>No modification</p> |
| 5 | <p>Forest Products Commission Postal Address Locked Bag 888 PERTH BUSINESS CENTRE WA 6849</p> <p>A) The land subject to the Amendment is of particular interest to the Forest Products Commission (FPC) as it is adjacent to FPC pine plantations north of Folly Road and is important that development is conducted with this long-term land use in mind.</p> <p>B) Previous experience indicates that lack of attention to the issues raised by the proximity of such different land uses at</p> | <p>A) Noted.</p> <p>B) Noted.</p> | <p>No modification</p> <p>No modification</p> |

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| | | <p>the time of planning has created significant issues for land owners, local governments and the FPC in the past.</p> <p>C) Future harvesting and tending operations by FPC and its contractors are likely to impact on land-owners in the vicinity. The FPC regards it as critical that prospective land owners be fully aware of the type of operations that are likely in the vicinity, and the occasional but regular impacts that may result.</p> <p>D) In essence, the FPC position is based on the precedence of established land-use. It wishes to ensure there is no misunderstanding about the established land use in the plantations adjacent to the Amendment area, and the right of the FPC and its contractors to continue all operations consistent with that land use.</p> | <p>C) Noted and agreed. The Amendment should be modified to ensure notification to (future) potentially affected landowners about the operations of the FPC. This would be detailed at Structure Plan stage and reflected in any future subdivision approvals.</p> <p>D) Note response to C) above.</p> | <p>Modification as Recommended</p> <p>No modification</p> |
| 6 | Greg Rowe & Associates (for the Proponent) | <p>A) The purpose of this submission is to formally request that the Shire of Nannup modify the proposed Scheme Provisions, which form part of this amendment.</p> <p>B) The amendment proposes to introduce specific provisions to be included in a new Schedule to LPS 3 (Schedule 16: Structure Plan Areas) to outline the operation of the "Future Development" zone. This will detail the conditions of use including, but not limited to, the preparation of Structure Plans.</p> | <p>A) Noted.</p> <p>B) Noted.</p> | <p>No modification</p> <p>No modification</p> |

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|--|--|--|-----------------------------|
| | C) Part 1 of the 'Land Use Expectations' states: <i>"Structure Plans shall generally reflect the 'Proposed East Nannup Concept Plan' adopted by Council on 20/12/2007"</i> | C) Noted. | No modification |
| | D) The Concept Plan was prepared following a preliminary assessment of the land use constraints and opportunities of the site and was intended to be a guide only. Whilst the final subdivision will generally reflect the initial Concept Plan, the formal Structure Plans are subject to a detailed survey being undertaken and input from an engineer as well as various other consultants required by the new Scheme Provisions as they relate to the preparation of Structure Plans. Accordingly the "Concept Plan" may be subject to further refinement. | D) Noted. | No modification |
| | E) We formally request therefore that the Shire include a provision into Schedule 16 as follows: <i>"The 'Proposed East Nannup Concept Plan' adopted by Council on 20/12/2007 may, subject to Council approval, be varied"</i> | E) Noted and agreed in part. Modifications to the Concept Plan should be available as detailed planning associated with the Structure Plan process may reveal the need for necessary modifications. However, any modifications should require consent from the WAPC, be in accordance with assessment criteria and include a community consultation process. | Modification as Recommended |
| | F) Including this provision will allow further refinement of the Concept Plan without requiring an amendment to the Scheme. | F) Note response to E) above. | Modification as Recommended |

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| 7 | Department of Water, P O Box 261 BUNBURY WA 6231 | <p>A) Requests Council to amend the description of the plan referred to under Point 3 to reflect the newly endorsed Better Urban Water Management (2008) framework document. The dot point could read:</p> <p><i>A Local Water Management Strategy, addressing total water cycle management and incorporating water sensitive urban design principles consistent with the Better Urban Water Management (2008) framework (WAPC, DPI, DoW, DoEWHA, WALGA).</i>¹</p> | A) Noted and agree (with minor modifications to the wording) | Modification as Recommended |
| 8 | Department of Environment and Conservation Warren Region Brain Street MANJIMUP WA 6258 | <p>A) Existing Lots 46 and 11 adjoin land to the south that is vested in the Executive Director of DEC and managed by DEC. The land is currently utilised for plantations.</p> <p>B) All fire protection requirements should be provided on the properties themselves. Amongst other requirements, the Planning for Bushfire Protection (FESA and WA Planning Commission, 2001) document seeks a 100-metre Hazard Separation Zone between areas of Extreme Bushfire Hazard and buildings. DEC supports this policy.</p> <p>C) The 100 metre Hazard Separation Zone is designed to provide a degree of protection for people and property from wildfire occurring on lands supporting such dense bushland.</p> <p>D) No buildings should be permitted within 100 metres from the boundary of the</p> | <p>A) Noted.</p> <p>B) A fire management plan has been prepared based on Planning for Bushfire Protection. A provision of the Amendment states: <i>A Fire Management Plan, which identifies fire risk, and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.</i></p> <p>C) Noted</p> <p>D) Noted and agreed</p> | <p>No modification</p> <p>No modification</p> <p>No modification</p> <p>Modification as Recommended</p> |

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| | | adjacent DEC managed land. This requirement should be reflected in the Fire Management Plan developed for the proposal.] | | |
| 9 | Water Corporation 61 Victoria St BUNBURY WA 6230 | <p>A) The Corporation believes that the amendment may be premature due to some risks highlighted in their submission.</p> <p>B) The amendment as presented does not address the potential impacts of the odour buffer associated with the Water Corporation Nannup Wastewater Treatment Plant (NWWTP). The NWWTP is located to the south of Brockman Highway on Lot 12 with the buffer extending into Lot 11 Brockman Highway with impact on both areas 3 (Rural/Tourist) and 2 (Rural/Residential). The amendment should address this significant impact.</p> <p>C) The amendment does not adequately address water supply delivery necessary for a site with significant contour range. This would involve water supply zoning requirements and may limit some areas of the proposal due to impracticality to serve, such as remote small potential high-level zones.</p> | <p>A) Noted.</p> <p>B) The comments from the Water Corporation are valid. Although the Concept Plan does reflect the waste water treatment plant, it is appropriate for the Amendment to refer to the need for land development to be cognizant of the need for an odour buffer associated with the Water Corporation Nannup Wastewater Treatment Plant (NWWTP).</p> <p>C) The Amendment includes a requirement associated with a 'generic' provision associated with the preparation of structure plans – the next planning process to be undertaken by the Proponent should the Amendment be approved by the Minister for Planning. Specifically, Clause 4.13.12.4.4 of the Amendments states: <i>Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule 16, and without limiting the generality of the foregoing, may include the following details:</i></p> <p>p) <i>Provision for major infrastructure, including main drainage, storm water management, sewerage, water supply and other key infrastructure services;</i></p> | <p>No Modification</p> <p>Modification as Recommended</p> <p>No Modification</p> |

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| | | <p>The amendment area is almost entirely outside the Water Corporation operating area for water supply. Planning has not been undertaken for the area and capability to serve (operating area extension and water source capability) has not been adequately considered either for Water Corporation servicing or an alternate service provider.</p> | <p>The Proponent will need to liaise directly with the Water Corporation and ensure the assessment for water supply (and sewer) will reflect Corporation requirements and policy. Accordingly, the detail required by the Corporation will be undertaken before subdivision and development. Clearly, the ability to service the land will be crucial to determining development potential.</p> | No Modification |
| | <p>D) The amendment area is almost entirely outside the Water Corporation operating area for water supply. Planning has not been undertaken for the area and capability to serve (operating area extension and water source capability) has not been adequately considered either for Water Corporation servicing or an alternate service provider.</p> | <p>D) As per C) above.</p> | | No Modification |
| | <p>E) The amendment area is almost entirely outside the Water Corporation operating area for wastewater. Planning has not been undertaken for the area and capability to serve (operating area extension and wastewater treatment and disposal capability) has not been adequately considered either for Water Corporation servicing or an alternate service provider.</p> | <p>E) As per C) above.</p> | | No Modification |
| | <p>F) The proposal appears to rely heavily on water reticulation hydrants within the fire management considerations. Reticulation hydrants may provide a support greater than their intended primary role of fire fighting upon immediate improved properties. Their value is constrained if fighting on a broader front if confronted by wild fire</p> | <p>F) As per C) above. Also, a fire management plan will be required as part of the structure planning process.</p> | | No Modification |

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| | | <p>due to potential rapid scheme draw down of tank storage under such demand.</p> <p>G) Land matters associated with servicing infrastructure have not been addressed in the referral. This may include water supply storage and any associated access and buffer requirements. Wastewater servicing may include a pumping station site, overflow storage/relief, access and buffer as required.</p> <p>H) The above-points are not intended to be finite servicing issues that may affect the amendment area but rather to highlight what the Corporation considers to be significant omissions limiting reasonable assessment of the proposal.</p> | <p>G) As per C) above.</p> <p>H) Noted</p> | <p>No Modification</p> <p>No Modification</p> |
| 9 | <p>Main Roads WA PO Box 5010 BUNBURY WA 6231</p> | <p>A) No objection to the proposal in principle.</p> | <p>A) Noted.</p> | <p>No Modification</p> |
| 10 | <p>Tourism WA GPO Box X2261 PERTH WA 6847</p> | <p>A) Given the extent of residential development proposed in the Folly Precinct, Tourism WA recommends that the Shire impose a use restriction on the development of permanent residential within the proposed Rural Tourist precinct to ensure tourist development is the predominant use within the precinct.</p> <p>B) Tourism WA would like to see the Shire give consideration to how existing tourist development, local tourism</p> | <p>A) Noted and agreed in Part. The Amendment requires land use matters to be dealt with as part of the detailed Structure Plan approach where such restrictions can be imposed.</p> <p>B) Noted. It is not clear what benefit would be established in arbitrarily including a specific 'tourist' zone. The Concept Plan provides for a Rural/Tourist area, which will be</p> | <p>No modification</p> <p>No modification</p> |

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| | | <p>planning matters and the need for future tourist development are addressed within the Shire's planning mechanisms. For example, consideration could be given to the inclusion of a 'Tourist' zone within Town Planning Scheme NO.3 to address the abovementioned matters.</p> <p>C) Tourism WA looks forward to being involved in the further detailed planning stages for the Folly Precinct.</p> | <p>subject to detailed Structure Planning.</p> <p>C) Noted.</p> | <p>No modification</p> |
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RECOMMENDED MODIFICATIONS TO AMENDMENT NO. 1 TO TOWN PLANNING SCHEME NO. 3 (changes highlighted in bold/italics)

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

1. LOCAL AUTHORITY: SHIRE OF NANNUP
2. DESCRIPTION OF TOWN PLANNING SCHEME: LOCAL PLANNING SCHEME NO. 3
3. TYPE OF SCHEME: LOCAL PLANNING SCHEME
4. SERIAL NUMBER OF AMENDMENT: AMENDMENT NO. 1
5. PURPOSE:

To amend the Scheme Text by:-

1. Amending Local Planning Scheme No. 3 by inserting Schedule 16 "Structure Plan Areas" and associated special provisions, as follows.

Schedule 16: Structure Plan Areas

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
|--|--|--|
| <p>"Future Development" Zone</p> <p>Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup</p> | <p>1. <i>The 'Proposed East Nannup Concept Plan' adopted by Council on 20/12/2007 may, subject to Council and WAPC approval, be varied pursuant to the provisions of Schedules 14 and 16 of the Scheme as relevant.</i></p> <p>2. Structure Plans shall generally reflect the 'Proposed East Nannup Concept Plan' adopted by Council on 20/12/2007 (or as amended).</p> <p>3. Structure Plans shall be prepared and approved pursuant to the provisions of Schedules 14 and 16 of the Scheme. Independent Structure Plans may be developed for the precincts as</p> | <p>1. Any lots proposed within the Structure Plan that adjoin land zoned Rural, shall have Section 70A memorials pursuant to the Transfer of Land Act on each title making prospective purchasers aware of intensive agricultural operations and forestry operations within close proximity.</p> <p>2. The community purpose site and Public Open Space identified within the Structure Plan will be given up free-of-cost to the Shire. In order to ensure that an appropriate community facility is established, a 'Memorandum of Understanding' will be prepared between the</p> |

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
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| | <p>identified in the adopted 'Proposed East Nannup Concept Plan'.</p> <p>4. A Structure Plan for Precinct 4 (Rural/Residential Plantation Area) shall not be approved by the Shire or WAPC until such time as the pines have been harvested and detailed investigations have been undertaken, to determine a suitable subdivision and development outcome.</p> | <p>proponent and the Shire to ensure construction of a community facility at a future date consistent with the Shire's budgetary commitments and residents needs.</p> <p>3. The following studies, assessments and plans shall be prepared and be submitted with any Structure Plan, for approval by the Local Authority and the relevant Government Authority. The recommendations within the documents shall be used to inform the Structure Plan and relevant recommendations shall be implemented to the satisfaction of the Local Authority and the relevant Government Authority:</p> <ul style="list-style-type: none"> • A Stormwater and Drainage Management Plan, incorporating Water Sensitive Design principles, management of any existing and future dams and the identification of areas at risk of erosion and flooding; • A Transport and Access Strategy, providing safe movements and legal access for vehicles, pedestrians and cyclists into and around the site; • A Fire Management Plan, which identifies fire risk, achieves 100 metre building separation from the boundary of the adjacent DEC managed land (or |

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
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| | | <p>other distance as agreed by the DEC) and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.</p> <ul style="list-style-type: none"> • An Agricultural Impact Assessment and Management Plan, which identifies the associated risks and potential conflict between adjoining landuses, and provides appropriate mitigation such as the provision of appropriate separation distances and buffer zones; • A Landscape and Habitat Enhancement Management Plan, which includes a strategic landscape analysis, appropriate street tree planting, the retention of native vegetation and enhancement of environmental corridors and wetlands using appropriate local provenance species; • <i>A Local Water Management Strategy, addressing total water cycle management and incorporating water sensitive urban design principles consistent with the Better Urban Water Management (2008) framework; and</i> • A Developer's Contribution Plan, which identifies how the developer will contribute towards the provision of, and upgrading of, infrastructure |

| Description of Land Area | Land Use Expectations | Matters to be addressed in Structure Plan (in addition to Schedule 14). |
|--------------------------|-----------------------|---|
| | | <p>and community facilities within the Nannup Township and on site.</p> <ul style="list-style-type: none"> • <i>Odour Buffer assessment associated with the Water Corporation's Nannup Wastewater Treatment Plant for the overall planning and development of land within the 'odour buffer area.'</i> |

2. Amending Local Planning Scheme No. 3 by inserting the following Interpretations into Schedule 1 of the Scheme:

"Holiday Home" – means a residential building used to provide accommodation for short-stay guests rather than permanent residency, and excluding those uses more specifically defined elsewhere".

"Micro-Brewery" - means premises used for the small scale production of beer and may include sale of the produce".

"Micro-Distillery" – means premises used for the small scale production of alcoholic liquors such as whiskey, vodka and gin and may include the sale of the produce".

3. Rezoning Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' Zone.
4. Amending Local Planning Scheme No. 3 by inserting the following text into Part 4 of the Scheme.

4.2 Objectives of the Zones

The broad objectives of the zones are –

Future Development Zone

To provide for additional sustainable development within and around existing settlements within the Scheme Area.

4.13.12 Future Development Zone

Objectives:

- a) To designate land considered to be generally suitable for future development purposes and to prevent such land being used or developed in a manner which could prejudice its possible future;
- b) To provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services;
- c) To require, as a pre-requisite to subdivision and development, the preparation and approval by the local government together with the endorsement by the Western Australian Planning Commission of a Structure Plan in accordance with the provisions of Schedules 14 and 16 of the Scheme.

4.13.12.1 Map Designation & Interpretation

Structure Plan Areas are shown on the Scheme Map as SPA with a number that corresponds with the number against each area in Schedule 16.

For the purpose of clause 4.13.12, unless the context otherwise requires:

'Proponent' means any owner of land to which the Proposed Structure Plan relates which has submitted that Proposed Structure Plan.

'Proposed Structure Plan' means a structure plan, which may apply to either a local area or a district, which has been prepared in accordance with the provisions of Schedule 14.

'Structure Plan' means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under the provisions of Schedule 14.

4.13.12.2 Purpose

- a) To identify areas requiring comprehensive structure planning prior to subdivision and development.
- b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

4.13.12.3 Planning Requirements

- 4.13.12.3.1 The provisions of clause 4.13.12 apply to land in a Structure Plan Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.

- 4.13.12.3.2 *The local government requires a Structure Plan for a Structure Plan Area, or for any part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.*
- 4.13.12.3.3 *Notwithstanding the clause 4.13.12.3.2 requirement to prepare a Structure Plan for land in a Structure Plan Area, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan Area.*
- 4.13.12.3.4 *Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule 16.*
- 4.13.12.3.5 *The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.*
- 4.13.12.3.6 *Schedule 16 describes the Structure Plan Area in more detail and sets out the land use expectations, matters to be addressed and associated provisions for Structure Plans.*

4.13.12.4 *Preparation of Structure Plans*

- 4.13.12.4.1 *A Structure Plan may include plans and other documents.*
- 4.13.12.4.2 *A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages and relate to only part of a Structure Plan Area.*
- 4.13.12.4.3 *In considering a Proposed Structure Plan for part only of a Structure Plan Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be co-ordinated and the arrangements for implementation of the Structure Plan.*

4.13.12.4.4 *A Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule 16, and without limiting the generality of the foregoing, may include the following details:*

- a) *The area to which the Proposed Structure Plan applies;*
- b) *A statement of vision for the land;*
- c) *A concise history and present use of the land, including any known indigenous history and all current approvals applicable to the land but not substantially commenced or implemented;*
- d) *The planning context for the Structure Plan Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;*
- e) *Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the land, landform, topography, hydrology, landscape, vegetation, soil type and quality using the most recent analysis tools published by the Department of Agriculture, conservation and heritage values, ownership, existing land uses, roads and public transport, and services;*
- f) *An environmental assessment of the land and any impacts the proposals shown on the Proposed Structure Plan will have on the environmental values of the land, with particular reference to any Matters of National Environmental Significance that occur on the land or might be impacted by activities on the land, and the ways in which those impacts will be managed;*
- g) *Identification and mapping of any remnant native vegetation, and resident flora and fauna, together with a report as to the status of any species under State and Commonwealth threatened species list;*
- h) *Identification of any natural or built dam, soak, wetland, watercourse and drainage channel*

including dimensions, capacity and flows of such water bodies where relevant;

- i) How the proposed Structure Plan will satisfy the relevant State and local strategic and statutory planning instruments applicable to the Structure Plan Area including, but not limited to State Planning Strategy, Statements of Planning Policies, planning strategies, planning policies and the relevant principles from the State Sustainability Strategy (as amended from time to time);*
- j) The proposed major land uses;*
- k) Specific description of how and from where potable water will be supplied and how and where waste water will be treated and released;*
- l) Where significant physical features, such as watercourses, require conservation or enhancement and the manner in which that is to be achieved;*
- m) Any land or waters likely to be contaminated and measures to be taken to address the issue;*
- n) The proposed indicative lot pattern;*
- o) Estimates of future lots, dwellings, population and employment;*
- p) Provision for major infrastructure, including main drainage, storm water management, sewerage, water supply and other key infrastructure services;*
- q) The proposed road network and hierarchy, public transport services (where relevant), and bicycle and pedestrian networks and how these will be connected;*
- r) The timeframe and staging of subdivision and development, and the method of implementation, including any proposed funding by developer contributions;*
- s) assessment of issues including slope, servicing, access, building construction, ongoing (practical) land management, landscaping, rehabilitation of 'pine' land and fire management; clarification of staging; ensuring that the land defined for 'residential' is developed as an early stage;*

- t) *assessment of impact of development on the Nannup Township (including impact on school capacity, open space, community infrastructure etc):*
- u) *consideration of developer contributions and to identify community requirements over a 10-20 year period;*
- v) *possible use of 'Precinct Plans' for each stage that provides more detail - e.g. - building envelopes, access arrangements, vegetation plan;*
- w) *landscape visual assessment of development fronting Brockman Highway and other visually significant areas;*
- x) *initial engineering assessment that the land shown for either lot production and/or road development can in fact be developed (along with an indication of construction profiles);*
- y) *Details as appropriate relating to:*
 - i) *Traffic volumes and management;*
 - ii) *Vehicular access and parking;*
 - iii) *Storm water management and quality control;*
 - iv) *Traffic noise;*
 - v) *The location, orientation and design of buildings and the space between buildings;*
 - vi) *Fire Management;*
 - vii) *Retention and Removal of Pine Plantations;*
 - viii) *Conservation areas;*
 - vix) *Heritage places;*
 - vx) *Visual impact;*
 - vxi) *Landscaping;*
 - vxii) *Building design guidelines, setbacks and building exclusion areas; and*

vxiii) *Special development control provisions.*

- t) *Such other information as may be required by the local government; and*

4.13.12.5 *The local government may require a Structure Plan to be prepared for any land not within a Structure Plan Area where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision or development and the provisions of the foregoing clauses shall apply as relevant to the preparation of any such Plan.*

4.13.12.6 *Operation of Structure Plan*

4.13.12.6.1 *A Structure Plan commences operation on the date it is adopted by the local government pursuant to the provisions of Schedule 14.*

4.13.12.7 *Subject to the Scheme, if a Structure Plan imposes a classification on the land included in it by reference to reserve, zones or Residential Design Codes, then;*

- a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
- b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.*

4.13.12.8 *Without limiting the generality of clause 4.13.12.7, under a Structure Plan:*

- a) *In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;*
- b) *The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;*
- c) *The planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to*

apply as if the land were correspondingly zoned or reserved under the Scheme; and

- d) *Any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*

4.13.12.9 *A Structure Plan, adopted and approved under the Scheme, will be used by the local government and the Western Australian Planning Commission respectively as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under the provisions of Part 10 of the Planning and Development Act.*

- 5. Amending Local Planning Scheme No. 3 by inserting the following text into Part 10 of the Scheme.

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

(zb) any Structure Plan or other plan or Policy endorsed by the Council applying to or that is considered to relate to the land to which the development application relates; and

(zc) any other planning consideration the local government considers relevant.

- 6. Amending Local Planning Scheme No. 3 by inserting an additional column into the Zoning Table in Part 4 of the Scheme to provide for the proposed 'Future Development' Zone, and include the additional land uses as detailed in Part 2 above:

Zoning Table

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|-------------------------------|-------------|--|---------------------------|-----------------|----------------------|--|----------|-----------|-------------|------------------------|---------------|-------------|
| Abattoir | D | D | D | X | D | As identified in the approved Structure Plan | X | X | X | X | X | X |
| Agriculture – Extensive | P | P | P | P | P | | X | X | X | X | P | X |
| Agriculture – Intensive | P | P | P | D | D | | X | X | X | X | D | X |
| Animal Boarding | D | D | D | X | D | | X | X | X | X | A | X |
| Animal Husbandry – Intensive | D | D | D | D | D | | X | X | X | X | A | X |
| Bed & Breakfast Accommodation | D | D | D | D | D | | X | D | D | D | D | D |
| Camping Area | A | A | A | A | A | | X | X | X | X | X | X |
| Car Park | A | A | A | D | D | | D | D | A | X | X | D |
| Caravan Park | A | A | A | A | A | | X | A | X | X | X | A |
| Caretaker's Dwelling | D | D | D | D | D | | D | D | D | X | X | D |
| Chalet Development | A | A | A | A | A | | X | X | X | A | X | X |
| Child Care Centre | X | X | X | X | X | | X | D | A | A | A | D |
| Civic Use | D | D | D | D | D | | D | D | D | D | D | D |
| Community Purpose | D | D | D | D | D | | D | D | D | D | D | D |
| Consulting Rooms | X | X | X | X | X | | X | D | A | A | A | D |
| Corrective Institution | A | A | A | X | A | | X | A | X | X | X | X |
| Cottage Industry | D | D | D | D | D | | D | D | D | D | D | D |
| Dwelling – Single Dwelling | P | P | P | P | P | | X | P | P | P | P | P |

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|--------------------------------|-------------|--|---------------------------|-----------------|----------------------|-----------------------|----------|-----------|-------------|------------------------|---------------|-------------|
| Dwelling – Grouped Dwelling | X | X | X | X | X | | X | D | D | X | X | D |
| Education Centre | A | A | A | A | A | | X | A | A | X | X | A |
| Entertainment Centre | A | A | A | A | A | | X | D | X | X | X | D |
| Exhibition Centre | A | A | A | A | A | | X | D | A | X | X | D |
| Factory Unit Building | X | X | X | X | X | | P | D | X | X | X | D |
| Farm Supply Centre | A | A | A | X | A | | D | D | X | X | X | D |
| Fuel Depot | A | A | A | X | X | | X | A | X | X | X | A |
| Funeral Parlour | X | X | X | X | X | | D | D | X | X | X | D |
| Garden Centre | A | A | A | X | D | | D | P | X | A | A | P |
| Holiday Home | | | | | | | | | | | | |
| Home Business | D | D | D | D | D | | X | D | D | D | D | D |
| Home Occupation | D | D | D | D | D | | X | D | D | D | D | D |
| Home Office | P | P | P | P | P | | X | P | P | P | P | P |
| Hospital | X | X | X | X | X | | X | D | X | X | X | D |
| Hotel | X | X | X | X | X | | X | D | X | X | X | D |
| Industry – Extractive | A | A | A | X | A | | X | X | X | X | X | X |
| Industry - General | X | X | X | X | X | | P | D | X | X | X | D |
| Industry – Hazardous | A | A | A | X | A | | A | X | X | X | X | X |
| Industry – Light | X | X | X | X | X | | P | D | X | X | X | D |
| Industry – Rural | D | D | D | D | D | | D | D | X | X | X | D |
| Industry – Service | X | X | X | X | X | | P | D | X | X | X | D |

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|---------------------------|-------------|--|---------------------------|-----------------|----------------------|-----------------------|----------|-----------|-------------|------------------------|---------------|-------------|
| Market | D | D | D | D | D | | D | D | D | D | D | D |
| Medical Centre | X | X | X | X | X | | X | D | A | X | X | D |
| Micro-Brewery | | | | | | | | | | | | |
| Micro-Distillery | | | | | | | | | | | | |
| Motel | X | X | X | X | X | | X | D | X | X | X | D |
| Motor Vehicle Wrecking | A | X | X | X | X | | P | A | X | X | X | D |
| Office | X | X | X | D | X | | D | D | X | X | X | D |
| Place of Assembly | A | A | A | A | A | | X | D | A | X | X | D |
| Place of Worship | A | A | A | X | A | | X | D | A | X | X | D |
| Plantation | D | D | D | D | D | | X | X | X | X | X | X |
| Plant Nursery | A | A | A | A | A | | D | P | X | X | X | P |
| Public Utility | P | P | P | P | P | | P | P | P | P | P | P |
| Recreation and Leisure | D | D | D | D | D | | D | D | A | A | A | D |
| Research Centre | A | A | A | A | D | | A | D | X | X | X | D |
| Residential Building | A | A | A | A | D | | X | D | D | A | A | D |
| Restaurant | A | A | A | A | A | | X | D | X | X | X | D |
| Restricted Premises | X | X | X | X | X | | D | A | X | X | X | D |
| Roadhouse | A | A | A | X | A | | A | A | X | X | X | A |
| Rural Pursuit | P | P | P | P | P | | X | X | X | P | P | X |
| Salvage Yard | X | X | X | X | X | | D | D | X | X | X | D |
| Shop | X | X | X | A | X | | D | P | X | X | X | P |
| Showroom | X | X | X | A | X | | D | P | X | X | X | P |
| Stock & Sale Yard | D | D | D | X | D | | D | X | X | X | X | X |

| | AGRICULTURE | AGRICULTURE PRIORITY 1 – SCOTT COASTAL PLAIN | AGRICULTURE PRIORITY 2 | CLUSTER FARMING | COASTAL LANDSCAPE | FUTURE DEVELOPMENT | INDUSTRY | MIXED USE | RESIDENTIAL | SPECIAL RESIDENTIAL | SPECIAL RURAL | TOWN CENTRE |
|-----------------------------------|-------------|--|---------------------------|-----------------|----------------------|-----------------------|----------|-----------|-------------|------------------------|---------------|-------------|
| Storage Units or Yard | X | X | X | X | X | | P | P | X | X | X | P |
| Tavern | X | A | A | X | A | | X | D | X | X | X | D |
| Telecommunications Infrastructure | D | X | X | D | X | | D | D | D | D | D | D |
| Trade Display | D | D | D | D | D | | D | D | X | X | X | D |
| Transport Depot | A | A | A | X | A | | D | D | X | X | X | D |
| Veterinary Centre | D | D | D | A | D | | D | P | X | X | X | P |
| Warehouse | X | X | X | X | X | | D | D | X | X | X | D |
| Winery | D | D | D | A | D | | X | A | A | X | X | A |
| Workers Accommodation | D | D | D | D | D | | X | X | X | X | X | X |

* As identified in the approved Structure Plan

7. Amending Local Planning Scheme No. 3 TABLE OF CONTENTS by inserting reference to the Future Development Zone in Part 4 and Schedule 16 in Part 12.
8. Amending the Scheme to delete any reference to 'Development Guide Plan' and to replace such reference with 'Structure Plan'.
9. Amending the Scheme Map accordingly.

7. That the Chief Executive Officer to initiate an assessment of the remainder of Lot 11 (formerly Loc. 1193) and Loc 11.090 in relation to addressing whether these properties should be included into Policy Area 8c of the Nannup Townsite Strategy on the basis that they appear to reflect a logical extension of Policy Area 8c.
8. That the owner of Lot 500 Brockman Highway and the owner of Lot 1 Brockman Highway both be invited to seek Council support to initiate a (separate) Amendment to LPS 3 for rezoning to Future Development zone.

CARRIED 7/0

AGENDA NUMBER: 10.3

SUBJECT: Request to adopt draft Amendment No. 4 to Town Planning Scheme No. 3 for Final Approval.

LOCATION/ADDRESS: Nelson Location 853 Barrabup Road Nannup.

NAME OF APPLICANT: Halsall & Associates

FILE REFERENCE: A135

AUTHOR: Rob Paull - Planning Consultant.

DISCLOSURE OF INTEREST: None

DATE OF REPORT: 8 January 2009

- Attachments:**
1. draft Amendment No. 4 to Town Planning Scheme No. (as advertised).
 2. draft Development Guide Plan (Modified)
 3. Schedule of Submissions.
 4. Recommended modifications to draft Amendment No. 4 to Town Planning Scheme No. 3.

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. 4 with or without modifications.

BACKGROUND:

1. The Proposal

The proponent seeks Council's support to rezone Nelson Location 853 Barrabup Road Nannup ('subject land') from 'Agriculture' under the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to 'Special Use' to facilitate tourism development (via an approved Development Guide Plan)

The proposed land use where by up to 25 single bedroom chalets are proposed is not permitted under Council's LPS 3 within the existing "Agriculture" zoning. The subject land is required to be rezoned and included into the Special Use Zone of Council's Local Planning Scheme with appropriate land use controls to facilitate the development as proposed.

Attachment 1 includes draft Amendment No 3. as advertised. Attachment 2 includes the draft Development Guide Plan as modified by the Proponent (as a result of submissions).

2. Subject land and Nearby Land Details

Currently the subject land has one dwelling and associated outbuildings. The subject land is 41ha in area and located approximately 6.5km west of the Nannup Townsite land and 500 metres south of the undeveloped Quigup Townsite land. The subject land has legal frontage to the Barrabup Road reserve to the north, and a newly gazetted road in the south-east, and fronts the Blackwood River to the south.

It is understood that the constructed 'Mowen Road' is located slightly to the north of the alignment of the existing Barrabup Road Reserve. Mowen Road currently provides only informal access only to the north of the subject land. Access to the subject land from Mowen Road is on a forest track that passes through part of State Forest No. 28. The current track is not on a gazetted road reserve and is not maintained for public use. The DEC has advised that use of this forest track as formal access to the subject land will require further discussion with DEC. Options for use are a formal agreement with DEC or excision from State forest and gazettal as a road reserve.

Mowen Road is undergoing significant improvements, with the objective of completing a bitumen seal between Sues Road and the Nannup Town in the near future. The current Mowen Road construction provides access suitable to service the intended tourist development opportunity and this access has been supported through previous decisions of the Shire Council.

The subject land has a varied topography. The subject land rises slightly from the Mowen Road access in the north of the subject land to a ridge, and then falls continuously to a point 200-metres further south, where the slope greatly increases to fall to a plain in the south east of the subject land and the Blackwood River to the south west of the subject land. Areas of remnant vegetation are located in the north and central areas, as well as adjacent to the Blackwood River in the south west of the subject land.

A stand of blue gums has been planted in the north of the subject land, adjacent to an existing soak dam and the access way. A small vineyard has been established adjacent to the eastern boundary, above the existing farm house. Further south on the eastern boundary is an existing shed and water tank, following on from which the subject land the falls down to another existing dam. In the far south eastern corner of the subject land, a disused building is found which was once utilised for the purposes of an abattoir. A recently formed access track connects the upper and lower reaches of the subject land.

Surrounding land is predominantly vegetated State Forest, which occurs to the north, west and east. Land to the south is separate freehold tenure, which appears to have been utilised for grazing purposes. The subject land is adjacent

to the existing "timberline" walk trails, adjacent to the Blackwood River and in proximity to Barrabup Pool.

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 NR5 of the LPS, where tourism is to be encouraged as a means of rural diversification, subject to addressing land use conflict issues.

In general terms, the Local Planning Strategy observes that Mowen Road, when sealed, will provide an important linkage to Margaret River for tourism traffic, linking the Margaret River and Pemberton wine regions. Barrabup Pool is also noted as an important tourist asset to the region.

The Local Planning Strategy recognises under section 17.1 that tourist development can occur throughout the area including rural areas. With regard to the Proposal, the desirability of locating outside of townsite areas is fundamental, given the nature of the proposed development.

The primary policy within the Local Planning Strategy is found at Section 17: 'Local Planning Policy Framework – Tourism'. Section 17 of the Local Planning Strategy again notes the importance of Mowen Road as a connection through the Shire, which is likely to be a conduit for significant volumes of tourist traffic. 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”.*

The proponent has submitted that:

“... each chalet will be single bedroom and so limit the number of visitors to the subject land to not more than fifty persons. The actual number of visitors on the subject land at any one time is likely to be significantly less than this amount. The Western Australian Tourism Commission has previously noted that typical accommodation rates for chalets are around 40-50%.”

The above comment is noted It is reasonable for the Amendment (should it be approved) to include a provision reflecting the single bed chalets as referred to by the proponent as a maximum of 25 bedrooms for any overall chalet development.

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 DGP's, 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. Some further impact at the fringes of this vegetation will be required to establish building and hazard reduction zones about the proposed chalets.

6. Access and the Construction of Mowen Road

Access to the subject land is and will always be formally available from Barrabup Road. However, it would appear to be unlikely that Council would have initiated Amendment No. 4 unless access to Mowen Road was available. The proponent has stated in the Amendment Report that:

"Upgrading of this road may be required at development stage should it not be possible to formalise access from Mowen Road in the north".

It is respectfully suggested that this is not the case. The opportunity to pursue the Amendment as sought relates to the development and construction of Mowen Road. Should access not be available (and there is no suggestion there is an issue with gaining access) then development of the site utilising Barrabup Road should be limited to the current provisions of the Local Planning Strategy 3 (i.e. up to 5 chalets). This should be referred to in the Amendment and the Amendment Report be modified (should the Amendment be adopted by the Shire).

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 subject land is within the 'Agricultural' designation of Planning Unit BR2 of the WBRS, where low-key tourism is identified as a primary use (subject to a requirement to obtain planning consent from the local authority). With respect to the above, the Amendment:

- proposes specific controls over the future development 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 access is from Mowen Road; and
- will require a fire management regime to the requirements of the Shire and satisfaction of the DEC.

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. 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.

These elements have also been incorporated within the Amendment as relevant.

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 to 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.

The Amendment is consistent with these considerations of PB83.

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

In 2006, the proponent lodged a submission to the then draft LPS3 requesting the subject land be zoned to allow tourist use/development. However Council requested that a rezoning proposal be specifically presented at the appropriate time to provide for a detailed assessment of specific issues.

Further to this decision the Shire Council considered a request for 'in-principle' support to the proposed rezoning of the subject land. At the Ordinary Shire Council meeting on 26 April 2007 the Shire 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.

Council at its Meeting held on 24 April 2008 resolved as follows:

- 1. That Council initiate an amendment to Local Planning Scheme # 3 for rezoning of Nelson Location 1423 Barrabup Road Nannup from 'Agriculture' to the 'Special Use' zone.*
- 2. That Council request the proponent to prepare amendment documents prior to Council considering the amendment for formal adoption.*
- 3. That Council deem that this amendment, is a 'Minor' amendment and \$3,300 in fees be paid in accordance with Council's Schedule of fees and charges.*

The fee has been paid and the advertising process undertaken.

11. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 4 for 42 days and meet 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 a local newspaper and details being available for public inspection at local public libraries and at Shire's Customer Service Centre in Nannup.

Six (6) submissions were received on draft Scheme Amendment No. 4 during the advertising period and these are summarised in the Schedule of Submissions (note Attachment 3), 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. The following summarises the submissions:

- one (1) submission supports draft Scheme Amendment No. 4 without modification;
- five (5) submissions support draft Scheme Amendment No. 4 subject to modifications and/or confirmation that issues will be appropriately addressed.

The issues raised in the submissions can either be addressed in modifications to draft Scheme Amendment No. 4 or are dealt with in the existing provisions.

It should be noted that the proponent has submitted a revised draft Development Guide Plan and correspondence as a result of the submissions.

12. Fire Risk Assessment

In relation to fire risk, a draft Fire Management Plan (FMP) accompanied the Amendment Report. The draft FMP was not opposed by FESA but not accepted by DEC nor the Shire's Fire Management Officer, due to the extreme fire risk of the locality and that the proposed building setbacks to the boundary were only 50 metres. The proponent has modified the building setbacks to be 100 metres. The Amendment has been recommended to be modified in light of the DEC and FMO's assessment.

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. In this regard, it is recommended that following provision be inserted into the Amendment:

- *All chalets shall be designed and constructed in accordance with the requirements of with Standards Australia AS3959-1999 "Construction of Buildings in Bush Fire Prone Areas" Level 2 construction standards.*

13. Suggested changes to the draft Scheme Amendment Provisions

From the submissions received and the assessment by the Shire, modifications to Amendment No. 4 are considered necessary. The significant modifications recommended relate to:

- access arrangements to Mowen Road;
- ensuring that access to Barrabup Road for more than five (5) chalets is for emergency purposes only;
- fire management;
- limiting the number of bedrooms associated with the overall chalet development; and
- flood assessment/mitigation.

14. Suggested changes to the draft Scheme Amendment Report

It is necessary for draft Scheme Amendment No. 4 Report to be modified to provide for some minor formatting changes, administrative "tidy ups", fire management, flooding comments and referencing to access arrangements as discussed in this Report.

14. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No. 4 with or without modifications, Scheme Amendment No. 4 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. 4 will, in time, be gazetted.

14. Conclusion

It is recommended that Council support final approval to Amendment No. 4 to LPS 3 subject to modifications to draft Scheme Amendment No. 4 provisions as set out in this Report and included in Attachment 4.

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 NR5 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:

- *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.

The yield sought for the Amendment is 25 chalets and with a site area of 41 ha, results in one chalet per 1.64 ha. This development essentially provides for 3 'clustered' areas which is a reasonable design practice. 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.

It is not suggested that the Amendment be modified or deferred to address the yield/ratio of chalets per ha. 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 stage by relevant agencies and the Council.

Economic

Adoption of the Amendment could result in opportunities for 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.

RECOMMENDATIONS:

That Council:

1. Support final approval to Scheme Amendment No. 4 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Nelson Location 853 Barrabup 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 3.

3. Require the modifications to Scheme Amendment No. 4 provisions as set out in Attachment 4 with with point 8 of the Shire recommended modifications amended to read:

"8. The creation of a survey strata scheme over the Site shall be subject to:

- a) Access from Mowen Road being legally established and formalised to the requirements of Council and to the satisfaction of the WAPC."

4. Request the Western Australian Planning Commission support and the Minister for Planning grant final approval to Scheme Amendment No. 4 to LPS 3, with the modifications set out in Resolution 3. (above).

8089 TAYLOR/PINKERTON

That Council:

1. Support final approval to Scheme Amendment No. 4 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Nelson Location 853 Barrabup 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 3.
3. Require the modifications to Scheme Amendment No. 4 provisions as set out in Attachment 4. with Point 8. of the Shire recommended modifications amended to read:

"8. The creation of a survey strata scheme over the Site shall be subject to:

- a. Access to Mowen Road being legally established and formalised to the requirements of Council and to the satisfaction of the WAPC".*

4. Request the Western Australian Planning Commission support and the Minister for Planning grant final approval to Scheme Amendment No. 4 to LPS 3, with the modifications set out in Resolution 3. (above).

CARRIED 6/1

Councillors voting for the motion: Dunnet, Pinkerton, Dean, Bird, Boulter, Taylor.

Councillor voting against: Lorkiewicz

DRAFT AMENDMENT NO. 4 TO TOWN PLANNING SCHEME NO. 3 (AS ADVERTISED).

PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 4

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 Nelson Location 853 Barrabup 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.

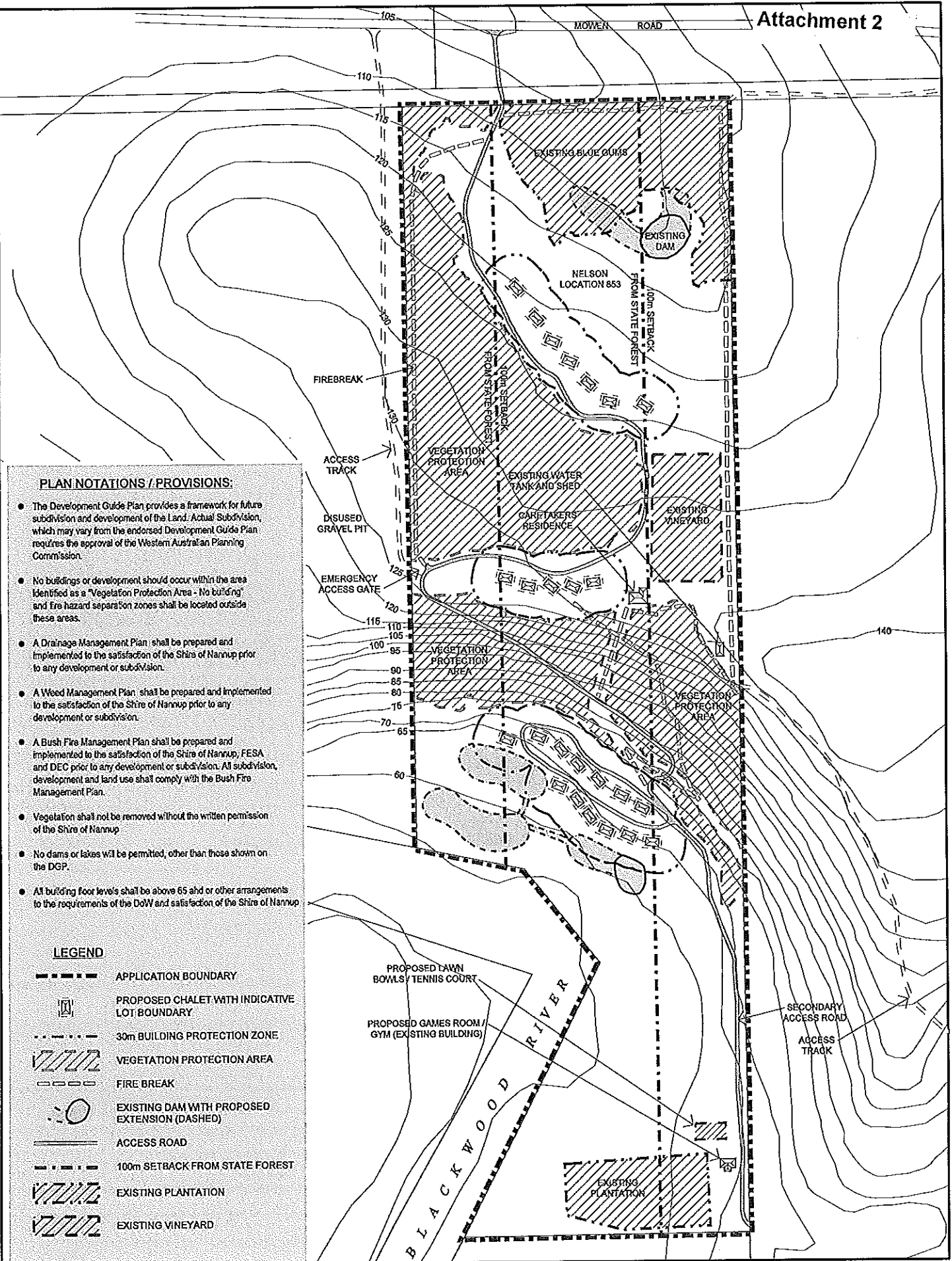
| No. | DESCRIPTION OF LAND | SPECIAL USE | CONDITIONS/SPECIAL PROVISIONS |
|----------|---|---|---|
| SU 11 | Nelson Location 853 Barrabup Road, Nannup | <ul style="list-style-type: none"> • Chalet Development; • Private Recreation; • Single Dwelling; • Home Occupation; • Home Office; • Caretaker's dwelling; | <p>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.</p> <p>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.</p> |

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| | | <ul style="list-style-type: none"> • Intensive Agriculture; • Rural Pursuit; | <p>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> <p>4. A fire management plan shall be prepared to the satisfaction of the Shire, FESA and DEC (CALM) and implemented prior to development occurring on the Site.</p> <p>5. No chalet shall be occupied for period of greater than three months in any one twelve month period.</p> <p>6. 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 from within the Site; • 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 |
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| | | | <p>Taskforce that addresses (where applicable) the assessment criteria and strata management conditions and Tourist Accommodation Strata Title Guidelines.</p> <ul style="list-style-type: none"> • The requirement for the WAPC, in consultation with Tourism WA, to approve any variations to the management statement; and • Any other requirements of the Local Authority. <p>7. Any strata subdivision of the proposed chalet development shall be preceded by a planning consent for development within each strata lot.</p> <p>8. 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; and • 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. <p>9. Each chalet shall be connected to a water storage tank with a minimum capacity of 50,000 litres.</p> <p>10. A Geotechnical Study being undertaken prior to</p> |
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| | | | <p>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.</p> <p>11. A foreshore management plan for the riparian zone adjacent to the Blackwood River shall be prepared to the satisfaction of the Local Authority prior to the commencement of development.</p> <p>12. The colours and materials of buildings shall be, to the satisfaction of the Shire, complimentary, and to the satisfaction of the Shire be of an essentially natural and earthy tone complimentary to the landscape.</p> <p>13. Buildings are to incorporate a common thread of architectural style to ensure the development takes the form of one contiguous development.</p> <p>14. All chalets shall be designed and constructed in accordance with the requirements of with Standards Australia AS3959-1991 "Construction in Bush Fire Prone Areas" and guidelines contained in CSIRO/Standards of Australia information and advice booklet SAA HB 36-1993 "Building in Bush Fire Prone Areas".</p> <p>15. Access to any development shall be from legal gazetted access. Should the access to the north of the Site known as Mowen Road not provide legal access at the time of development, Barrabup Road or other</p> |
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| | | | <p>gazetted Road shall provide access and be upgraded at the time of development and/or strata stage.</p> <p>16. All development is to be located above the 60m AHD line (1:100 flood level) as marked on the Development Guide Plan unless appropriate modifications to land contours or finished floor levels of buildings ensure development is situated above this level (to be demonstrated at development stage).</p> <p>17. Upgrading of the internal access road will be required as a condition of consent for development of the Site.</p> |
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PLAN NOTATIONS / PROVISIONS:

- The 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.
- No buildings or development should occur within the area identified as a "Vegetation Protection Area - No building" and fire hazard separation zones shall be located outside these areas.
- A Drainage Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup prior to any development or subdivision.
- A Weed Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup prior to any development or subdivision.
- A Bush Fire Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup, FESA and DEC prior to any development or subdivision. All subdivision, development and land use shall comply with the Bush Fire Management Plan.
- Vegetation shall not be removed without the written permission of the Shire of Nannup.
- No dams or lakes will be permitted, other than those shown on the DGP.
- All building floor levels shall be above 65 and other arrangements to the requirements of the DoW and satisfaction of the Shire of Nannup.

LEGEND

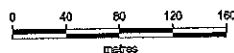
- APPLICATION BOUNDARY
- PROPOSED CHALET WITH INDICATIVE LOT BOUNDARY
- 30m BUILDING PROTECTION ZONE
- VEGETATION PROTECTION AREA
- FIRE BREAK
- EXISTING DAM WITH PROPOSED EXTENSION (DASHED)
- ACCESS ROAD
- 100m SETBACK FROM STATE FOREST
- EXISTING PLANTATION
- EXISTING VINEYARD

This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever.

Although care has been taken on the completion of this document by Halsall & Associates, all parties associated with this proposed property development disclaim any responsibility for any errors or omissions. The right is reserved to change the plan at any time.

Liability is expressly disclaimed by Halsall & Associates for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

All areas and dimensions shown on this drawing are subject to final survey.



HALSALL & ASSOCIATES Town Planning Consultants

Title: DEVELOPMENT GUIDE PLAN
NELSON LOCATION 853 MOWEN ROAD, NANNUP

Figure: 1

Scale: 1:4,000

Revision No: E

Drawn: MH

Date: DECEMBER 2008

Designer: M. Halsall

Job No: -

E Reference: H & A Aug08

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 4

| No. | Name & Address of Submitter | Summary of Submissions | Council Comments | WAPC Recommendation |
|-----|--|---|--|---|
| 1 | David Lewis Loc1423 Barrabup Road NANNUP WA 6275 | <p>A) Mr. Lewis has some reservations that may require some further study regarding vehicular access and the use of local roads and tracks.</p> <p>B) Fifteen (15) chalets appear to be on the lower river flats with the most convenient access to and from Barrabup Road. Mowen Road is being upgraded to major highway specifications, which means that a majority of chalet patrons may refer to use the more scenic Barrabup</p> | <p>A) Noted and agree in part. The access to Barrabup Road should be a very small number of chalets and for emergency purposes only. It is suggested that the Amendment be modified to limit access to Barrabup Road where no more than five (5) chalets is proposed. The significance of five (5) chalets is that the Local Planning Strategy allows for up to five (5) chalets on rural land (subject to Council consent).</p> <p>The above will require a modification to the Amendment to ensure that there is minimal impact upon the rural/rural residential users of Barrabup Road. Modification is also necessary to ensure that the use and development is managed in a way that caters for 'visitors' that are not familiar with the land. Accordingly, a single main access should be from Mowen Road for more than five (5) chalets – where all 'visitors' (including those staying in the lower chalets) can gain access to the land and the chalets from an onsite manager. With this in mind, a traffic study is not considered necessary.</p> <p>B) Note response to A) above.</p> | <p>Modification as Recommended</p> <p>Modification as Recommended</p> |

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| | | <p>Road for trips to town and beyond. Barrabup Road doesn't have massive roadside clearings, state forest and wild flowers are close to the road, and towards town there are beautiful views over Nannup and the hills of the escarpment.</p> <p>C) Although the proponents envisage 40-50% occupancy in reality occupancy may reach 100% on weekends, long weekends, public holidays, school holidays, festival times, or when conferences at the Loose Goose occur and the like. From Mr. Lewis's experience at Nannup Music Festivals, two trips into town with a rest in between is par for the course of music events on offer. Under such a scenario, and the resultant staffing requirements, the proposed '25 chalet development may increase vehicle movements to more than 100 per day on Barrabup Road. Over a 12-hour period he advises that this amounts to an extra vehicle every 7.2 minutes.</p> <p>D) Mr. Lewis states that in his 29 years living on Loc 1423 and with the developments on this-property my wife and he rarely encounters vehicles on the western graveled section of Barrabup Road and has never encountered one on the one lane old rail formation that connects</p> | <p>C) Note response to A) above.</p> <p>D) Note response to A) above.</p> | <p>Modification as Recommended</p> <p>Modification as Recommended</p> |
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| | <p>Barrabup Road to Mowen Road.</p> <p>E) Mr. Lewis advises that in his opinion, there is an increasing amount of traffic from the large areas of Special Rural residential areas closer to town that are using Barrabup Road and the one lane old rail formation as alternative access to and from Mowen Road. This has increased the tendency for this section of Barrabup Road to corrugate and pothole and dust is becoming a problem for Loose Goose proprietors. An extra 100 vehicle movements may exasperate the problem with loss of road surface and settling dust obscuring and killing the roadside native vegetation.</p> | <p>E) Note response to A) above. However, there may need to be some minor clearing, road works and possibly widening to ensure safe emergency access – especially adjoining the direct access to the subject land. This would be at the applicant's expense.</p> | Modification as Recommended |
| | <p>F) It may be prudent for the proponents to map their worst-case scenario for vehicle movements as a consequence of their proposals so we may all fully appreciate the situation as to loss of amenity, safety and effect on the road system.</p> | <p>F) Note response to A) above.</p> | Modification as Recommended |
| | <p>G) It cannot be assumed that all patrons will use the Mowen Road access nor does it seem possible to enforce such a proposal. Strata titling, the proposed remote management using town real estate agents, the necessity of</p> | <p>G) Note response to A) above.</p> | Modification as Recommended |

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| | <p>maintaining Barrabup access for fire planning, the requirement to keep the gate unlocked for emergency, the old rail formation and normal human behavior will lead to increased use of Barrabup Road and the adjacent track systems.</p> <p>H) Mr. Lewis attached two reference maps and notes there can be seen a conflagration of roads and tracks at the western end of Barrabup Road. The reserve No 13762, which provides access to Location 853 descends down into a steep and picturesque gully that, has not been logged due the gradient. However the road here is windy and narrow in places with huge native trees directly abutting or protruding onto the road. Part of this road is not on the reserve. Barrabup Road also at this point continues on along reserve No 14759 as the original old rail formation and is single lane only in places but provides another access to and from Mowen Road.</p> | <p>H) Note response to A) above.</p> | Modification as Recommended |
| | <p>I) This particular area may require attention to accommodate 100 extra vehicular movements in a day. It would be a shame to lose the picturesque gully section due to road widening and realignment.</p> | <p>I) Note response to A) above. The use and ultimate development would not generate 100 extra vehicles provided Barrabup Road is used for emergency access only.</p> | Modification as Recommended |
| | <p>J) Mr. Lewis states that his concern</p> | <p>J) Agree – that is a reasonable expectation. The</p> | Modification as |

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| | centres generally on vehicular movements and the resulting impacts. His objectives are low-key eco-tourism with as little impact as possible on the surrounding area and roads system. | modifications to the Amendment are intended to ensure the low-key nature of the development. | Recommended |
| | <p>K) The proposed development of location 853 may pose significantly greater strains on the local roads, tracks and general amenity due to traffic numbers, noise and dust.</p> <p>L) He requests the Shire of Nannup to undertake a resultant traffic study of the area due to the proposal for Location 853. Taking into account a significant portion of traffic from the proposal is likely to affect Barrabup Road along its entire length and the old rail formation. An estimated apportionment of road costs between the Shire due to increased traffic from the Special Rural subdivisions, the affects of the proposals for Location 853_and our proposal may be in order. We would like an assessment of longer term impacts to the amenity of our area due to increased vehicular movements as it may significantly affect our proposal, our land value and our future incomes.</p> | <p>K) Note response to A) above.</p> <p>L) Note response to A) and J) above.</p> | <p>Modification as Recommended</p> <p>Modification as Recommended</p> |
| Patricia Fraser PO Box 14 | A) Ms Fraser advises that she owns the adjoining land to the south and it is used for agricultural purposes. | A) Noted. The sale of private property nor 'competition' if not the concern of local government. | No modification |

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| NANNUP, WA 6275 | <p>She notes that most tourist stay places in Nannup either change hands ore are up for sale. Do we need more (tourist) at this time or into the future?</p> <p>B) Why is Council considering up to 25 chalets and not the usual four?</p> <p>C) Ms Fraser also raises issues as follows:</p> <ul style="list-style-type: none"> • Strata arrangements and whether it is suitable for long-term management? <p>• How much land is required for agricultural use associated with a Strata?</p> <p>• What effluent arrangements will be established to protect the nearby stream flow and adjoining land from contamination?</p> <p>• Has the floodway been considered?</p> <p>• Who is responsible for the</p> | <p>B) The Amendment seeks to provide the opportunity for up to 25 chalets.</p> <p>C) Noted.</p> <ul style="list-style-type: none"> • The Amendment provides the opportunity for up to 25 chalets to be developed. Strata titling is available pursuant to the Planning & Development Act and does not necessarily need to be referred to in an Amendment. The WAPC is the authority associated with considering subdivision. Strata subdivision for tourist chalets with associated management arrangements is not an unusual practice in WA. • No minimum agricultural lot size applies. However, Council's Local Planning Strategy states: <i>"Any proposal for a chalet development should:</i> <ul style="list-style-type: none"> o <i>be sited on a lot with a minimum of one (1) hectare (for two chalets) and two (2) hectares (for more than two chalets) in order to provide effective visual screening and buffering of the proposed use from adjoining land and maintain the overall character of the area."</i> <p>• All effluent disposal will be in accordance with</p> | <p>No modification</p> <p>No modification</p> <p>No modification</p> <p>No modification</p> <p>No modification</p> |
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| | roadworks? | the requirements of the Health Act. Specifically, this would be dealt with as a condition of any Planning Approval. | No modification |
| | <ul style="list-style-type: none"> The steep terrain will impact upon the ability to establish an internal track. Is there going to be new agriculture land release on the Mowen Road side of the Blackwood River. Views depicted in the information provided will not be seen, as the chalets will be below the hill – is that false advertising? Where is the offal pit from the original abattoir - this should be determined before development. | <ul style="list-style-type: none"> Advice from the DoW has been sought and should be incorporated into any approved Amendment. The Shire is responsible for any road works on Shire roads, however, it can offset any direct costs to the landowner as part of developer contributions. | No modification |
| | <ul style="list-style-type: none"> Where is the offal pit from the original abattoir - this should be determined before development. | <ul style="list-style-type: none"> The steep terrain is a factor however a new track has been constructed which appears to be trafficable. Should the Amendment be approved and Planning Approval issue, development of the track would be to Shire satisfaction. | No modification |
| | D) Does not have an opinion about the proposal unless it impacts on her property and use. Who is responsible if it impacts on Ms. Fraser? | <ul style="list-style-type: none"> Unknown, however it would not appear to be an issue relating to the Amendment. | No modification |
| | | <ul style="list-style-type: none"> Issue of advertising is not a matter for local government or this Amendment. | No modification |
| | | <ul style="list-style-type: none"> Although the site is not defined as a 'contaminated site', an old (disused) brick building on the lower portion was apparently used as an abattoir years past. Should the Amendment be approved, a condition should be included to address any potential | Modification as Recommended |

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| | | | contamination. | No modification |
| 3 | Department of Environment and Conservation Blackwood Region Queen Street BUSSELTON WA 6284 | <p>A) DEC does not oppose the scheme amendment but wishes to make the following comments, which DEC requests are reflected, in scheme provisions and in the Development Guide Plan.</p> <p>B) Access to Loc. 835 from Mowen Road is on a forest track that passes through part of State forest No. 28. The current track is not on a gazetted road reserve and is not maintained for public use. Any intention to use this forest track as formal access to Loc. 835 will require further discussion with DEC. Options for use are a formal agreement with DEC or excision from State forest and gazettal as a road reserve.</p> <p>C) The part of State forest No. 6 to the west of Loc. 835 is part of the proposed St John's Brook Conservation Park (CP). This Park was a commitment by Government outlined in the Forest Management</p> | <p>• Noted. Should the Amendment be Approved, Planning Approval for the chalet development would still be required. Local government base decisions on the best available information in accordance with the provisions of the Act, Scheme and Polices.</p> <p>A) Noted.</p> <p>B) Noted and agreed. The issue of access is important to the Shire and the also has been identified in submissions to the Amendment. It is reasonable to suggest that Council would not have initiated the Amendment unless access to Mowen Road was available. Access to Mowen Road for the number of chalets/tourist uses proposed is fundamental to the purpose of the Amendment and for fire protection. Accordingly, should access not be available (and there is no suggestion that this is the case), then development of the site utilizing Barrabup Road should be limited to the current provisions of the LPS 3 (i.e. up to 5 chalets).</p> <p>C) Noted</p> | No modification |

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| | | Plan 2004-2013. | | |
| | | <p>D) The proponent needs to be aware that some or all of the following approved activities may occur in the State forest from time to time:</p> <ul style="list-style-type: none"> • <i>Prescribed burning for conservation and/or fire hazard reduction purposes;</i> • <i>Timber harvesting and regeneration in accordance with a Government approved forest management plan;</i> • <i>Baiting with poison to control predators of native fauna; and,</i> • <i>Application of herbicides and other chemicals for weed and plant disease control.</i> <p>E) St John's CP is managed for the purposes of recreation consistent with the maintenance and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest. Pets are generally not permitted in the CP, and DEC may undertake poison baiting for wildlife predator control and prescribed use of fire for conservation and protection purposes.</p> | <p>D) Noted and agreed</p> <p>E) Noted.</p> | <p>Modification as Recommended</p> <p>No modification</p> |

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| | | <p>F) Prospective purchasers should contact the local DEC office for advice about activities that may occur in the CP and State forest.</p> <p>G) DEC does not endorse the Fire Management Plan (FMP) for LOC. 835, specifically with the method for assessing Hazard Separation Zones (HSZ). The proponent has interpreted the Planning for Bushfire Policy (2001) incorrectly in determining the HSZ from State forest to be a minimum distance of 50m. The table the proponent has used in coming to this figure should be utilised in determining the bush fire hazard rating of the lands, as they have shown in Diagram 2 'Bushfire Hazard Assessment'. This table is not a tool in determining HSZ setbacks. It is clearly stated in the Planning for Bushfire Policy that the HSZ is to be a minimum of 100m (page 38, page 39, page 40 and AS 3.6(i) on page 42) between extreme bush fire hazards and buildings.</p> <p>H) The development guide plan should be redesigned to show a 100m HSZ between all proposed buildings and any area identified in diagram 2 of the FMP being of extreme bushfire hazard.</p> | <p>F) Noted and agreed</p> <p>G) Noted and agreed. A fire management plan has been prepared based on Planning for Bushfire Protection. A provision of the Amendment states: <i>A Fire Management Plan, which identifies fire risk, and proposes appropriate mitigation while recognising the objective to minimise clearing of quality vegetation.</i></p> <p>The proponent's consultant was made aware of the DEC concerns and has revised the draft development guide plan to reflect a 100m building setback. The Shire's Fire Control officer has raised similar concerns to the DEC. The draft Fire Management Plan would also need to be amended to reflect the issues raised by DEC.</p> <p>H) Noted and agreed (see G. above)</p> | <p>Modification as Recommended</p> <p>Modification as Recommended</p> <p>Modification as Recommended</p> |
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| 4 | FESA Regional Office - South West PO Box 1288 BUNBURY WA 6231 | A) The proposal and associated Fire Management Plan have been assessed and are in compliance with the State's 'Planning for Bush Fire Protection' policy. As such, FESA has endorsed the submitted Fire Management Plan dated May 2008 and raises no objection to the proposal. | A) Noted. The Fire Management Plan has been modified to reflect the issues raised by the DEC (i.e. building setback to boundary of 100m) and removal of chalets from the bush areas. | Modification as Recommended |
| 5 | Department of Water, P O Box 261 BUNBURY WA 6231 | <p>A) The Department of Water in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.</p> <p>B) On 8 August 2008 the Department provided advice for this lot to the proponent's planning consultant. The Department then provided further clarification on 13 August 2008.</p> <p>C) Contrary to the statement in the 2nd paragraph of section 6.3 (page 18) of the Amendment No.4 document prepared by Halsall and Associates, namely: <i>"With decreasing rainfall and climate change, it is considered that utilising the 60 metre AHD level as a safe major flood level line is reasonable."</i> </p> | <p>A) Noted.</p> <p>B) Noted.</p> <p>C) Noted. The paragraph will need to be amended as it is not based on any empirical evidence and it is strongly opposed by the DoW.</p> | <p>No Modification</p> <p>No Modification</p> <p>Modification to Scheme Report as Recommended</p> |

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| | | <p>D) The Department reiterates its position of 13 August 2008 in which we recommend that the estimated flood level for the lot is 65 m AHD.</p> <p>E) Based on this recommendation, the Department does not consider the chalet locations shown on the proposed subdivision guide plan acceptable.</p> | <p>D) Noted.</p> <p>E) Noted and agree. The Amendment and the accompanying guide plan should be amended to include the following provision:</p> <p><i>A flood management plan shall be prepared prior to any development or subdivision to determine the actual AHD level with survey. All building floor levels shall be above 65AHD or other arrangements to the requirements of the Dow.</i></p> | <p>No Modification</p> <p>Modification as Recommended</p> |
| 6 | <p>Tourism WA GPO Box X2261 PERTH WA 6847</p> | <p>A) The subject land has a total area of 41 hectares and is located 6.5km west of the Nannup town site. This application proposes the rezoning of the subject land from 'Agriculture' to the inclusion within a 'Special Use' to facilitate tourist development (specifically chalet development and ancillary uses) and continue the existing agricultural uses where appropriate.</p> <p>B) The proposed development, as indicated in the Development Guide Plan, includes the development of up to 25 single bedroom chalets and associated recreational facilities including lawn bowls, tennis court, jetty, enlarged dam,</p> | <p>A) Noted.</p> <p>B) Noted.</p> | <p>No modification</p> <p>No modification</p> |

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| | games room and gym facilities. The amendment addresses the potential for the development to be strata titled in the future. | | |
| | <p>C) Tourism WA emphasises the need to develop a consistent architectural character throughout the development to ensure the establishment of a genuine tourist facility. The retention of the existing vineyard is encouraged for its aesthetic purposes and contribution to the chalet development, however the potential for conflicts between the agricultural uses and tourism development may need to be addressed.</p> <p>D) The following modifications/additions are recommended to the special provisions:</p> <ul style="list-style-type: none"> • <i>The last dot point on proposed condition 6 is amended to include the words 'the WA Planning Commission and Tourism WA'.</i> • <i>A further point added to condition 8 requiring the on site reception and managers residence to be included in common property.</i> | <p>C) Noted and agreed. However, it is unlikely that the vineyard would cause impact to the tourist operation as it is on the same parcel of land.</p> <p>D) Noted.</p> <ul style="list-style-type: none"> • Noted and agreed. • Noted but not agreed. The requirement for reception and managers residence to be on common property is a matter to be considered at subdivision stage. It is noted that the State Government's 'Tourism Taskforce' does not demand that such facilities be located on common property. | <p>No modification</p> <p>Modification as Recommended</p> <p>Modification as Recommended</p> <p>Modification as Recommended</p> |

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| | | <p>E) 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:</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> | E) Noted and agreed. | Modification as Recommended |
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**RECOMMENDED MODIFICATIONS TO DRAFT AMENDMENT NO. 4 TO
TOWN PLANNING SCHEME NO. 3.**

PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 4

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 Nelson Location 853 Barrabup 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 | SPECIAL USE | CONDITIONS/SPECIAL PROVISIONS |
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| SU 11 | Nelson Location 853 Barrabup Road, Nannup | <ul style="list-style-type: none"> • Chalet Development • Private Recreation • Single Dwelling • Home Occupation • Home Office • Caretaker's dwelling • Intensive | <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. |

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| | | <p>Agriculture</p> <ul style="list-style-type: none"> • Rural Pursuit | <p>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> <p><i>Use/Development</i></p> <p>4. Chalet Development defined shall be deemed to be 'D' uses pursuant to the Scheme. All other Special Uses shall be 'P' uses.</p> <p>5. Prior to development occurring on the Site, the following will be prepared and/or undertaken to the satisfaction of the Local Government::</p> <ul style="list-style-type: none"> • Preparation of a development staging plan. • 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. • A foreshore management plan for the riparian zone adjacent to the Blackwood River shall be |
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| | | | <p>prepared to the requirement of the DoW and DEC.</p> <ul style="list-style-type: none"> • 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 one contiguous development. • The Local Government may consider up to five (5) chalets with access to Barrabup Road. Where access is sought to Barrabup Road, advertising pursuant to Clause 9.4 of the Scheme and the Council may seek appropriate upgrading of Barrabup Road. • Where more than five (5) chalets are proposed, access for all (even any existing) chalets shall be solely to/from Mowen Road and Barrabup Road will be used for emergency access purposes only. Single main access shall be orientated and designed to be from Mowen Road. • Barrabup Road shall be upgraded as required by the Local Government to a standard acceptable for emergency access. • Upgrading of the internal access road. • A flood management plan shall be prepared prior to any development or subdivision to determine the actual AHD level with survey. All |
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| | | | <p>building floor levels shall be above 65AHD or other arrangements to the requirements of the DoW.</p> <ul style="list-style-type: none"> • The Maximum number of bedrooms for the chalet development shall not exceed 25. • The colours and materials of buildings shall be essentially natural and earthy tone complimentary to the landscape. • Each chalet shall be connected to a water storage tank with a minimum capacity of 50,000 litres. • Assessment of the old (disused) brick building on the lower portion to address any potential contamination. <p><i>Subdivision</i></p> <p>6. Any strata subdivision of the proposed chalet development shall be preceded by a planning consent for development within each strata lot.</p> <p>7. 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; • Limitations on redevelopment to a common theme and style (linked to any previous or future development consent); |
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| | | | <ul style="list-style-type: none"> • 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>8. The creation of a survey strata scheme over the Site shall be subject to:</p> <ul style="list-style-type: none"> • Access being from legal gazetted access to Mowen Road. • 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: • <i>"This lot is adjacent to agricultural land on</i> |
|--|--|--|--|

| | | | |
|--|--|--|---|
| | | | <p><i>neighbouring lots and within the subject land, wherein rural production activity may have a nuisance effect on amenity, from time to time. "</i></p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • <i>Prescribed burning for conservation and/or fire hazard reduction purposes;</i> • <i>Timber harvesting and regeneration in accordance with a Government approved forest management plan;</i> • <i>Baiting with poison to control predators of native fauna; and,</i> • <i>Application of herbicides and other chemicals for weed and plant disease control.</i> |
|--|--|--|---|

AGENDA NUMBER: 10.4**SUBJECT:** Draft Memorandum of Understanding associated with Amendment No. 1 to Town Planning Scheme No. 3**LOCATION/ADDRESS:** Lots 1-4, 8, 11, 41-43,45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup.**NAME OF APPLICANT:** Shire of Nannup**FILE REFERENCE:****AUTHOR:** Rob Paull - Planning Consultant.**DISCLOSURE OF INTEREST:** Nil**DATE OF REPORT:** 31 December 2008**Attachment:** Draft Memorandum of Understanding**BACKGROUND:**

Council is considering a separate Report in relation to adopting for final approval, Amendment 1 to the Shire of Nannup Town Planning Scheme No. 3 to rezone 1-4, 8, 11, 41-43,45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup from 'Agriculture' to 'Future Development' zone. The Amendment provides for residential, special rural, tourist development, community purpose and public open space uses.

From the initial discussions with the Shire and the Proponent, the issue of developer contributions was aired. All parties associated with Amendment No. 1 were aware of the need for developer contributions that would relate to 'off site' community improvements such as (but not limited too):

- Nannup TimeWood Centre
- Recreation Centre Upgrade
- Children's Service Building Upgrade
- Youth Centre

These are the main 'bricks and mortar' facilities. However there are many opportunities for non-financial partnerships and proposals that would positively impact on the economy, jobs, people relocating and of course buying land. Although the Amendment makes extensive reference to developer contribution requirements, it is also recommended that a Memorandum of Understanding (MoU) between Council and the developer be prepared to reflect Council's expectations associated with developer contributions.

It could also include 'developer commitments' in relation to promoting Nannup, promoting 'Folly' as a 'place of residence' and supporting the use of local workers, contractors and resources. The MoU could also define the corporate approach of the developer and the landowner in relation to promoting Nannup and the use of local workers and contractors.

A draft MoU is included as an Attachment to this report. It would be appropriate for the Council to consider adopting the 'concept' of establishing a MoU and if

acceptable, forwarding it to the Proponent ('Nannup Investments Pty Ltd') and landowner ('Mirannie Nominees Pty Ltd') for comment. It is not suggested at this stage to adopt the draft MoU but to rather request the CEO to report back to Council

Adoption of the MoU should (ideally) take place before consideration of the Amendment by the Minister for Planning.

STATUTORY ENVIRONMENT:

The MoU has no statutory authority over Council, the developer or the landowner. It is a mutual 'understanding' whereby it establishes the general direction, intent and implementation of developer contributions associated with the subject land as reflected in any approved Planning Scheme Amendment.

POLICY / STRATEGIC IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

None at this stage, however the proposal raises the potential for significant financial contributions from the Council that are unbudgeted.

VOTING REQUIREMENTS: SIMPLE MAJORITY

RECOMMENDATIONS:

That Council:

1. Support the concept of a 'Memorandum of Understanding' with the Council, developer and landowner of Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup where the land is proposed to be rezoned from 'Agriculture' to 'Future Development' zone to facilitate residential, special rural, tourist development, community purpose and public open space uses.
2. Adopt for discussion purposes with the developer and landowner, the draft 'Memorandum of Understanding' included as an attachment to this Report.
3. Request the Chief Executive Officer to report back to Council and recommend on the outcome of the discussions referred to in 2. above.

8090 TAYLOR/BIRD

That Council:

1. Support the concept of a 'Memorandum of Understanding' with the Council, developer and landowner of Lots 1-4, 8, 11, 41-43, 45, 46 and 79

generally east of Nannup (Folly block) and north of Brockman Highway, Nannup where the land is proposed to be rezoned from 'Agriculture' to 'Future Development' zone to facilitate residential, special rural, tourist development, community purpose and public open space uses.

2. Adopt for discussion purposes with the developer and landowner, the draft 'Memorandum of Understanding' included as an attachment to this Report.
3. Request the Chief Executive Officer to report back to Council and recommend on the outcome of the discussions referred to in 2. above.

CARRIED 7/0

DRAFT

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE COUNCIL OF THE SHIRE OF NANNUP AND NANNUP INVESTMENTS PTY
LTD AND MIRANNIE NOMINEES PTY Ltd**

1. PURPOSE

A Memorandum of Understanding (MOU) between the Council of the Shire of Nannup and Nannup Investments Pty Ltd and Mirannie Nominees Pty Ltd with the intent of establishing development contributions and developer commitments associated with the 'Folly' block, comprising Lots 1-4, 8, 11, 41-43, 45, 46 and 79 generally east of Nannup (Folly block) and north of Brockman Highway, Nannup ('subject land'), should Amendment No. 1 to the Shire of Nannup Town Planning Scheme No. 3 be approved by the Minister for Planning.

The MOU identifies:

- various areas of community need identified by Council and the Shire; and
- certain commitments from Nannup Investments Pty Ltd in relation to the development of the land.

2. PARTIES TO THE MOU

- Council of the Shire of Nannup;
- Nannup Investments Pty Ltd; and
- Mirannie Nominees Pty Ltd

3. OBJECTIVES OF THE MOU

- To establish the general direction, intent and implementation of developer contributions associated with the subject land as reflected in any approved Planning Scheme Amendment.
- To define the corporate approach of Nannup Investments Pty Ltd and Mirannie Nominees Pty Ltd in relation to promoting Nannup and the use of local workers and contractors.

4. PURPOSE

4.1 The purpose of this Memorandum is to facilitate and promote cooperation between the Shire of Nannup and Nannup Investments Pty Ltd and the landowner in relation to:

4.1.1 preparation and implementation of developer contributions associated with the development of the subject land; and

4.1.2 desire of the Shire of Nannup and Nannup Investments Pty Ltd and Mirannie Nominees Pty Ltd to promote Nannup as a tourist and residential destination.

4.2 Amendment No. 1 to the Shire of Nannup Town Planning Scheme No. 3 seeks to rezone the subject land to 'Future Development Zone'. Provisions of that zone require the proponent to prepare a developer contributions plan to the requirements of Council. Such contributions are in addition to any services required for the subject land. Developer contributions will be spent within the Nannup Township. The following is an indication as to the types of community improvements such contributions are likely to be spent:

- Nannup TimeWood centre
- Recreation centre
- Children's Service building
- Youth centre
- Administration building

4.3 The Shire of Nannup and Nannup Investments Pty Ltd and Mirannie Nominees Pty Ltd agree that there are many opportunities for non financial partnerships and proposals that would have a positive impact on the economy, jobs, and people relocating to Nannup.

4.4 Nannup Investments Pty Ltd and Mirannie Nominees Pty Ltd acknowledge that they will use their best endeavours to:

4.4.1 promote the township of Nannup as part of any marketing plan for all or parts of the subject land;

4.4.2 promote the township of Nannup as a 'timber town' due to its timber heritage;

4.4.3 support the use of local workers, contractors and resources in the development of the subject land; and

4.4.4 promote the subject land as a 'place of residence' – not as a part-time place to visit on the weekend.

5. NO BINDING OR LEGAL OBLIGATIONS

5.1 This document is a Memorandum of Understanding and is not intended to create binding or legal obligations on either party.

6. TERM OF MEMORANDUM

- 6.1 This Memorandum shall commence on the date hereinbefore written and shall continue for a period of three years.
- 6.2 This Memorandum may be terminated by either party giving the other party three months notice in writing.
- 6.3 This Memorandum may be amended or varied from time to time provide that such amendment or variation is evidenced in writing and signed by the parties.

THIS MEMORANDUM is made on the day of2009.

For and on behalf of the Council of the Shire of Nannup

.....

Shire President

For and on behalf of Nannup Investments Pty Ltd

.....

Mirannie Nominees Pty Ltd

.....

| |
|--|
| AGENDA NUMBER: 10.5 SUBJECT: Draft Shire of Augusta-Margaret River District Town Planning Scheme No. 1 LOCATION/ADDRESS: N/A FILE REFERENCE: TPL8 AUTHOR: Rob Paull, Planning Consultant DISCLOSURE OF INTEREST: DATE OF REPORT: 14 January 2009 |
|--|

BACKGROUND:

The Shire of Augusta-Margaret River has notified the Shire of Nannup that it has prepared for advertising, its redrafted draft Shire of Augusta-Margaret River District Town Planning Scheme No. 1 ('draft AMR Scheme 1'). Notification has been made pursuant to the Planning and Development Act 2005 and comments close 30 January 2009.

COMMENT:

The Shire of Augusta-Margaret River abuts the Shire of Nannup along its western boundary. Much of the shared boundary is State Forest, however, land on the southern coast is privately owned. The Shire of Augusta-Margaret River is generally bound by the same strategic planning direction as the Shire of Nannup (e.g. draft Augusta-Walpole Regional Strategy).

It is appropriate that the Shire reviews the draft AMR Scheme 1 and provides comment and direction insofar as it impacts upon land in the Shire of Nannup.

It should be noted that Shire Staff are yet to assess draft AMR Scheme 1 due to other significant planning commitments. It is suggested the CEO, Manager Development Services and the Consultant Planner provide comment to the Shire of Augusta-Margaret River before the due date of 30 January 2009.

In this regard, given that the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') is less than four months old, it is appropriate that any assessment provides direction to the Shire of Augusta-Margaret River (should any inconsistencies be observed) based on LPS 3.

STATUTORY ENVIRONMENT:

The Shire of Augusta-Margaret River is obliged under the Planning & Development Act 2005 (and associated Regulations) to notify adjoining local governments of its draft AMR Scheme 1.

POLICY IMPLICATIONS:

There are no obvious implications, however on a practical basis, both planning schemes should be reasonably consistent in relation to objectives and policies for land that has similar opportunities and constraints.

FINANCIAL IMPLICATIONS:

No implications are anticipated.

STRATEGIC IMPLICATIONS:

No implications are anticipated.

RECOMMENDATIONS:

The Council request the Chief Executive Officer to:

1. review the draft Shire of Augusta-Margaret River District Town Planning Scheme No. 1 and provide comment and direction to the Shire of Augusta-Margaret River (with a copy to the Department of Planning and Infrastructure) insofar as it impacts upon land in the Shire of Nannup; and
2. provide a copy of the response to the next available Council meeting for noting.

8091 BIRD/LORKIEWICZ

The Council request the Chief Executive Officer to:

1. review the draft Shire of Augusta-Margaret River District Town Planning Scheme No. 1 and provide comment and direction to the Shire of Augusta-Margaret River (with a copy to the Department of Planning and Infrastructure) insofar as it impacts upon land in the Shire of Nannup; and
2. provide a copy of the response to the next available Council meeting for noting.

CARRIED 7/0

AGENDA NUMBER: 10.6
SUBJECT: Monthly Financial Reporting
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 9
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8 January 2009

BACKGROUND:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 reads as follows:

"34. Financial activity statement report - s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of the month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing -

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

(a) according to nature and type classification;

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -

(a) presented to the council -

(i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or

(ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

(6) In this regulation -

committed assets~ means revenue unspent but set aside under the annual budget for a specific purpose;

restricted assets~ has the same meaning as in AAS 27."

This agenda item would normally be presented to Council each year at the presentation of the first financial statement for each financial year, normally July's in August. This did not occur this financial year thus necessitating this report.

COMMENT:

Based on this Regulation, Council should make a number of determinations as follows:

1. What "other supporting information" Council wishes to be furnished with. The monthly financial statements that have been presented to Council for the previous twelve months represents what this officer believes will satisfy Council to form an opinion on the monthly financial statements.

The other information that Council could request is:

Operating Statement

Debtor Listings

Asset Purchase and Disposal reports

Ratio Analyses

If any further information is required, please make this known.

2. As per paragraph (5) of the Regulation, adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances. A recommended variance amount that should be considered material for this Council is 10% or \$5,000, whichever is the greatest. This has been suggested by a renowned local government accounting /

auditing firm, and has been used in the monthly financial statements that have been presented to Council for the previous twelve months. Councillors will note a recommendation to this effect appears in this item, however if Council wishes to vary this, then a resolution to this effect should be made.

3. The information in the statement of financial activity may be shown according to nature and type classification, by program, or by business unit. Traditionally this Council's financial information has been presented according to program, as has been reported in the monthly financial statements that have been presented to Council for the previous twelve months. If Council wishes the information to be presented in another format, please make this known.

The recommendation to this item reflects Council's previously resolved requirements for monthly financial reporting. Any queries Councillors may have with them can be addressed prior to or at the meeting

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That for the purposes of reporting material variances in the monthly financial statements, an amount 10% or \$5,000, whichever is the greatest, shall be used.

8092 DEAN/LORKIEWICZ

That for the purposes of reporting material variances in the monthly financial statements, an amount 10% or \$5,000, whichever is the greatest, shall be used.

CARRIED 7/0

AGENDA NUMBER: 10.7
SUBJECT: Monthly Financial Statements for 30 November 2008
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 9
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 8 January 2009

Attachment: Monthly Financial Statements for the period ending 30 November 2008.

COMMENT:

The monthly Financial Statements for the period ending 30 November 2008 are attached.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 30 November 2008 be received.

8093 BOULTER/BIRD

That the Monthly Financial Statements for the period ending 30 November 2008 be received.

CARRIED 7/0

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2008 TO 30 NOVEMBER 2008

| | Y-T-D Actual | Y-T-D Budget | 2008/09 Budget | Variances Y-T-D Budget to Actual % |
|---|------------------------|------------------------|----------------------|--|
| <u>Operating</u> | \$ | \$ | \$ | % |
| Revenues/Sources | | | | |
| Governance | 0 | 0 | 0 | 0% |
| General Purpose Funding | 1,488,783 | 938,710 | 1,401,342 | (59%) |
| Law, Order, Public Safety | 43,373 | 49,400 | 118,590 | 12% |
| Health | 1,198 | 1,455 | 3,500 | 18% |
| Education and Welfare | 0 | 0 | 0 | 0% |
| Housing | 9,080 | 12,845 | 30,840 | 29% |
| Community Amenities | 71,038 | 32,200 | 77,300 | (121%) |
| Recreation and Culture | 46,343 | 723,870 | 1,737,303 | 94% |
| Transport | 0 | 0 | 6,087,303 | #DIV/0! |
| Economic Services | 16,742 | 25,315 | 60,763 | 34% |
| Other Property and Services | 71,115 | 10,415 | 25,000 | (583%) |
| | <u>1,747,672</u> | <u>1,794,210</u> | <u>9,541,941</u> | <u>3%</u> |
| (Expenses)/(Applications) | | | | |
| Governance | (94,415) | (99,788) | (249,905) | 5% |
| General Purpose Funding | (88,584) | (48,789) | (121,378) | (82%) |
| Law, Order, Public Safety | (61,177) | (70,986) | (202,848) | 14% |
| Health | (19,323) | (23,310) | (59,077) | 17% |
| Education and Welfare | (36,317) | (37,291) | (90,865) | 3% |
| Housing | (26,981) | (17,504) | (64,044) | (54%) |
| Community Amenities | (109,942) | (163,241) | (397,323) | 33% |
| Recreation & Culture | (135,945) | (156,605) | (395,071) | 13% |
| Transport | (240,795) | (285,304) | (1,829,643) | 16% |
| Economic Services | (63,296) | (104,374) | (257,163) | 39% |
| Other Property and Services | (37,711) | 117,630 | 160,408 | 132% |
| | <u>(914,485)</u> | <u>(889,560)</u> | <u>(3,506,909)</u> | <u>(3%)</u> |
| Adjustments for Non-Cash | | | | |
| (Revenue) and Expenditure | | | | |
| (Profit)/Loss on Asset Disposals | 0 | 0 | (7,351) | 0% |
| Depreciation on Assets | 0 | 586,845 | 1,511,621 | 100% |
| Capital Revenue and (Expenditure) | | | | |
| Purchase Land and Buildings | (81,161) | (1,007,130) | (2,417,149) | 92% |
| Purchase Infrastructure Assets - Roads | (3,615,508) | (2,522,095) | (6,053,054) | (43%) |
| Purchase Infrastructure Assets - Parks | (14,083) | (20,920) | (50,210) | 33% |
| Purchase Plant and Equipment | (83,032) | (150,000) | (360,000) | 45% |
| Purchase Furniture and Equipment | (10,035) | (7,915) | (19,000) | (27%) |
| Proceeds from Disposal of Assets | 30,909 | 60,830 | 146,000 | 49% |
| Repayment of Debentures | (2,760) | (10,415) | (25,007) | 73% |
| Proceeds from New Debentures | 0 | 136,620 | 327,896 | 0% |
| Depreciation - Plant Reversal | 0 | 0 | (103,110) | 0% |
| Accruals | 148,503 | 148,503 | 148,503 | 0% |
| Transfers to Reserves (Restricted Assets) | 0 | (131,245) | (345,000) | 100% |
| Transfers from Reserves (Restricted Assets) | 0 | 149,655 | 359,200 | 100% |
| ADD Net Current Assets July 1 B/Fwd | 204,852 | 204,852 | 0 | |
| LESS Net Current Assets Year to Date | 808,436 | 0 | 0 | |
| Amount Raised from Rates | <u>(3,397,564)</u> | <u>(1,657,765)</u> | <u>(851,629)</u> | |

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2008 TO 30 NOVEMBER 2008

| | 2008/09 Actual \$ | Brought Forward 01-July-2008 \$ |
|--|-------------------------|--|
| NET CURRENT ASSETS | | |
| Composition of Estimated Net Current Asset Position | | |
| CURRENT ASSETS | | |
| Cash - Unrestricted | (463,709) | 199,851 |
| Cash - Restricted | 5,909,440 | 5,834,475 |
| Cash - Reserves | 909,948 | 923,174 |
| Receivables | 1,565,147 | 155,952 |
| Inventories | 0 | 0 |
| | <u>7,920,826</u> | <u>7,113,452</u> |
| LESS: CURRENT LIABILITIES | | |
| Payables and Provisions | <u>(293,002)</u> | <u>(150,951)</u> |
| | 7,627,824 | 6,962,501 |
| Less: Cash - Reserves - Restricted | (6,819,388) | (6,757,649) |
| NET CURRENT ASSET POSITION | <u>808,436</u> | <u>204,852</u> |

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2008 TO 30 NOVEMBER 2008

REPORT ON MATERIAL VARIANCES BETWEEN YEAR TO DATE BUDGET ESTIMATE AND YEAR TO DATE ACTUAL.

All except two of the variances shown in the above named statement of financial activity are outside of the adopted variance of 10%.

The main reason for the variances is that expenditure and income is not occurring as predicted by Officers during the budget development stage. This is due to a number of reasons, the main one being not projecting cashflows throughout the year, i.e. predicting when the budgeted income or expenditure will occur as opposed to having it evenly spread throughout the year.

Other reasons are not receiving a grant for grant dependant expenditure, projects controlled by Advisory Committees, suppliers/contractors not having the capacity to undertake the works within Council's timeframes, altered Council priorities, etc.

Normally this report would highlight the major areas within programs that have variances outside of the adopted variance, however as the majority of the non operating items fall into this category, it is thought that the report would be of no use as it is comparing actual income and expenditure to an inaccurate cashflow budget.

AGENDA NUMBER: 10.8
SUBJECT: Changing of Rating Basis
LOCATION/ADDRESS: Nelson Location 11869 Brockman Highway
NAME OF APPLICANT:
FILE REFERENCE: RAT1 / A509
AUTHOR: Kevin Waddington – Acting Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 January 2009

Attachments: 1. Location plan
 2. Property plan.

BACKGROUND:

Nelson Location 11869 Brockman Highway Nannup (Attachment 1) is currently valued on an Unimproved Valuation (UV) basis. The property was rezoned from Rural to Special Rural on the 9th July 2007 prior to it being subdivided. The property has recently been subdivided creating 21 lots varying in size from 1.00Ha to 1.9Ha. (Attachment 2).

COMMENT:

Based on Council's previous interpretation of S6.28(2) of the Local Government Act 1995, and to maintain consistency in the application of this interpretation, Council should initiate the process to have the valuation basis of this property changed from UV to Gross Rental Valuation (GRV).

The rates payable on this property for the 2008-09 financial year based on UV were \$8,187. Although new valuations based on GRV will not be available until later this financial year, the expected increase in rates will be at least \$2,460, assuming that all lots will attract the minimum rate of \$507pa.

A resolution of Council is required to facilitate the request to the Minister for Local Government and Regional Development to change the rating basis of this property.

STATUTORY ENVIRONMENT:

Local Government Act 1995 section 6.28

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Net increase in rate revenue of approximately \$2,460.

STRATEGIC IMPLICATIONS: Nil.

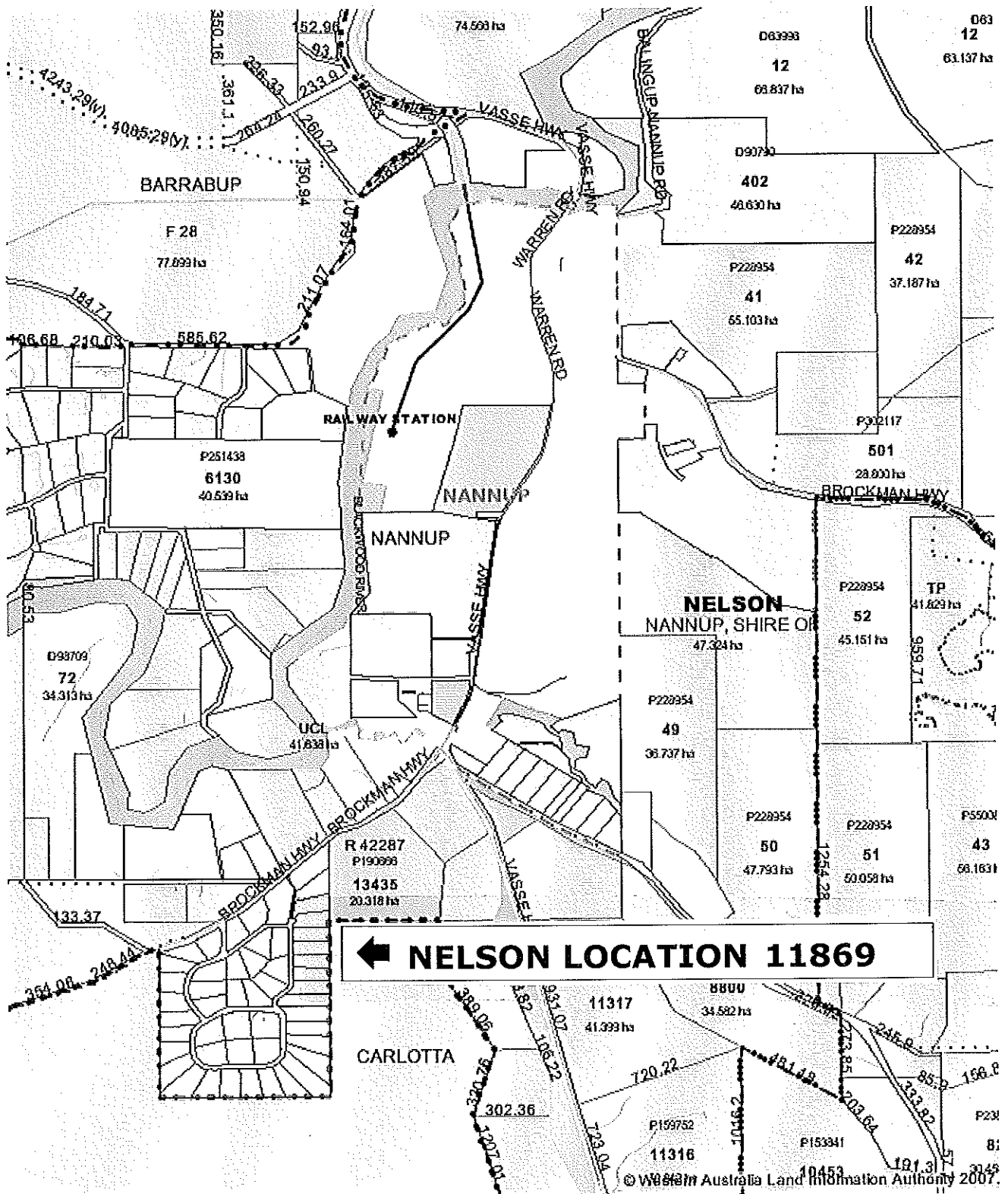
RECOMMENDATION:

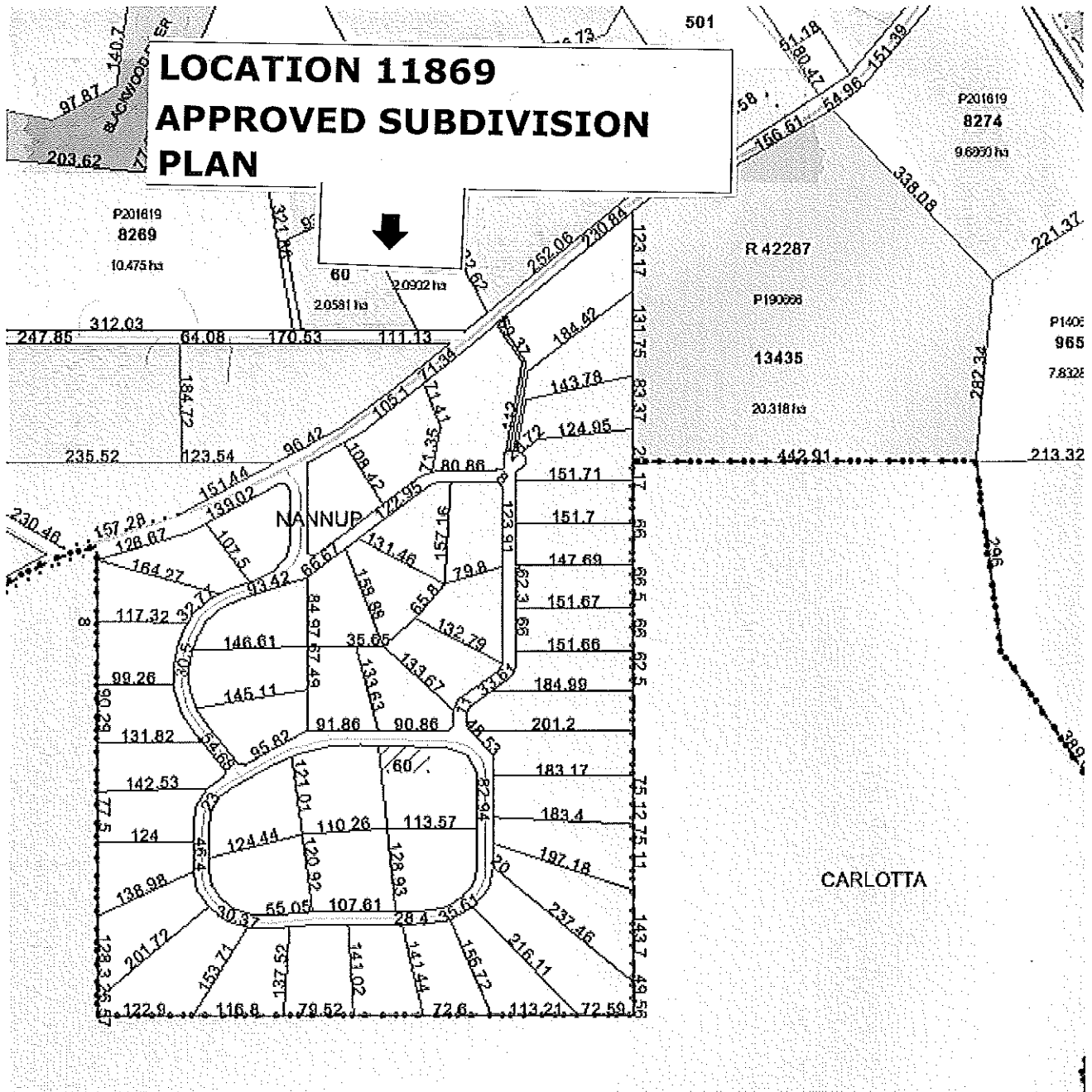
That Council request the Minister for Local Government and Regional Development to change the valuation basis from Unimproved Valuation to Gross Rental Valuation for lots 30 to 50 Brockman Highway Nannup (previously Nelson Location 11869).

8094 BOULTER/TAYLOR

That Council request the Minister for Local Government and Regional Development to change the valuation basis from Unimproved Valuation to Gross Rental Valuation for lots 30 to 50 Brockman Highway Nannup (previously Nelson Location 11869).

CARRIED 7/0





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AGENDA NUMBER: 10.9
SUBJECT: Children and Family Facilities Feasibility Report
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 6D
AUTHOR: Louise Stokes –Community Development Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 5 January 2008

BACKGROUND:

Council has been discussing options to implement an upgrade to the Community Kindergarten building located next to the Shire Office since 2003. The scope of this upgrade included extending children's services throughout the community including after school child care and the introduction of a community toy library.

In March 2008 Jill Powell & Associates was contracted by Council to undertake a needs analysis and potential redevelopment of the Community Kindergarten. This was funded through a grant received from the South West Development Commission.

This report has been received by Council and has been circulated to Councillors.

COMMENT:

The report covers all aspects pertaining to the current and projected needs of the community from a children and family facilities point of view.

The report contains two options for the provision of children and family facilities. Both are costed well above the estimation for the upgrade of the community pre school as contained in Council's Forward Plan 2008/09 – 2012/13 to be undertaken in the 2009/10 financial year of \$250,000.

If the recommendation to this item is accepted, upon final receipt of the report by Council with comment from the community, Council will need to consider the future budgetary implications of any proposed actions.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

2008/09 budget, \$2,000 to finalise Feasibility Report

STRATEGIC IMPLICATIONS:

Forward Plan 2008/09 - 2012/13 Program 8 Education and Welfare Sub Program 8.1 provision of a suitable community pre school and child care building.

RECOMMENDATION:

That Council accept the draft report prepared by Jill Powell & Associates titled 'Children's and Families Needs' and advertises the report for public comment and stakeholder feedback.

8095 BIRD/PINKERTON

That Council accept the draft report prepared by Jill Powell & Associates titled 'Children's and Families Needs' and advertises the report for public comment and stakeholder feedback.

CARRIED 6/1

Councillors voting for the motion: Dunnet, Pinkerton, Dean, Bird, Boulter, Taylor.

Councillor voting against: Lorkiewicz

Councillor Bird declared a financial interest in the following item and left the meeting at 5.44pm.

Nature of the interest: Partner owns Nannup Clockworks, proposed tenant of the proposed building.

| |
|--|
| AGENDA NUMBER: 10.10 SUBJECT: TimeWood Advisory Committee LOCATION/ADDRESS: Nannup NAME OF APPLICANT: FILE REFERENCE: ASS:16 AUTHOR: Louise Stokes –Community Development Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 14 January 2008 |
|--|

- Attachments:
1. TimeWood Centre Advisory Committee Meeting Minutes 14th January 2009
 2. Terms of Reference, TimeWood Centre Advisory Committee
 3. Draft Project Brief, TimeWood Centre

BACKGROUND:

A meeting of the TimeWood Centre Advisory Committee was held on the 14th January 2009. Five recommendations were made at this meeting requiring Council consideration:

1. That Council endorse the Architects Brief with the following amendments:

1.1 Site Survey.

That Council include a copy of the Council recommendation to the Architect Brief detailing that approval was granted for the building boundary to be extended on to the road reserve.

1.2 Flood Risk.

Further information to be included indicating that other alternatives are possible: including the opportunity of incorporating flood proof doors to meet BCA requirements if built below flood level. Another option is to build to BCA requirements above the 1 in 100 year flood level and managing the risk (flood mitigation plan) to comply with the Town Planning Scheme. The third option is the modification of the Town Planning Scheme (to remove commercial and tourism in non-habitable buildings). Council is currently investigating amending the Town Planning Scheme so that the building does not have to be raised the additional 500 mm's above the current Town Planning requirement of 350 mm's.

1.3 Business Plan.

'Under Note': First line of paragraph should be deleted: Building plans previously developed for the TimeWood centre and included in the Business Plan are to be considered as conceptual only) and they are to form the basis for the new design outcome that is the subject of this request for service.

This is the true intent of the Council resolution.

1.4. Business Plan.

Part of the original brief has been deleted that now does not read correctly. There should be a dot point four that reads 'The development should be designed to have its primary frontage addressing Warren Rd.'

1.5. Business Plan.

The last dot point 'Consideration should be given to retaining as much of the existing landscape quality of the site as possible' should be removed as all plants and trees of value have been moved and can be transported back on site at the completion of the project.

1.6. Constraints.

The Architect needs to consult with Officers of Council to seek the inclusion of off site parking as part of the requirements. (refer to cash in lieu policy) to ensure that the required number of parking spaces do not dominate the site.

1.7. Local Planning Scheme Number 3.

Note to be including detailing that Council is seeking an amendment to the Town Planning scheme to address the flood risk issue.

1.8. Water Pressure.

Refer to Fire Brigades existing processes in place to be included as a briefing note.

1.9. Clock Tower.

Delete last sentence as the clock is already made and the tower must fit the clock design. The existing plans have the correct and actual specifications and these must be incorporated into the re-design.

2. *Briefing notes, including past TimeWood Advisory committee meeting minutes be provided to the Architect with the Architects brief and the Business Plan to ensure that the Architect fully understands the scope of the project.*

3. *That the domain name www.timewoodtower.com.au be renewed at a cost of \$137.50 for 2 years*

4. *That Council endorse the Terms of Reference for the TimeWood Centre Advisory Committee.*
5. *That Council includes two persons from the TimeWood Advisory Committee to sit on the selection panel to appoint the Architect*

COMMENT:

1. Council resolved in part at it's September 2008 meeting the following:
 1. *That Council redesign the TimeWood Centre building for Lot 1 (Reserve 1788) Warren Road Nannup using the current plans and objects undertaken to date as a basis for a project brief for an Architect to address the following but is not limited to:*
 - *Compliance with the Nannup Mainstreet Heritage Precinct Guidelines.*
 - *Complying with the Heritage and Conservation Professionals list of recommendations.*
 - *Provide for adequate parking either onsite or in the immediate vicinity of the site and addressing any potential traffic management issues in the location.*
 - *Compliance with the Building Code of Australia and Council's Local Planning Scheme # 3 with relation to conventional flood mitigation building practices by raising the floor level 500mm above the known 1:100 flood prone level.*
 - *Finding a solution to the lack of hydrant pressure. This may entail reducing the size of the building to below a finished floor area of 500m² or increasing water delivery through alternative fire engineering solutions.*
 - *Provide an estimate for annual costs for maintenance and outgoings based on the design outcomes to Council for consideration.*

The draft project brief was developed as per the above recommendation and taking into account comments received from the Chief Executive Officer, Development Services Officer and the TimeWood Centre Advisory Committee.

The final brief was reviewed at the TimeWood Centre Advisory Committee meeting resulting in their recommendation 1.

It is recommended that Council endorse the draft project brief as per attachment 3 as presented to the TimeWood Centre Advisory Committee with the following two amendments as the re-worded paragraph of 1.4 is the true intent of Council's resolution.

1.4 is the correct wording from the original draft and without this amendment, the impression would be that the primary entrance to the TimeWood Centre is Brockman St.

1.3 Business Plan.

'Under Note': First line of paragraph should be deleted: Building plans previously developed for the TimeWood centre and included in the Business Plan are to be considered as conceptual only) and they are to form the basis for the new design outcome that is the subject of this request for service.

1.5. Business Plan.

Part of the original brief has been deleted that now does not read correctly. There should be a dot point four that reads 'The development should be designed to have its primary frontage addressing Warren Rd.'

2. The inclusion of briefing notes, select information from the TimeWood Centre Business Plan, past Council resolutions in reference to the TimeWood centre project and any relevant documentation to support this project is supported.

Dot points 1.1, 1.2, 1.4, 1.6, 1.7, 1.8, 1.9 of the TimeWood Centre Advisory Committee recommendations are adequately covered in the Architect's brief and do not need to be included.

3. The renewal of the domain name www.timewoodtower.com.au for two years at a cost of \$137.50 is supported.
4. The endorsement by Council of the Terms of Reference for the TimeWood Centre Advisory Committee is supported.
5. The appointment of the selection panel is an administrative duty and due consideration to this request will be given by the Shire officers.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

1. Council has budgeted in the financial year 2009/10 \$2,150,000 for the TimeWood Centre project. The Architects Brief can be covered within Council's TimeWood Centre budget however is it was not a budgeted expense within the TimeWood Centre Advisory Committee full budget.

3. The cost to renew the www.timewoodtower.com.au domain name is \$137.50 for two years. Once the TimeWood Centre is open the administration and ongoing costs of domain names will be met by the Centre Management.

STRATEGIC IMPLICATIONS:

RECOMMENDATIONS:

1. That Council endorses the Heritage Architects Brief for the TimeWood Centre Redesign with the following amendments:

Note: Building plans previously developed for the TimeWood Centre and included in the Business Plan are to be used as the basis of this brief and the Architect may use the plans as part of the new design outcomes that is the subject of this request for service.

The development should be designed to have its primary frontage addressing Warren Rd. The development should be designed to also address Brockman Street and provide a pleasant, inviting presence for visitors entering from this direction.

2. That briefing notes, select information from the TimeWood Centre Business Plan, past Council resolutions in reference to the TimeWood centre project and any relevant documentation to support this project be provided to the Architect to ensure that the Architect fully understands the scope of the project.
3. That the domain name www.timewoodtower.com.au be renewed at a cost of \$137.50 for 2 years.
4. That Council endorse the Terms of Reference for the TimeWood Centre Advisory Committee.

8096 TAYLOR/DEAN

1. That Council endorses the Heritage Architects Brief for the TimeWood Centre Redesign with the following amendments:

Note: Building plans previously developed for the TimeWood Centre and included in the Business Plan are to be used as the basis of this brief and the Architect may use the plans as part of the new design outcomes that is the subject of this request for service.

The development should be designed to have its primary frontage addressing Warren Rd. The development should be designed to also address Brockman Street and provide a pleasant, inviting presence for visitors entering from this direction.

Additional amendments confirmed as raised through the Chief Executive Officer and Cr Dean (last dot point) were as follows:

- Confirming the document was a tender and not an Expression of Interest.
 - Insertion of page numbers into the document.
 - Amendment to the Local Preference wording on page 2 as suggested by the Nannup Telecentre Committee – intent remains unchanged.
 - Amendment to “Clock Tower” page 7 as suggested by Nannup Telecentre designed to protect the interests of tenderers, Council and the clock maker – intent remains unchanged.
 - Price to be sought for proposed second commission in order to achieve compliance with the Local Government (Functions and General) Regulations 1996.
 - Inclusion of joint involvement of the TimeWood Centre Committee and Council in commissioning the Architect and receipt of concept design as noted on page 7, Timeframe.
2. That briefing notes, select information from the TimeWood Centre Business Plan, past Council resolutions in reference to the TimeWood centre project and any relevant documentation to support this project be provided to the Architect to ensure that the Architect fully understands the scope of the project.
 3. That the domain name www.timewoodtower.com.au be renewed at a cost of \$137.50 for 2 years.
 4. That Council endorse the Terms of Reference for the TimeWood Centre Advisory Committee.

CARRIED 5/1

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

Councillor voting against: Lorkiewicz

Councillor Bird returned to the meeting at 6.05pm



MINUTES OF THE TIMEWOOD ADVISORY COMMITTEE

held on 14th January 2009, at 1 pm
at the Nannup Telecentre

1. OPENING, RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

1.1 Attendance

| Committee Members | Shire Staff |
|------------------------|---------------|
| Mrs Cheryle Brown | Louise Stokes |
| Cr Barbara Dunnet | |
| Mr Jim Pinkerton | |
| Mrs Gloria Millward | |
| Mr Geoff Ludkins | |
| Mr Kim Roycroft | |
| Mrs Shirley Humble | |
| Ms Elisabeth Pellicaan | |

Visitors

Mr Kevin Bird

1.2 Apologies

| Committee Members | Shire Staff |
|--------------------|-------------|
| Cr Carol Pinkerton | |

1.3 Leave of Absence

| Committee Members | Shire Staff |
|-------------------|-------------|
| Nil | Nil |

2. PREVIOUS MINUTES

2.1 Acceptance of Previous Minutes

C. Brown/G. Milward

That the minutes from the meetings held on the 15th December 2008 be accepted as a true and accurate record.

CARRIED

2.2 Amendments to the Minutes.

Page 4, under note.

First line of paragraph should be deleted: Building plans previously developed for the TimeWood centre and included in the Business Plan are to be considered as conceptual only) and they are to form the basis for the new design outcome that is the subject of this request for service.

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Chris Antil Report

The Advisory Committee reviewed the Proposed Architects Draft Brief with the acknowledgement that this document will be presented to Council at their January meeting. The overall concern was that the four major issues were not properly detailed in the brief, the overarching reasons for the re-design, being flood risk, parking, water pressure and energy efficiency.

The following issues were documented:

Page 2. Site Survey. That Council include a copy of the Council recommendation to the Architect Brief detailing that approval was granted for the building boundary to be extended on to the road reserve.

Further information to be included indicating that other alternatives are possible: including the opportunity of incorporating flood proof doors to meet BCA requirements if built below flood level. Another option is to build to BCA requirements above the 1 in 100 year flood level and managing the risk (flood mitigation plan) to comply with the Town Planning Scheme. The third option is the modification of the Town Planning Scheme (to remove commercial and tourism in non-habitable buildings). Council is currently investigating amending the Town Planning Scheme so that the building does not have to be raised the additional 500 mm's above the current Town Planning requirement of 350 mm's.

Business Plan. Under Note: First line of paragraph should be deleted: Building plans previously developed for the TimeWood centre and included in the Business Plan are to be considered as conceptual only) and they are to form the basis for the new design outcome that is the subject of this request for service.

This is the true intent of the Council resolution.

Part of the original brief has been deleted that now does not read correctly. There should be a dot point four that reads 'The development should be designed to have its primary frontage addressing Warren Rd.'

The last dot point 'Consideration should be given to retaining as much of the existing landscape quality of the site as possible' should be removed as all plants and trees of value have been moved and can be transported back on site at the completion of the project.

Constraints. The Architect needs to consult with Officers of Council to seek the inclusion of off site parking as part of the requirements. (refer to cash in lieu policy) to ensure that the required number of parking spaces do not dominate the site.

Local Planning Scheme Number 3.

Note to be including detailing that Council is seeking an amendment to the Town Planning scheme to address the flood risk issue.

Water Pressure.

Refer to Fire Brigades existing processes in place to be included as a briefing note.

Clock Tower.

Delete last sentence as the clock is already made and the tower must fit the clock design. The existing plans have the correct and actual specifications and these must be incorporated into the re-design.

Briefing notes, including past TimeWood Advisory committee meeting minutes be provided to the Architect with the Architects brief and the Business Plan to ensure that the Architect fully understands the scope of the project.
Louise to see Craig re: Submission specifications to further refine the Architect's brief.

G Millward/C. Brown

That Council endorse the Architects Brief with the following amendments:

1. Site Survey.

That Council include a copy of the Council recommendation to the Architect Brief detailing that approval was granted for the building boundary to be extended on to the road reserve.

2. Flood Risk.

Further information to be included indicating that other alternatives are possible: including the opportunity of incorporating flood proof doors to meet BCA requirements if built below flood level. Another option is to build to BCA requirements above the 1 in 100 year flood level and managing the risk (flood mitigation plan) to comply with the Town Planning Scheme. The third option is the modification of the Town Planning Scheme (to remove commercial and tourism in non-habitable buildings). Council is currently investigating amending the Town Planning Scheme so that the building does not have to be raised the additional 500 mm's above the current Town Planning requirement of 350 mm's.

3. Business Plan.

'Under Note': First line of paragraph should be deleted: Building plans previously developed for the TimeWood centre and included in the Business Plan are to be considered as conceptual only) and they are to form the basis for the new design outcome that is the subject of this request for service.

This is the true intent of the Council resolution.

4. Business Plan.

Part of the original brief has been deleted that now does not read correctly. There should be a dot point four that reads 'The development should be designed to have its primary frontage addressing Warren Rd.'

5. Business Plan.

The last dot point 'Consideration should be given to retaining as much of the existing landscape quality of the site as possible' should be removed as all plants and trees of value have been moved and can be transported back on site at the completion of the project.

6. Constraints.

The Architect needs to consult with Officers of Council to seek the inclusion of off site parking as part of the requirements. (refer to cash in lieu policy) to ensure that the required number of parking spaces do not dominate the site.

7. Local Planning Scheme Number 3.

Note to be including detailing that Council is seeking an amendment to the Town Planning scheme to address the flood risk issue.

8. Water Pressure.

Refer to Fire Brigades existing processes in place to be included as a briefing note.

9. Clock Tower.

Delete last sentence as the clock is already made and the tower must fit the clock design. The existing plans have the correct and actual specifications and these must be incorporated into the re-design.

CARRIED

G Millward/C. Brown

Briefing notes, including past TimeWood Advisory committee meeting minutes be provided to the Architect with the Architects brief and the Business Plan to ensure that the Architect fully understands the scope of the project.

CARRIED

4. NEW BUSINESS

4.1 DOMAIN NAME RENEWAL

C. Brown/J. Pinkerton

That the domain name www.timewoodtower.com.au be renewed at a cost of \$137.50 for 2 years

CARRIED

4.2 TERMS OF REFERENCE

Discussion followed regarding the draft Terms of Reference of the TimeWood Advisory Committee.

K. Roycroft/J. Pinkerton

That Council endorse the Terms of Reference for the TimeWood Centre Advisory Committee.

CARRIED

4.3 SELECTION PANEL FOR ARCHITECT BRIEF

Discussion followed regarding the project and how the selection process would take place.

S. Humble/E. Pellican

That Council includes two persons from the TimeWood Advisory Committee to sit on the selection panel to appoint the Architect.

CARRIED

4.4. PROJECT MANAGER SUMMARY OF DUTIES

Louise to forward to all members the most recent copy of the Project Manager role.

Louise to speak to Shane re: most recent copy of the Project Manager role brief and this is the document to be used, not the one developed by Wadi Farm Consultancy as the one developed by the CEO is more project specific.

4.5. STATE FUNDING \$605,000.00

Ms C. Brown acknowledged that the \$605,000.00 received from the State Government 'Royalties for Regions-Infrastructure for the Regions' was a direct

result of lobbying on behalf of the TimeWood Centre to political parties prior to the election.

5. NEXT MEETING

The next meeting of the Nannup TimeWood Centre Advisory Committee is to be held on Tuesday 10th February 2009 at 1pm at the Nannup Telecentre.

6. CLOSURE

The meeting closed at 3.17pm

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 TimeWood Centre 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 **TimeWood Centre Advisory Committee.**

3.0 Objectives

To assist Council in the development of the TimeWood Centre.

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 endorse 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 Assist Council with the planning, grant funding and development of the TimeWood Centre project and provide recommendations to Council with regard to priorities and implementation strategies.
- 4.2 Assist with the appointment of Consultants.
- 4.3 Regular communication with the community and Council regarding the process and progress of the project.
- 4.4 Review and provide feedback to Council on issues and opportunities relating to the TimeWood Centre.

5.0 Powers of the TimeWood Centre Advisory 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.

6.0 Membership

The committee will consist of two (2) elected members, two (2) Nannup Tourist Association members, two (2) Nannup Telecentre members, one (1) Nannup Historical Society member and two (2) Council appointed community members as listed below. All members shall have full voting rights.

| | |
|-----------------------|-----------------------------------|
| Cr Barbara Dunnet | elected member |
| Cr Carol Pinkerton | elected member |
| Ms Elisabeth Pellican | Nannup Tourist Association member |
| Mr Kim Roycroft | Nannup Tourist Association member |
| Ms Cheryle Brown | Nannup Telecentre member |
| Mr Jim Pinkerton | Nannup Telecentre member |
| Ms Shirley Humble | Nannup Historical Society |
| Ms Gloria Millward | community member |
| Mr Geoff Ludkins | community member |

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 local government 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 skills in either business planning or community engagement,
- 7.2 Evidence of a long positive commitment or involvement in the Nannup community,

7.3 Quality of networks within the Nannup community.

8.0 Meetings

The committee shall meet at least once 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 = 5 members)

12.0 Delegated Powers

The Committee has no delegated powers under the Local Government Act 1995 and is to advise and make recommendations to Council only.

13.0 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:
Adopted by Council:

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: | Chief Executive Officer |
| Deputy Shire Officer: | Community Development Officer |

Specifically, the Community Development Officer is responsible for the following matters:

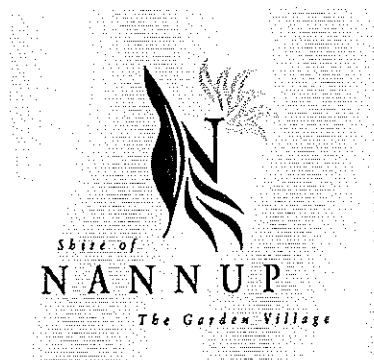
- The conduct of the election of a Presiding Member;
- Preparation and distribution of Agendas to all members;
- Recording and preparation of minutes of meetings;

- 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*



Proposed TimeWood Centre Request for Services

Design and Documentation of the Proposed TimeWood Centre

Architect's Brief

Expressions of Interest close 4.30 pm
February 20th 2009

Applications shall be submitted in a sealed enveloped, clearly marked
'TimeWood Centre Redesign'

Ewen Ross
Manager Development Services
Shire of Nannup
PO Box 11
Nannup 6275

Services Requested:

The Shire of Nannup wishes to engage the services of an appropriately qualified architect to undertake a redesign (utilising the existing conceptual plans as the basis of the redesign), including concept design, detailed design and documentation of the proposed TimeWood Centre to be located on Lot 1 (Reserve 1788) Warren Road, Nannup.

Note: The architect must be currently registered with the Architect's Registration Board of Western Australia.

The TimeWood Centre is to be a state-of-the-art building that exhibits a high standard of design excellence in terms of its aesthetic quality, practical planning, environmental sustainability and ability to complement the existing Nannup streetscape within the approved budget.

The Shire is seeking a design that uses local materials, including a proportion of timber, to both support local industry and to reflect the culture and history of the area.

Local Preference

Preference will be given to an architect practicing in the south-west region of Western Australia, who has proven experience in the design and development of community buildings that are sensitive to the local environment, however Council reserves the right to engage an architect from outside the south-west region if Council considers the preferred architect more suitably qualified and experienced.

The Project:

The TimeWood Centre project involves the design of a building that will provide a co-located facility to house various community organisations and groups. The main stakeholders are:

- Nannup Visitor Centre
- Nannup Telecentre
- Nannup Historical Society

It is expected that a number of other local groups and organisations will also use the building to assist with ongoing costs. To accommodate this, the design should ensure flexibility and also provide for future community growth.

The building is also required to house a state-of-the-art hand-crafted clock. This will be housed in a clock tower that will form a focal element of the new building. The clock mechanism will be visible inside the building and it is envisaged that this will be an attraction for visitors to Nannup.

The Site:

The site for the TimeWood Centre is Lot 1 Reserve 1788 Warren Road, Nannup. This is Crown land vested in the Shire of Nannup. The site includes the existing heritage-listed former Nannup Road Board Office.

The site addresses Warren Road to the north-east and Brockman Street to the north-west. The building must have its primary frontage on Warren Road, the main street of the Nannup townsite. A secondary frontage is required onto Brockman Street and the Brockman Street entrance will be the primary entrance to the Telecentre and community meeting rooms. The secondary frontage is also located opposite a caravan park, and it is envisaged that the building will be accessed by pedestrians from both frontages.

Site Survey

The Shire of Nannup will provide a survey plan of the site showing cadastral boundaries, features, contours and services.

Nannup Road Board Building Heritage Listings

The Nannup Road Board Office (former) is included on the Shire of Nannup's Municipal Inventory and is classified by the National Trust of Australia (WA). The building is of cultural heritage significance and great care must be taken to ensure that the new TimeWood Centre building does not detract from its significance.

The Road Board Office is used by the Nannup Historical Society and will be used in conjunction with the new TimeWood Centre. Consideration should be given to creating a link between the two buildings, however any proposal must take account of heritage issues.

Flood Risk

The site is located within the 100 year floodplain. There are specific requirements pertaining to this in the Shire of Nannup's Local Planning Scheme No.3 and within the Building Code of Australia that must be addressed.

The Budget:

The Shire of Nannup has established a budget of approximately \$2,000,000.00 for this project. Various grants commitments have been made by funding bodies and any specific requirements associated with grant funding already sourced should be considered during the concept design phase of the project.

Architect's Fees

Architect's fees will be a fixed lump sum for the stages of work up to tender stage. An appropriate "Client-Architect Agreement" is to be entered into on appointment.

Extent of Commission

Please note that the appointed project architect should be prepared to enter a second commission with the Shire for the superintendence of the works. This may be negotiated as an outcome of the first commission at the discretion of the Shire. The Shire reserves the right to appoint a Project Management firm to oversee all phases of the development from advertising for an architect to "End of Project" report to Council.

Consultants' Fees

The proposal should exclude fees for structural, mechanical or other engineering services, quantity surveyors or other consultants that may be required for the project. This work will be contracted separately by the Shire of Nannup in consultation with the project architect.

Business Plan:

The Shire of Nannup has been developing the TimeWood Centre project since 2003, and in 2007 a Business Plan was adopted by Council with the following vision, mission, goals and objectives:

Vision

To establish a community centre in the heart of Nannup where culture, heritage, environment, business and community meet to celebrate the past and build the future.

Mission

- To co-locate the Visitor Centre, Telecentre and Historical Society to share opportunities and resources, to increase profile, income and outcomes.
- To establish a tourism icon as part of the south west tourist trail that encourages people to stay and spend time and money in the region.
- To provide a focal point and sound base for the sustainability of Nannup's history, culture and environment.
- To develop a strategy to address development and increased tourism and incorporate wider regional strategies in individual organisational planning.

Goals and Objectives

- To achieve a sustainable, cost effective model for the sharing of premises and resources between the community and visitor services and government agencies.
- To share office and administration functions and resources for cost effectiveness.
- To better manage assets and resources.
- To enhance service delivery and infrastructure for our community.
- To provide the community with cost-effective training and technology services.
- To provide a focal point for all community events, activities and community services in a central location.

(*TimeWood Centre Business Plan*, adopted by Council 24 May 2007)

The Business Plan provides useful detailed information on the user groups expected to use the facilities in the TimeWood Centre, their needs, and a strategy for ongoing staffing and management.

This information should be discussed and confirmed/adjusted by the architect at the project outset in discussions with Council and the Steering Committee.

Note: Building plans previously developed for the TimeWood Centre and included in the Business Plan are to be considered as conceptual only for the purpose of determining spatial requirements and costs. They are used as the basis of this brief and the Architect may use the plans as part of the new design outcomes that is the subject of this request for service.

A copy of the *TimeWood Centre Business Plan*, feature survey and the minutes from Council's resolution from its September 2008 meeting requiring these services is attached.

Design Requirements:

Opportunities

The opportunity exists for the redesign and development of a building that will enhance the streetscape of Warren Road in Nannup.

Historically Nannup developed as a centre for timber milling, and as a result the Shire has a preference for a building that will reflect that history through the use of timber as one of its dominant building materials. The Shire is seeking a building that demonstrates excellence in terms of its functionality, visual appearance and also its response to the local environment.

Nannup Mainstreet Heritage Precinct Design Guidelines

The Shire of Nannup has adopted design guidelines, a copy of which will be provided. The intention of these guidelines is to ensure that new buildings are designed in a manner that complements and enhances the existing streetscape.

The following principles will apply:

The siting and design of the proposed development should conform to the "Nannup Mainstreet Heritage Precinct Design Guidelines" in regard to:

- Building and roof form,
- building height,
- setbacks,
- open space/landscaping,
- materials and details,
- verandahs, windows and doors,

- advertising and signage, and
 - the use of colour.
- The design should take into account the site's context, and have careful regard to, and respect for, existing development on neighbouring sites, and the Warren Road and Brockman Street streetscapes.
 - The design must be contained within the boundaries of the existing lot. Awnings or verandahs may project over the footpath on Warren Road as this follows the traditional street pattern. If part of a verandah, awning or other structure projects over the footpath it should extend over the full width of the building to provide protection to pedestrians in inclement weather.
 - The building may be one or two storeys in height, but must be designed in such a manner that it doesn't physically dominate the streetscape or overwhelm its neighbours.
 - The development should be designed to also address Brockman Street and provide a pleasant, inviting presence for visitors entering from this direction.
 - The development must incorporate a tower feature capable of housing the feature clock and displaying its workings to visitors. Consideration could be given to incorporating a viewing area for looking out over the town and surrounding area from the tower element.
 - The building should provide a covered accessway to the adjacent Old Roads Board Building for use by visitors to the Historical Society in a way that is sensitive to the heritage values of the Old Roads Board Building.
 - The building design should incorporate a high level of environmental sustainability and be energy-efficient.
 - Consideration should be given to retaining as much of the existing landscape quality of the site as possible.

Design Style

The architect must demonstrate that the proposal is compatible with existing development in Warren Road, and generally conforms to the requirements of the "Nannup Mainstreet Heritage Precinct Design Guidelines".

Buy Local

The Shire of Nannup has a preference to support local industries and suppliers and therefore materials that come from the south-west region of WA are preferred. In this regard the use of local materials, including a component of local timber as mentioned previously, in the design would be preferred.

Constraints:

Parking

Car parking is to be assessed in accordance with Schedule 11 of the Shire of Nannup's Local Planning Scheme #3. As per Council's September 2008 resolution, adequate car parking needs to be provided in the vicinity addressing the number of parking bays required for this building and any potential traffic management related issues in this area. An indicative parking layout is therefore required.

Building Code of Australia

The proposed development must comply with all relevant requirements of the Building Code of Australia.

Universal Access

The building must be designed to ensure compliance with the BCA requirements for universal access.

Local Planning Scheme No 3

The proposed development must comply with the Shire's Local Planning Scheme No. 3 in regard to conventional flood mitigation building practices.

Water Pressure

The proposed development must take account of the lack of water hydrant pressure and therefore must meet all the legislative requirements of Fire & Rescue Authority (FESA) in this regard.

Clock Tower

The clock's designer is to confirm the size and specifications (and any other relevant design requirements) of the proposed clock tower, clock mechanism and housing structure/s prior to the appointment of the architect. Any additional costs incurred due to changes to the clock tower design (either external or internal) after the architect's appointment are to be met by the clock's designer.

Time Frame:

The Shire of Nannup would like to tender the project within 6 months from commissioning the architect. For this reason ability to commence the project on commissioning is desirable.

The Shire anticipates the following stages for the project:

On commissioning:

The architect meets with the Timewood Centre Advisory Committee (the Committee) to discuss the project and confirm the brief.

6 Weeks:

Architect presents concept designs and the Committee.

On approval from Council after recommendations are made from the Committee the architect proceeds to design development. Allow 10 weeks.

On approval from Council the architect proceeds to documentation. Allow 8 weeks.

The architect submits the tender documents (drawings and specification for the works) to the Shire for approval. On approval the drawings go out to tender.

On receipt of the tenders the architect assists the Shire in selecting the successful contractor and signing the Contract for the works.

At this stage the Shire may commission the architect for Stage 2, superintendence of the works.

Submission:

The following criteria will be considered in the selection of the architect for this project:

- **Proven track record of similar scale projects carried out in the South-West region of Western Australia, preferably civic/ recreational/community buildings.**
- **Demonstrated understanding of heritage and streetscape issues**
- **Ability to deliver environmentally sustainable building outcomes**
- **Creative excellence in architectural design**
- **Availability to commence this project within one month of appointment**
- **Schedule of fees**

Please include a current Curriculum Vitae (no more than 2 A4 pages) include contact details of 2 relevant referees. (Please note that the lowest priced proposal will not necessarily be selected and that the Shire may interview short listed applicants before making a decision).

Please provide the contact details of at least one recent client, photographs of recent work and a brief description of the project.

Please provide a price to redesign including concept design, detailed design and documentation of the proposed TimeWood Centre.

On appointment the successful applicant must supply copies of relevant insurance certificates to the Shire of Nannup.

Please address any queries or requests for information to
Community Development Officer
Louise Stokes,
Shire of Nannup.
Phone: 9756 1018
louise.stokes@nannup.wa.gov.au

AGENDA NUMBER: 10.11
SUBJECT: Seniors Bus to Manjimup
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE:
AUTHOR: Louise Stokes –Community Development Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 13 January 2008

BACKGROUND:

The Department of Health is presenting a Seniors Forum in Manjimup on Thursday March 26th 2009.

I had previously met with Sylvia Clearwater from the Department of Health and had been talking to HAAC and the Wellness Club with the idea to host a Seniors Forum in Nannup.

The Manjimup Seniors Forum has a diverse program that covers many services, health and inter-regional networking opportunities and therefore chartering a bus to Manjimup for nannup seniors for this event is encouraged.

COMMENT:

The Shire of Nannup currently provides limited support services and activities for seniors and this is a good opportunity to partner with Non Government Organisations from Nannup and support the Seniors forum.

The Telecentre and Volunteer Resource Centre recently received funding during 'Seniors Week' and chartered a bus to Pemberton for a picnic at Big Brook Dam. Twenty seven seniors participated in this event and enjoyed the socialising and outing. With the short lead in time there is insufficient time to source funding to cover costs of a bus, however there is ample time for seniors groups to fundraise to cover the costs of a bus and participants could be charged a travel fee if insufficient funds are not raised.

I have spoken to the Wellness Club and seniors from within the community who are supportive of attending a Seniors Forum.

The recommendation is that Council underwrites the cost of the bus to the Seniors Forum in Manjimup on Thursday 26th March 2009. Quotes are currently being received. The cost of the bus for a one day charter will not exceed \$400.00 in total.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

This is not budgeted for in Council's 2008/09 budget, therefore if called upon would be unbudgeted expenditure.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council underwrite the cost of chartering a bus to Manjimup on Thursday March 26th 2009 for the Seniors Forum up to a maximum of \$400.00.

VOTING REQUIREMENTS:

Absolute majority decision required for unbudgeted expenditure.

8097 DEAN/TAYLOR

That Council underwrite the cost of chartering a bus to Manjimup on Thursday March 26th 2009 for the Seniors Forum up to a maximum of \$400.00.

**CARRIED 7/0
BY AN ABSOLUTE MAJORITY**

AGENDA NUMBER: 10.12
SUBJECT: Accounts for Payment
LOCATION/ADDRESS: Nannup Shire
FILE REFERENCE: FNC 8
AUTHOR: Tracie Bishop – Administration Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 9 January 2009

Attachment: Schedule of Accounts for Payment.

COMMENT:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

Municipal Account

| | |
|---|---------------|
| Accounts Paid By EFT EFT 423-473 | \$ 916,211.17 |
| Accounts Paid By Cheque Vouchers 17166-17217 | \$ 179,865.12 |
| Direct Debits Nil Vouchers | \$ 0.00 |

Trust Account

| | |
|---|---------|
| Accounts Paid By Cheque Nil Vouchers | \$ 0.00 |
|---|---------|

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

Signed:

Dated 26 February 2009

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$1,096,076.29 in the attached schedule be accepted.

8098 LORKIEWICZ/DEAN

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$1,096,076.29 in the attached schedule be accepted.

CARRIED 7/0

Signed:

Dated 26 February 2009

SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S JANUARY 2009 MEETING

| Chg/EFT | Name | Description | Amount |
|---------------------------------------|--|--|----------------------|
| EFT PAYMENTS | | | |
| EFT423 | NANNUP SURVEYS | SURVEYING SERVICES MOWEN ROAD | \$ 16,087.50 |
| EFT424 | LEEUEWIN CIVIL PTY LTD | PLANT AND LABOUR HIRE | \$ 337,992.05 |
| EFT425 | THE MARQUE HOTEL - PERTH | ACCOMODATION | \$ 215.60 |
| EFT426 | PICTON TYRE CENTRE PTY LTD | 8 X TYRES | \$ 3,096.00 |
| EFT427 | PRICHARDS BOOKBINDERS | BINDING OF COUNCIL MINUTES | \$ 292.60 |
| EFT428 | BEYOND SAFETY | SAFETY WEAR | \$ 214.30 |
| EFT429 | BLACKWOOD BANKS CONSTRUCTIONS | WORK ON JALBARRAGUP BRIDGE CROSSING | \$ 99.00 |
| EFT430 | ARROW BRONZE | BRONZE PLAQUE | \$ 152.40 |
| EFT431 | DEPARTMENT OF AGRICULTURE | SALE OF PUBLICATIONS | \$ 57.00 |
| EFT432 | A&A HIRE | SKIP BIN HIRE | \$ 90.00 |
| EFT433 | COURIER AUSTRALIA | FREIGHT CHARGES | \$ 29.65 |
| EFT434 | D & J COMMUNICATIONS | RADIO MAINTENANCE | \$ 470.25 |
| EFT435 | SHANE COLLIE | REIMBURSEMENT OF EXPENSES | \$ 428.96 |
| EFT436 | FIRE AND EMERGENCY SERVICES AUTHORITY | ESL FOR QUARTER 2 0809 OPTION B | \$ 14,917.36 |
| EFT437 | JR & A HERSEY PTY LTD | BRICK BOLSTER | \$ 17.60 |
| EFT438 | METAL ARTWORK CREATIONS | NAME BADGE | \$ 12.38 |
| EFT439 | NANNUP HARDWARE & AGENCIES | VARIOUS SUPPLIES | \$ 1,578.00 |
| EFT440 | NANNUP TELECENTRE | SHIRE NOTES | \$ 396.00 |
| EFT441 | SW PRECISION PRINT | STATIONERY SUPPLIES | \$ 285.00 |
| EFT442 | TRADE HIRE | SUNDRY HIRE EQUIPMENT | \$ 1,888.90 |
| EFT443 | WADIFARM CONSULTANCY SERVICES | CONTRACT ADMINISTRATION | \$ 1,518.00 |
| EFT444 | LOOSE GOOSE CHALET | CHRISTMAS FUNCTION | \$ 2,250.00 |
| EFT445 | WADIFARM CONSULTANCY SERVICES | CONSULTANCY FEES | \$ 1,829.00 |
| EFT446 | MJB INDUSTRIES | SUNDRY SUPPLIES | \$ 4,787.92 |
| EFT447 | WITCHCLIFFE FARM SERVICE | SUNDRY SUPPLIES | \$ 566.19 |
| EFT448 | EVELYN PATMAN | STAFF REIMBURSEMENT | \$ 595.44 |
| EFT449 | NANNUP SURVEYS | SURVEYING WORKS FOR MOWEN ROAD | \$ 13,681.25 |
| EFT450 | PROCIFIC CORPORATION | EZ STREET ASPHALT | \$ 2,006.40 |
| EFT451 | LEEUEWIN CIVIL PTY LTD | MOWEN ROAD CLEARING WORKS | \$ 418,349.29 |
| EFT452 | COPPIN ROCK CARTAGE | CARTAGE FOR MOWEN ROAD | \$ 15,590.84 |
| EFT453 | SIRENCO | M3 MICROPHONE | \$ 385.00 |
| EFT454 | COURIER AUSTRALIA | FREIGHT CHARGES | \$ 1,379.06 |
| EFT455 | D & J COMMUNICATIONS | SUPPLY HANDHELD RADIOS | \$ 2,046.00 |
| EFT456 | CIVI TEST SOU WEST | MOWEN ROAD WORKS | \$ 18,372.75 |
| EFT457 | CEMEX AUSTRALIA PTY LTD | SEALING AGG. | \$ 12,414.84 |
| EFT458 | CORPORATE EXPRESS | STATIONERY SUPPLIES | \$ 203.92 |
| EFT459 | LANDGATE | IDENTIFICATION OF LAND PARCELS | \$ 262.25 |
| EFT460 | GLEN DAVIS | TOWN HALL MAINTENANCE | \$ 105.00 |
| EFT461 | D & J MILLER (DO YOUR BLOCK CONTRACTING) | WATERCART FOR MOWEN ROAD | \$ 5,808.00 |
| EFT462 | LEIGH GUTHRIDGE | PHONE LINE RENTAL | \$ 42.45 |
| EFT463 | JR & A HERSEY PTY LTD | SUNDRY SUPPLIES | \$ 18.00 |
| EFT464 | INSIGHT CCS PTY LTD | MONTHLY SERIVE FEE | \$ 57.75 |
| EFT465 | WAYNE G H JOLLEY | CONSULTANCY FEES | \$ 1,575.00 |
| EFT466 | KEVIN MARTIN | PRESENTATIONS TO COUNCIL IN SEPT AND DEC | \$ 1,040.00 |
| EFT467 | NANNUP HARDWARE & AGENCIES | CEMENT | \$ 1,539.98 |
| EFT468 | NANNUP TELECENTRE | STRATEGIC EVENTS OFFICER SUPPORT | \$ 3,597.00 |
| EFT469 | SW PRECISION PRINT | STATIONERY SUPPLIES | \$ 240.00 |
| EFT470 | TRACIE BISHOP | CHRISTMAS FUNCTION | \$ 58.80 |
| EFT471 | VASSE EXPRESS COURIER | DELIVERY OF TRESTLE TABLES | \$ 143.00 |
| EFT472 | WESTRAC EQUIPMENT | PLANT REPAIR | \$ 246.68 |
| EFT473 | WORTHY CONTRACTING | GRAVEL CARTAGE | \$ 27,200.83 |
| TOTAL EFT PAYMENTS FOR PERIOD: | | | \$ 916,211.17 |
| 17166 | GEOGRAPHE FORD PTY LTD | SUNDRY SUPPLIES | \$ 4.55 |
| 17167 | WILTON'S BISTRO | CATERING | \$ 840.00 |
| 17168 | REPCO PTY LTD | SUNDRY SUPPLIES | \$ 334.85 |
| 17169 | COPPIN ROCK CARTAGE | MOWEN ROAD WORKS | \$ 9,191.43 |
| 17170 | QUALIFIED TREE RISK ASSESSMENT LTD | REFERENCE BOOK | \$ 328.00 |
| 17171 | DARRADUP VOLUNTEER BUSH FIRE BRIGADE | MAINTENANCE OF CROWN LAND | \$ 300.00 |
| 17172 | THE GOOD FOOD SHOP | REFRESHMENTS | \$ 38.40 |
| 17173 | GL HAPP PTY LTD | FUEL SUPPLIES | \$ 236.29 |
| 17174 | HAMISH ROBINSON | FIREBREAK FOR COCKATOO VALLEY | \$ 560.00 |
| 17175 | JASON SIGNMAKERS | SUNDRY SIGNS | \$ 5,712.96 |
| 17176 | MANJIMUP MOTORS PTY LTD | SUNDRY SUPPLIES | \$ 285.88 |
| 17177 | GREG MADER EARTHWORKS | PLANT AND MACHINERY HIRE | \$ 51,510.25 |
| 17178 | NANNUP HANDY FOODS | FUELS AND REFRESHMENTS | \$ 363.53 |
| 17179 | NANNUP OCCASIONAL CHILD CARE | COMMUNITY GRANT 08/09 | \$ 2,000.00 |
| 17180 | NICHOLLS MACHINERY | SUNDRY SUPPLIES | \$ 20.80 |
| 17181 | NANNUP LIQUOR STORE | REFRESHMENTS | \$ 1,116.49 |
| 17182 | ROD'S AUTO ELECTRICS | PLANT REPAIR | \$ 1,222.26 |
| 17183 | SOUTHWEST TYRE SERVICE | TYRE SUPPLIES | \$ 640.00 |
| 17184 | SHIRE OF MANJIMUP | IT SERVICES | \$ 302.50 |
| 17185 | TELSTRA | TELEPHONE EXPENSES | \$ 624.08 |
| 17186 | B.J. & F.H. TOMAS | REPAIRS TO GRAVEL SCREEN | \$ 295.00 |
| 17187 | WORK CLOBBBER | SAFETY WEAR | \$ 50.00 |
| 17188 | YAKKA PTY LTD | STAFF UNIFORM | \$ 280.28 |
| 17189 | J & T CHAINSAWS & MOWERS | STHIL SHREDDER | \$ 559.00 |
| 17190 | AMBASSADOR HOTEL PERTH | ACCOMODATION | \$ 143.00 |

| Chq/EFT | Name | Description | Amount |
|---|---------------------------------------|--|------------------------|
| 17191 | RACK'S BACKHOE HIRE | BACKHOE HIRE | \$ 1,039.50 |
| 17192 | DEPARTMENT OF HOUSING AND WORKS | BUILDING SURVEYER QUALIFICATIONS | \$ 200.00 |
| 17193 | OMNI MANUFACTURING | 5000LT STORAGE TANK | \$ 2,849.00 |
| 17194 | ALL ATTACHMENTS BOBCAT TRUCK SERVICES | SUPPLY SAND FOR 2 BROCKMAN ST | \$ 1,228.70 |
| 17195 | BULLIVANTS | CONCRETE LIFTING EYE 2.5T AUSTLIFT | \$ 259.45 |
| 17196 | BRISKLEEN SUPPLIES | TOILET SUPPLIES | \$ 473.66 |
| 17197 | CJD EQUIPMENT PTY. LTD. | PRESSURE REGULATOR | \$ 218.27 |
| 17198 | CHRIS ANTILL | WORKSHOP AND DESING BRIEF | \$ 5,280.00 |
| 17199 | GEOFABRICS AUSTRALASIA PTY LTD | FILTERWRAP | \$ 1,265.00 |
| 17200 | HAMISH ROBINSON | REPAIRS TO TOWN HALL | \$ 336.00 |
| 17201 | HARVEY NORMAN ELECTRICAL | MICROWAVE OVEN | \$ 178.00 |
| 17202 | JASON SIGNMAKERS | TOURIST SIGNS | \$ 213.40 |
| 17203 | K & C HARPER | PLUMBING WORKS | \$ 4,008.95 |
| 17204 | NANNUP NEWSAGENCY | POSTAGE & STATIONERY | \$ 572.86 |
| 17205 | NANNUP EZIWAY SELF SERVICE STORE | REFRESHMENTS AND CLEANING | \$ 286.03 |
| 17206 | NICHOLLS MACHINERY | BLADE KIT | \$ 149.95 |
| 17207 | NANNUP LIQUOR STORE | REFRESHMENTS | \$ 687.79 |
| 17208 | SYNERGY | ELECTRICITY EXPENSES | \$ 901.80 |
| 17209 | SUGAR MOUNTAIN ELECTRICAL SERVICES | ELECTRICAL WORKS | \$ 2,554.35 |
| 17210 | SHIRE OF MANJIMUP | EDGING WORKS - BALINGUP ROAD | \$ 71,904.68 |
| 17211 | STEWART & HEATON CLOTHING CO. PTY LTD | VBFB WEAR - NANNUP BROOK | \$ 208.14 |
| 17212 | TELSTRA | TELEPHONE EXPENSES | \$ 224.90 |
| 17213 | TIMCARE DISTRIBUTORS | AUSSIE CLEAR DRUM & ELASTOSEAL 20LT'S EA | \$ 1,221.55 |
| 17214 | WALGA | MARKET FORCE ADVERTISING | \$ 1,469.75 |
| 17215 | WARREN BLACKWOOD WASTE | BIN PICKUPS NOV 08 | \$ 4,730.68 |
| 17216 | WOMROCK PAINTING CO. | TOWN HALL MAINTENANCE | \$ 336.00 |
| 17217 | ANTHONY P BILECKI | RATES REFUND | \$ 107.16 |
| | | TOTAL CHEQUE PAYMENTS FOR PERIOD | \$ 179,866.12 |
| TOTAL MUNICIPAL PAYMENTS FOR PERIOD: | | | \$ 1,096,076.29 |

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

11.a OFFICERS

Nil

11.b COUNCILLORS

8099 BIRD/TAYLOR

That Council accept the following as new business of an urgent nature:

11.b (1) Foreshore Park totem poles

CARRIED 7/0

8100 TAYLOR/BIRD

That Council meet with the artist associated with the totem poles to discuss the finish of the poles.

CARRIED 7/0

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 6.22pm.