

# Attachment 11.2.2

OFFICIAL

22 February 2024

Our Reference: PA061744, DWERT903~34

Your Reference: ADM9

To: Shire of Nannup

From: Department of Water and Environmental Regulation

## RE: Modifications to Various Local Planning Policies

Thank you for providing the above referenced proposal for the Department of Water and Environmental Regulation (Department) to consider.

The Department supports the review and modifying of Local Planning Policies to ensure there are contemporary, and offers the following comments for your consideration:

Local Planning Policy	Comment
i. LPP 1 Cut & Fill and Retaining Wall	<p>Noted and supported that:</p> <ul style="list-style-type: none"><li>• Development approval is required in “Special Control Areas SCA3 Flood Prone Land”.</li><li>• “Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site”.</li><li>• At subdivision – “resolve stormwater management to ensure neighbouring properties are not impacted as a result of site works and construction”.</li><li>• The LPP references <i>inter alia</i> the need for information on contours, sub-catchments, flow paths and drainage lines, flood risk, surface water and groundwater, vegetation, dams, and water courses.</li><li>• LPP references the Decision Process and Stormwater Management Manual</li></ul> <p>In relation to the second dot point above there are several good resources available to ‘to attenuate turbid’ / manage sediment and erosion, including:</p> <ul style="list-style-type: none"><li>• <a href="#">Guidelines for Erosion &amp; Sediment Control at Building Sites in the South West of WA.</a></li><li>• An example local government <a href="#">Sediment and Erosion Management Subdivision and Development – Information Sheet.</a></li></ul>
ii. LPP 2 Stormwater Management and Connection	<p>Changes are required to use current terminology, and it is also recommended to align with the requirements for small event management in the decision process:</p> <ul style="list-style-type: none"><li>• Change references from ARI events to EY/AEP events.</li><li>• Recommend that lot detention requirements align with the decision process requirement for small event management i.e. 15mm.</li><li>• Some local governments also include that for sites with low infiltration rates and/or high groundwater they require twice the amount of small event management, i.e. 30mm.</li><li>• Reference to the 1 in 100 year ARI storm should state 1 in 100 (1%) AEP event.</li></ul>

	The text infers this is for buildings and lot stormwater management, and it is assumed that broader subdivision or local development plan stormwater management is to be managed in accordance with the Draft SPP 2.9 and Guidelines
iii. LPP 3 Sea Containers	No comment.
iv. LPP 4 (5) Consultation	It is noted that offensive trades require level 2 consultation. There is also merit in considering potentially contaminating activities as listed in 'Appendix B – Potentially contaminating industries, activities and land uses' of the <a href="#">Guideline: Assessment and management of contaminated sites</a> requiring consultation with state agencies, i.e. level 3 or 4 consultation.
v. LPP 5 (6) Nannup Townsite Character Area Design Guidelines	No comment.
vi. LPP 6 (7) Rural Residential Fencing Standards	Noted and supported that: <ul style="list-style-type: none"> <li>“Fencing should be designed to not impede the free flow of floodwaters for land identified as Flood Prone Land in the Scheme”.</li> </ul>
vii. LPP 7 (8) Nannup Mainstreet Heritage Precinct	No comment.
viii. LPP 8 (11) Development in Flood Prone Land	<p>Replace the definition as below so it includes current terminology:</p> <p><b>“Flood Prone Areas”</b> relates to that land as identified by the Department of Water and Environmental Regulation (DWER) as being within the ‘1 in 25 (4%) Annual Exceedance Probability (AEP) Floodplain’ and the ‘1 in 100 (1%) Annual Exceedance Probability (AEP) as set out in the <i>Blackwood River Flood Study</i> or other flood prone land as advised by DWER.</p> <p>The following paragraph is suggested to be deleted on the basis that DWER advocates a risk-based approach to flood management, and the subsequent two sentences talk to this approach and requirements to demonstrate site suitability (note if the paragraph is included it should be changed as below to include current terminology):</p> <p style="padding-left: 40px;">The local government does not support subdivision that will create further flood risk lots unless a suitable sized building envelope/suitable building area are located outside of the 1 in 100 (1%) AEP floodplain.</p>
ix. LPP 9 (12) Tourism Land Uses and Short-Term Accommodation	Noted and supported that the policy provisions include: <ul style="list-style-type: none"> <li>“appropriately addressing environmental, landscape/visual impact, land use compatibility, risks including bushfire and flooding, access, servicing, design and effective on-going management”.</li> <li>“Site conditions including topography and soil type to ensure adequate sewerage disposal, building construction and drainage”.</li> <li>Detail required to prove up a water supply.</li> </ul>

	<ul style="list-style-type: none"> <li>• “Sewerage disposal – the local government will have regard to the Government Sewerage Policy”.</li> </ul>
x. LPP 10 (13) Car Parking and Vehicular Access	<p>Noted and supported that the policy provisions include:</p> <ul style="list-style-type: none"> <li>• “Stormwater from impervious surfaces is to be designed and managed in accordance with the Decision process for stormwater management in Western Australia (DWER 2017) using systems as outlined in the Stormwater management manual of Western Australia (DWER 2007-2009)”.</li> </ul> <p>Should “LPP 2 Stormwater Management and Connection” be a related policy, as carparks may have connection to Shire stormwater systems?</p>
xi. LPP 11 (15) Dedication of Road Access;	No comment.
xii. LPP 12 (18) Signs and Advertisements	No comment.
xiii. LPP 13 (19) Heritage Conservation	No comment.
xiv. LPP 14 (20) Developer and Subdivider Contributions	<p>Recommended text addition to Item 11. Drainage:</p> <ul style="list-style-type: none"> <li>• “New developments/subdivisions are to be provided with a comprehensive drainage system and where that system contributes to an impact on <b>upstream and/or</b> downstream drainage (includes issues of water quantity and/or water quality), the developer/subdivider is responsible for the necessary provision and/or upgrade”.</li> </ul> <p>Noting comments above for LPP 2 Stormwater Management and Connection, the first paragraph under Item 11. Drainage could be modified to state:</p> <p>The Council requires appropriate stormwater management and treatment for the proposed subdivision/development that satisfactorily addresses stormwater control and meets <b>the requirements of draft State Planning Policy 2.9 Planning for Water (SPP 2.9) and Planning for Water Guidelines. appropriate environmental standards in the opinion of the Council.</b> Where possible and practical, stormwater will need to be appropriately detained and treated on the proposal site.</p>
xv. LPP 15 (22) Outbuildings	<p>Noted and supported that the policy provisions include that a DA is required when:</p> <ul style="list-style-type: none"> <li>• “the outbuilding is proposed within Special Control Area SCA3 Flood Prone Land”.</li> <li>• “the outbuilding is located within the Special Control Areas SCA4 Public Drinking Water Source Area or SCA7 Landscape Values Area”.</li> </ul>
xvi. LPP 16 (23) Tree Farms	<p>Recommended text addition to Item 9. Natural resource management:</p> <ul style="list-style-type: none"> <li>• “Promotes the establishment and/or enhancement of <b>foreshores with buffers of</b> local endemic native vegetation along rivers, watercourses and drainage lines and/or providing environmental corridors”.</li> </ul>

- “Will consider Department of Water and Environmental Regulation ~~guidelines~~ ~~and~~ advice on ~~foreshore widths to protect setbacks from~~ rivers and watercourses ~~in accordance with Operational policy 4.3: Identifying and establishing waterways foreshore areas (DoW 2012)~~, and require compliance with ~~along with guidance in~~ the Code of Practice for a six meter non planted buffer from the edge of the foreshore, site conditions and justification provided by the applicant”.

Should you require any further information on the comments please contact the undersigned.

Yours sincerely,

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Krish Seewraj

Planning Advice Program Manager  
South West Region

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## Jane Buckland

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**From:** Daniel Naude <Daniel.Naude@mainroads.wa.gov.au>  
**Sent:** Monday, 18 March 2024 8:07 AM  
**To:** Jane Buckland  
**Subject:** [External] Reply: Proposed modifications to various Local Planning Policies under the Town Planning Scheme - Shire of Nannup

Dear Jane

I refer to your recent correspondence regarding proposed modifications to various local planning policies.

Please be advised that Main roads has no objection to the revised planning policies, subject to the following comments.

Proposed LPP 7 regarding Main Street Heritage indicates possible provision for verandah poles in the road reserve. Verandah poles close to the road pavement and/or footpaths have potential to conflict with vehicles and or pedestrians and is not supported in general. Verandah poles also present a potential safety hazard in the event of vehicles colliding with structures supported by poles.

All verandahs and awnings should be cantilevered in principle to avoid the need for support poles in the road reserve. Special consideration may be given to verandah poles for heritage buildings or buildings in 'special character' areas for streetscape value or aesthetic purposes, subject to the roof structure being cantilevered (engineer certified) and the poles being certified 'frangible' in accordance with Main Roads specifications.

An application for 'minor works' in the Primary Regional Road reserve is required to be submitted for approval, prior to any works being undertaken. Relevant engineering certification would need to be included in the 'works application'.

Please do not hesitate to contact me should you require any further assistance on the matter.

Kind regards,

**Daniel Naude**

Road Corridor Planning Manager  
South West Region  
Regional Operations  
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Main Roads acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.



Your ref: ADM 9  
Our ref: PL00109-51223  
Enquiries: Kathryn Exell (08) 6551 9683

Chief Executive Officer  
Shire of Nannup  
nannup@nannup.wa.gov.au

Attention: Planning Unit

Dear Sir

## **MODIFICATIONS TO LOCAL PLANNING POLICIES – SHIRE OF NANNUP**

Thank you for your letter of 5 February 2024 regarding the proposed modifications to various Shire of Nannup Local Planning Policies (LPP).

The proposed modifications have been considered for their potential impact on heritage-protected places within the Shire of Nannup. Several inconsistencies and clauses have been found that may have a negative impact. The Shire could consider amending the following sections/clauses:

- LPP2 - Stormwater Management and Connection, includes the requirement for guttering and downpipes on all premises. This could result in guttering/downpipes being installed where historically there were none. Consider including an exemption for heritage protected places.
- LPP7 - Nannup Mainstreet Heritage Precinct, is identified as Heritage Area under the Shire of Nannup's Local Planning Scheme no.4. The Heritage Council has recently published '[Guidelines for Heritage Areas](#)', which the Shire may find useful in further refining this policy, particular the need to identify 'contributory or non-contributory elements'.
- LPP 13 - Heritage Conservation, has several inconsistencies, and the Shire may consider amending/reviewing the following.
  - Clarify the types of places the policy applies – currently the policy both includes and excludes State Registered Heritage Places.
  - The policy uses the term "Local Heritage Contract". The correct terminology is 'Heritage Agreement'.
  - Reference is made to the 'State Heritage Office', which is no longer in operation. The Department of Planning, Lands and Heritage now support the Heritage Council in its role.
  - The Shire may consider in their policy if demolition of heritage-protected places is acceptable when it is a result of the place not being properly maintained. Demolition under these circumstances would be inconsistent with State Planning Policy 3.5 and the planning framework.

- The policy requires the preparation of a Conservation Plan for development affecting a State Registered Heritage Places. This requirement may be perceived as onerous, particularly in the case of minor works where a heritage impact statement may suffice. The Shire could consider a more discretionary approach to the application of this requirement.
- The policy does not require an archival record to be undertaken when demolition is proposed. The Shire should consider including this as a requirement.

The Heritage Council has recently published '[Guidelines for preparing a local planning policy for local heritage](#)'. The Shire may find this a useful resource when reviewing the amended policy.

- LPP 15 Outbuildings, notes that development approval is required for works proposed within a designated Heritage Area. It doesn't mention other sorts of heritage-protected places. The Shire should consider expanding the requirement for development approval to include all heritage-protected places as defined in the deemed provisions.

We hope that these comments are of value in the development of the proposed Local Planning Policies

Should you have any queries regarding this advice please contact Kathryn Exell at [kathryn.exell@dplh.wa.gov.au](mailto:kathryn.exell@dplh.wa.gov.au) or on 6551 9683.

Yours faithfully



Lara Watson  
Assistant Manager  
Historic Heritage Conservation

21 March 2024



Department of  
**Primary Industries and  
Regional Development**

Your reference: ADM 9  
Our reference: LUP 1803  
Enquiries: Leon van Wyk

David Taylor  
Chief Executive Officer  
Shire of Nannup  
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25 March 2024

Dear David

### **COMMENT: Modifications to various Local Planning Policies**

Thank you for the opportunity to comment on the proposed modifications to various Local Planning Policies of the Shire of Nannup.

The Department of Primary Industries and Regional Development (DPIRD) assessed the proposed modifications to the various Local Planning Policies of the Shire of Nannup and would like to provide the following comments:

#### LPP 9 – Tourism Land Uses and Short-Term Accommodation

##### Objectives

*‘Encourage short-term accommodation in non-urban areas whilst conserving the rural character and protecting primary production.’*

It is important that tourism remains an ancillary use in agricultural production areas and that the use is compatible with current and potential future agricultural production.

##### Policy Provisions (General)

*‘Supports short-term accommodation on appropriately zoned land subject to the applicant addressing relevant planning considerations. This includes appropriately*

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*addressing environmental, landscape/visual impact, land use compatibility, risks including bushfire and flooding, access, servicing, design and effective on-going management;*

DPIRD agrees with this provision.

*'Will generally require that short-term accommodation on rural land is ancillary to rural and/or conservation uses. Unless appropriately justified, larger scale developments should be in a Tourism or related zone.'*

DPIRD agrees with this provision as large-scale developments increases the potential for land use conflict.

## LPP 16 – Tree Farms

### Policy Provisions (General)

*'Supports tree farms on appropriately zoned land (including "Priority Agriculture") subject to the proposal or application addressing relevant planning considerations;'*

DPIRD does not support tree farms for carbon sequestration (carbon farming) on land zoned "Priority Agriculture" and recommends that this is included in the policy provisions.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or [leon.vanwyk@dpird.wa.gov.au](mailto:leon.vanwyk@dpird.wa.gov.au).

Yours sincerely



Tim Overheu  
**Director Agriculture Resource Management and Assessment  
Sustainability and Biosecurity**