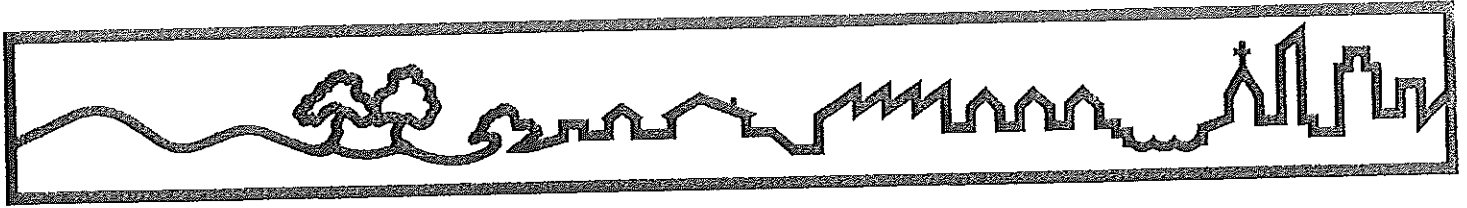


PETER D WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

10 June 2011

Our Ref: C486-71.docx

Chief Executive Officer
City of Bunbury
PO Box 21
BUNBURY WA 6231

DEPARTMENT OF PLANNING BUNBURY OFFICE	
20 JUN 2011	
FILE	144407

Attention: Mr M Cuthbert - Manager, Planning

Dear Sir

**Re: Re-Lodgement of Subdivision Application (WAPC Appln No. 133180)
Prtn of Stage 2 and Stage 3 - Lots 9001, 233 and 234 Diggers Green,
Nannup**

This is to advise that we continue to act for Askino Pty Ltd and Mr Trevor Hine, the owners of Lots 9001, 233 and 234 Diggers Green, Nannup. (Refer to Annexure 1: Certificates of Title.)

The subject lots form part of the WAPC conditional Subdivision Approval (WAPC Application No. 133180) for (then) Lot 23 Brockman Highway, Nannup (Stages 2 and 3), which involved the conditional approval of a total of 68 Residential, Special Residential and Special Rural zoned lots. A copy of the WAPC Subdivision Approval dated 29 May 2007 and the subsequent WAPC Approval (Request for Reconsideration) dated 31 October 2007 are attached for staff's reference. (Refer to Annexure 2: WAPC Subdivision Approval and Plan of Subdivision.)

The four year time period within which the conditions of this WAPC Subdivision Approval were required to be fulfilled and the Deposited Plan lodged with the WAPC for endorsement ended on 29 May 2011. A total of 14 lots (comprising part of Stage 2) together with the associated road network required to service these lots had been created in accordance with this Approval, prior to 29 May 2011. The remaining land is contained on the balance of the Title (Lot 9001).

As the allocated time period for this conditional Subdivision Approval has lapsed, we now formally re-lodge the Subdivision Application with the Commission for the re-issue of the conditional Subdivision Approval for the remaining lots which comprise Stage 2 and all of the lots which comprise Stage 3. The proposed subdivision also includes some minor boundary adjustments to Lots 233 and 234, which two lots have already been created on independent Certificates of Title.

The proposed subdivision is illustrated on the attached Plan of Subdivision and comprises a total of 56 residential lots. The subdivision reflects the design and layout of the previously approved Plan of Subdivision and accords with the overall land use and road network shown on the endorsed Subdivision Guide Plan. (Refer to Annexure 3: Subdivision Guide Plan.)

Re-Lodgement of Subdivision Application (WAPC Appln No. 133180)
Prtn of Stage 2 and Stage 3 - Lots 9001, 233 and 234 Diggers Green, Nannup

Our Ref: C486-71.docx
Page 2

As part of the re-lodgement of this Subdivision Application, we are also seeking the approval of the Commission for the total amount of public open space (POS) to be provided in land area, rather than as a cash-in-lieu contribution. The recently lapsed Subdivision Approval included Condition No. 21 which referred to the requirement for a cash-in-lieu contribution for the portion of POS not provided. Askino now seeks the approval of the WAPC for the total 10% area of POS to now be set aside and vested with the Crown.

The majority of the total area of POS is proposed to be provided as southern and minor eastern extensions to the existing area of POS. In addition, two small local parks are proposed to be provided on either side of the road reservation which intersects with Dunnet Road. These two smaller parks are proposed to retain the existing substantial trees on the land and will provide small intimate recreational spaces for residents and an attractive entry statement to the area when entering from Dunnet Road, in accordance with R14 of Liveable Neighbourhoods.

It is understood that the proposed additional areas of POS will require a minor amendment to the Shire of Nannup Town Planning Scheme No. 3, as the extension of the POS and the additional two smaller parks are proposed over parts of the land which is currently zoned 'Special Rural 10 (SR1)' and 'Special Residential 1 (SR1)'. The need to amend the Scheme to reflect these minor modifications to the rezoning of the land is not considered a matter that will hinder the ability for the WAPC to re-issue the conditional approval for the subdivision of this land, which subdivision is the identical in design to that which has already been conditionally approved by the WAPC.

Accordingly, please find attached the Plan of Subdivision, together with the completed WAPC Form 1A, which has been signed by Mr Trevor Hine (Director of Askino) and the prescribed Application fee of \$3,493.00.

Should staff have any queries or require additional supportive information in relation to this Subdivision Application, the writer is available, at their convenience.

Yours faithfully



CLARE MCLEAN
Town Planner

cc: Mr Trevor Hine (Director, Askino Pty Ltd)

PLAN OF SUBDIVISION

ANNEXURES

ANNEXURE 1
Certificates of Title

WESTERN



AUSTRALIA

REGISTER NUMBER 9001/DP60712	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 30/12/2008

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2708** FOLIO **232**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

R. Roberts



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 9001 ON DEPOSITED PLAN 60712

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ASKINO PTY LTD OF 25 CARRINGTON STREET, NEDLANDS
(AF K810706) REGISTERED 23 DECEMBER 2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. C595886 EASEMENT TO THE MINISTER FOR WORKS FOR SEWAGE DRAIN PURPOSES - SEE SKETCH ON DEPOSITED PLAN 60712. REGISTERED 3.8.1983.
2. K054732 MORTGAGE TO ST. GEORGE BANK LTD REGISTERED 12.1.2007.
3. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 60712 AS CREATED ON DEPOSITED PLAN 55489.
4. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR WATER PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 60712 AS CREATED ON DEPOSITED PLAN 55489.
5. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 60712.
6. *L277001 CAVEAT BY WATER CORPORATION AS TO PORTION ONLY LODGED 1.4.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP60712 [SHEET 1,3,4].
PREVIOUS TITLE: 2668-974.
PROPERTY STREET ADDRESS: LOT 9001 DIGGERS GRN, NANNUP.
LOCAL GOVERNMENT AREA: SHIRE OF NANNUP.

WESTERN



AUSTRALIA

REGISTER NUMBER 233/DP60712	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 11/2/2009

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2708 FOLIO 219

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

R. Roberts



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 233 ON DEPOSITED PLAN 60712

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

TREVOR ROY HINE OF 101 MBLVISTA AVENUE, NEDLANDS
(T L391327) REGISTERED 3 AUGUST 2010

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. BASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 60712.
2. RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 60712 AND INSTRUMENT K810707
3. RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 60712 AND INSTRUMENT K810707
4. *L391328 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 3.8.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP60712 [SHEET 1,3,4].
PREVIOUS TITLE: 2668-974.
PROPERTY STREET ADDRESS: 31 DIGGERS GRN, NANNUP.
LOCAL GOVERNMENT AREA: SHIRE OF NANNUP.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L391328

WESTERN



AUSTRALIA

REGISTER NUMBER 234/DP60712	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 11/2/2009

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2708** FOLIO **220**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

R. Roberts



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 234 ON DEPOSITED PLAN 60712

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ASKINO PTY LTD OF 28 OUTRAM STREET, WEST PERTH
(AF K810706) REGISTERED 23 DECEMBER 2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 60712.
- RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 60712 AND INSTRUMENT K810707
- RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 60712 AND INSTRUMENT K810707
- *L193119 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 6.1.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

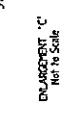
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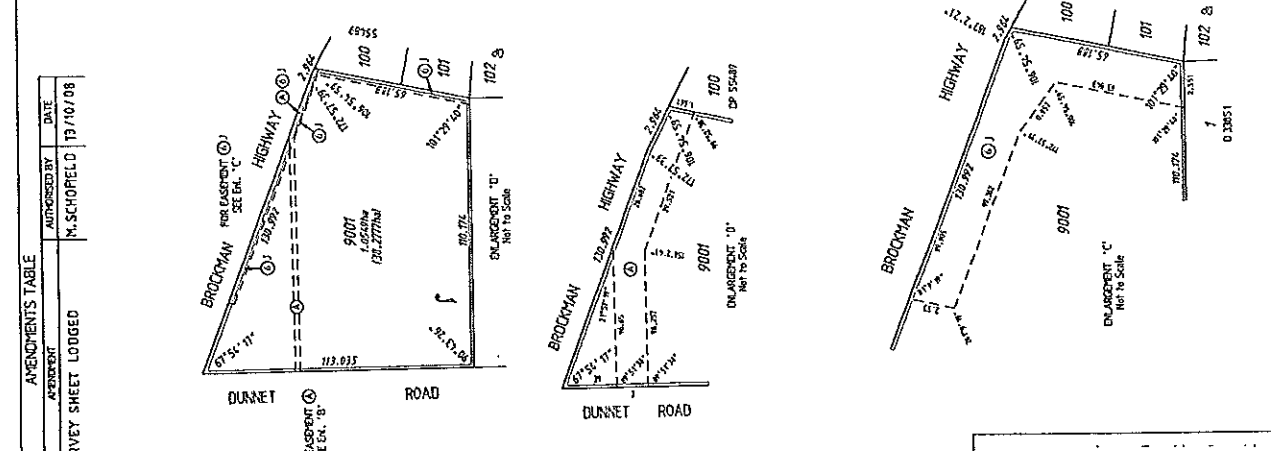
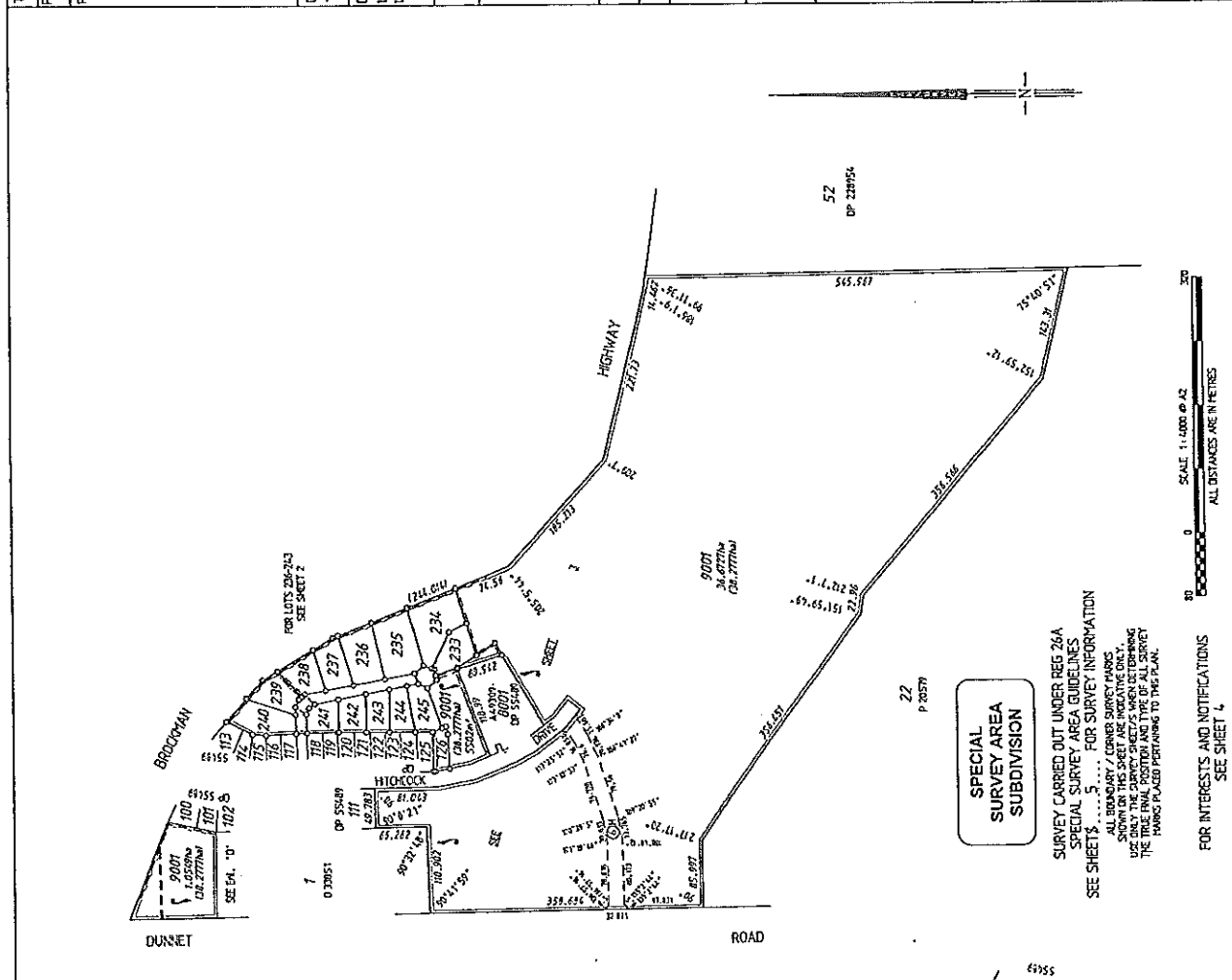
STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP60712 [SHEET 1,3,4].
PREVIOUS TITLE: 2668-974.
PROPERTY STREET ADDRESS: 29 DIGGERS GRN, NANNUP.
LOCAL GOVERNMENT AREA: SHIRE OF NANNUP.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L193119

TYPE	FREEFIELD
PURPOSE	SUBDIVISION
PLAN OF	
LOTS 126, 233-245, 8004, 9001, EASEMENTS, ROAD AND RESTRICTIVE COVENANT	
DISTRICT	TAMMERSP A.I. WELSDON
TOWNSITE	S.S.A. YES
D.P.'s FILE NO.	FORMER TENURE LOT 9000 DP 55489 C.T. 2468/974
LOCAL AUTHORITY	MANUP
SHARE OF MANUP	ON INDEX SEE DRAFTPLAN
FIELD BOOK	800723
SURVEYOR'S CERTIFICATE - Reg 54 I, William S. GUEST, being duly qualified in the art of surveying and a sworn representative of the Land Information Authority, do hereby certify that the above plan is a true and correct representation of the land shown thereon and that the same has been surveyed and laid out in accordance with the provisions of the Land Information Act 1975 and the regulations made thereunder and that the same is in accordance with the plan in relation to which it is lodged. WILLIAM S. GUEST REGISTERED SURVEYOR MEMBER OF THE LAND INFORMATION AUTHORITY NO. 10101010000-000007	
 DEPOSITED PLAN 60712 ORIGINAL SHEET 1 OF 5 SHEETS 10000 72	



VERSION	2
AMENDMENTS TABLE	
APPROVED BY	M. SCHOFIELD
DATE	19/10/08
SURVEY SHEET LOGGED	

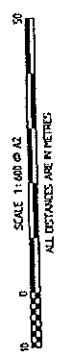
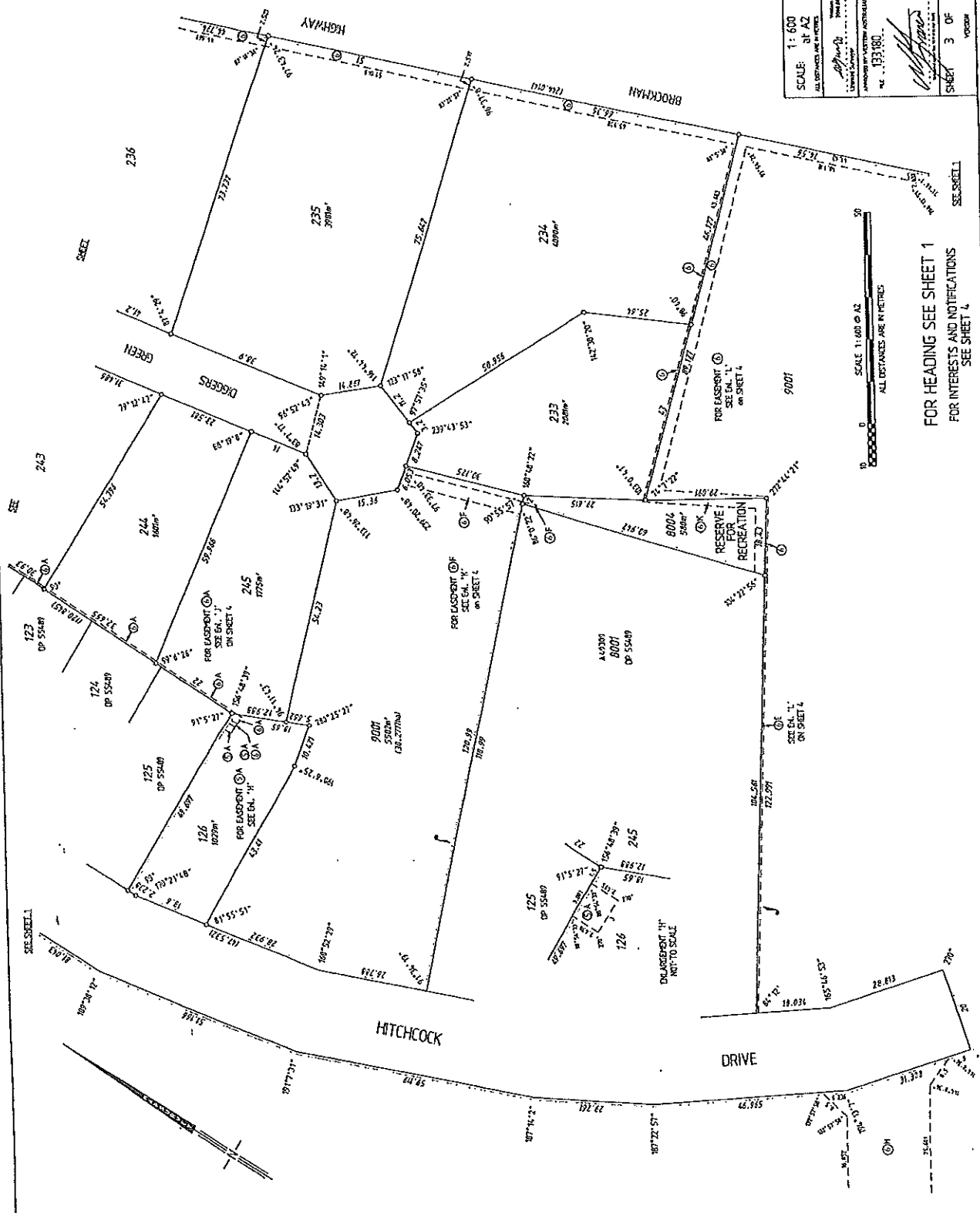
DP 60712 (01)



DP 60712 (03)



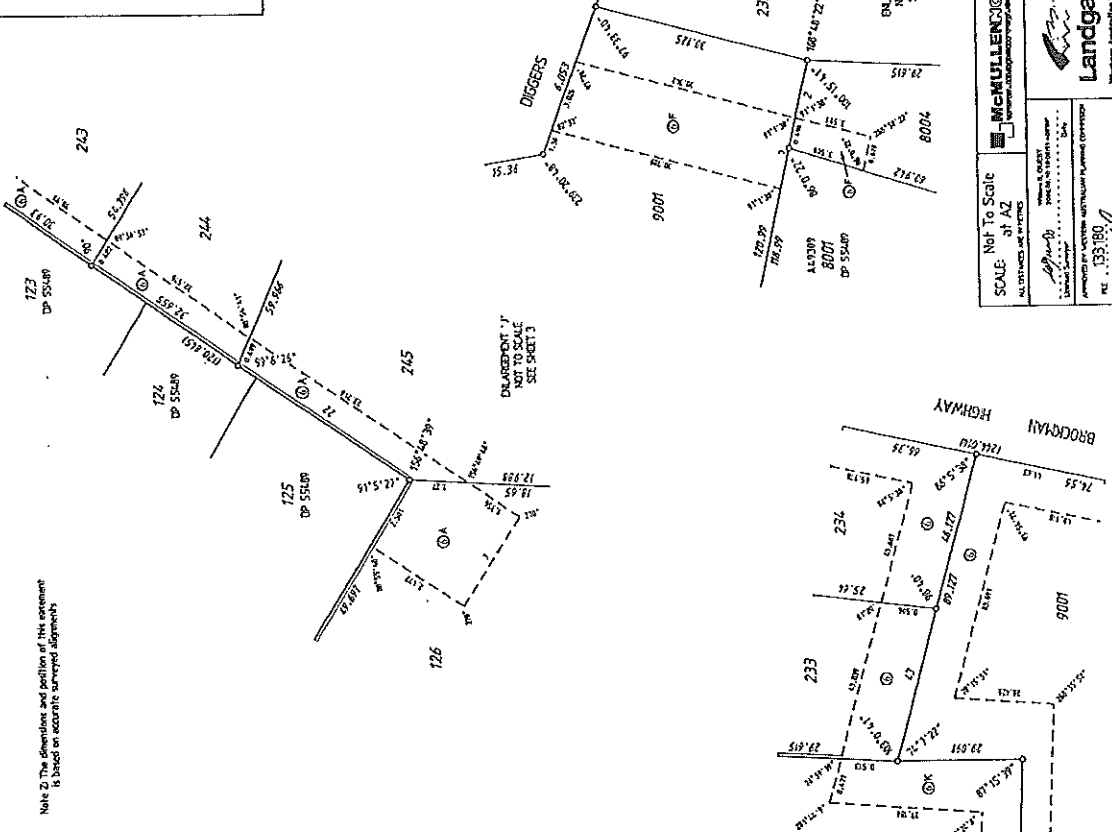
SCALE 1:600 3/4" = 1' A2 ALL DISTANCES ARE IN METRES	LANDS ON DP 5540 DP 5549 DP 5548 DP 5547 DP 5546 DP 5545 DP 5544 DP 5543 DP 5542 DP 5541 DP 5540	 McMullen Surveyors & Engineers 100/101 Sturt Street Melbourne VIC 3000 Ph: 03 9412 1234 Fax: 03 9412 1235 Email: info@mc-mullen.com.au	 Landgate Western Australian Land Information Authority
	DEPOSITED PLAN 60712 ORIGINAL		
NAME & QUALITY Surveyor License No. 133180 APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION No. 133180	DATE 10/10/08	SHEET 3 OF 15 SHEETS VERSION 7.2	



FOR HEADING SEE SHEET 1
 FOR INTERESTS AND NOTIFICATIONS
 SEE SHEET 4

SECRET

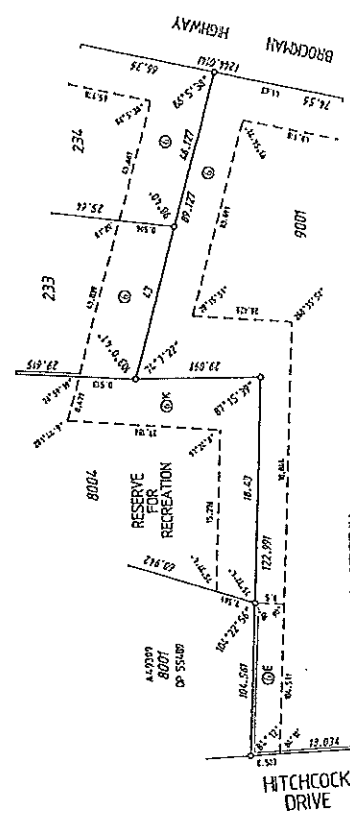
DP 60712 (04)



Note 2 The dimensions and positions of this easement is shown on electronic surveyed documents

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BORDERED	ESSENT TO	COMMENTS
① on Sheet 1	EASEMENT (Drainage)	SEC 167, REG 5, P. 8. D. ACT	DEC 1978/86	LOT 1001	SHIRE OF MANUP	SEE NOTE 2
② on Sheet 3	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOT 246	WATER CORPORATION	
③ on Sheet 2, 4	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOTS 246, 249-245	WATER CORPORATION	
④ on Sheet 2	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOT 246	WATER CORPORATION	
⑤ on Sheet 3	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOT 9001	WATER CORPORATION	
⑥ on Sheet 1	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOT 9001	WATER CORPORATION	
⑦ on Sheet 1	EASEMENT (Water Supply)	SEC 167, REG 4, P. 8. D. ACT	DP 55489	LOT 9001	WATER CORPORATION	
⑧ on Sheet 2	EASEMENT (Drainage)	SEC 167, REG 5, P. 8. D. ACT	THIS PLAN	LOTS 238, 221	SHIRE OF MANUP	
⑨ on Sheet 2, 3	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	THIS PLAN	LOTS 239-240, 9001	WATER CORPORATION	
⑩ on Sheet 3	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	THIS PLAN	LOTS 8004, 9001	WATER CORPORATION	
⑪ on Sheet 3	EASEMENT (Sewerage)	SEC 167, REG 4, P. 8. D. ACT	THIS PLAN	LOT 8004	WATER CORPORATION	
⑫ on Sheet 3	RESTRICTIVE COVENANT	SEC 168 OF THE TLA	THIS PLAN & DEC K610/797	LOTS 204, 233-245	LOTS 204, 233-245	
LOT 8004	RESERVE FOR RECREATION	VEGETATION IN THE BROWN UNDER SEC 52 OF THE P. 8. D. ACT	THIS PLAN			



ENLARGEMENT 'L' NOT TO SCALE SEE SHEET 3

FOR HEADING SEE SHEET 1

McMULLEN/COLLIER
 1000 RFB
 400 RFB
 50 RFB
 50 RFB
 DP 60712 (04)

SCALE: Not To Scale
 1:1000
 ALL DIMENSIONS ARE METERS

McMULLEN/COLLIER
 1000 RFB
 400 RFB
 50 RFB
 50 RFB
 DP 60712 (04)

LANDGATE
 Western Australia Land Information Authority

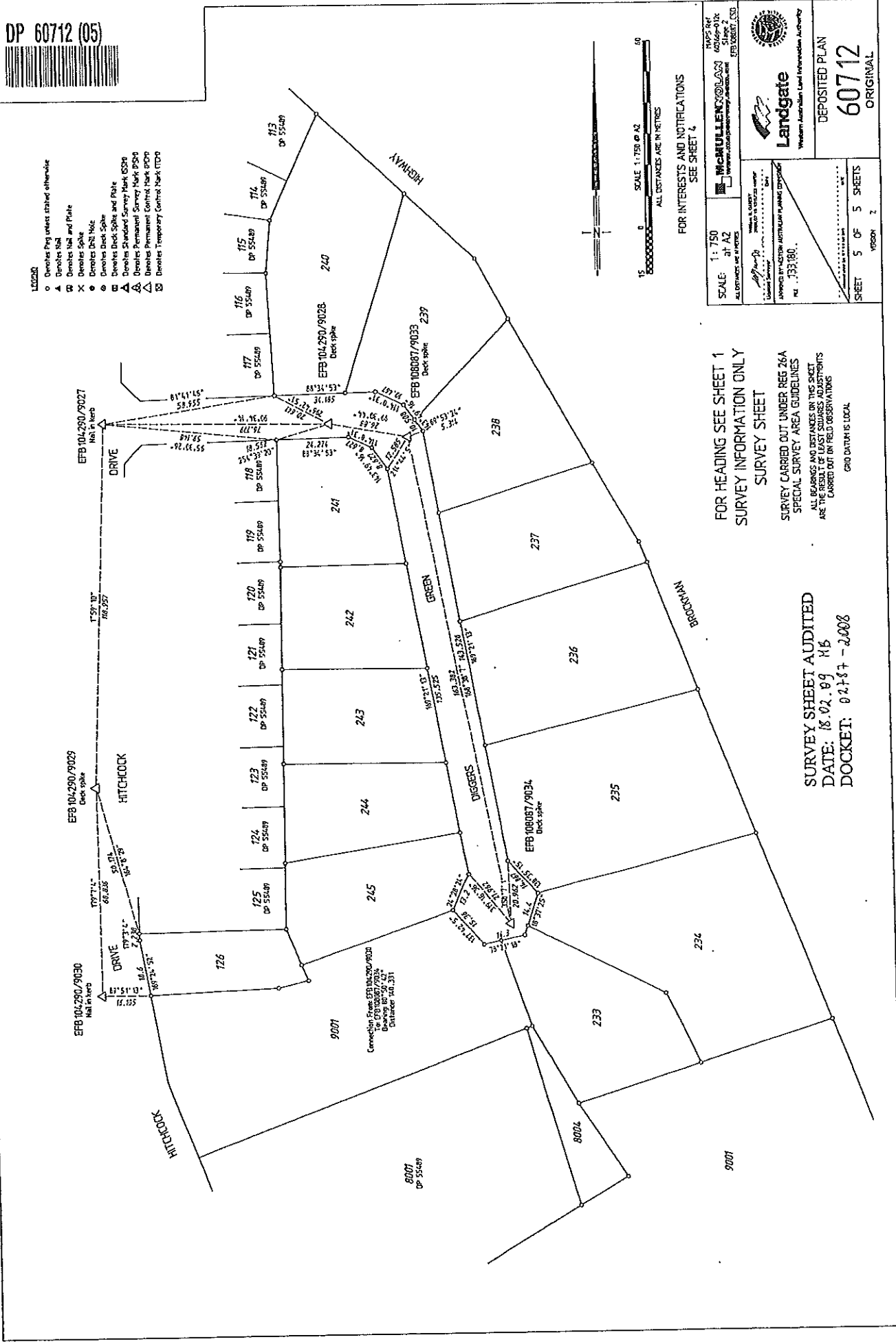
DEPOSITED PLAN
 60712
 ORIGINAL

SHEET 4 OF 5 SHEETS
 VERSION 2.2

19/10/2009

DP 60712 (05)

- LEGEND**
- Denotes Peg unless stated otherwise
 - △ Denotes Nail
 - ⊕ Denotes Nail and Plate
 - ✕ Denotes Spike
 - ⊙ Denotes Drill Hole
 - ⊙ Denotes Deck Spike
 - ⊕ Denotes Deck Spike and Plate
 - △ Denotes Standard Survey Mark (SSM)
 - ⊕ Denotes Permanent Survey Mark (PSM)
 - ⊕ Denotes Permanent Control Mark (PCM)
 - ⊕ Denotes Temporary Control Mark (TCM)



SCALE: 1: 750 at A2
 ALL DISTANCES ARE IN METRES

FOR INTERESTS AND NOTIFICATIONS
 SEE SHEET 4

MAPS 641
 62514-01x
 Stage 2
 EFB 108087/9033

Landgate
 Western Australian Land Information Authority

DEPOSITED PLAN
60712
 ORIGINAL

SHEET 5 OF 5 SHEETS
 VPSON 7

FOR HEADING SEE SHEET 1
 SURVEY INFORMATION ONLY
 SURVEY SHEET

SURVEY CARRIED OUT UNDER REG 26A
 SPECIAL SURVEY AREA GUIDELINES
 ALL BEARINGS AND DISTANCES ON THIS SHEET
 ARE THE RESULT OF LASER OBSERVATIONS
 CONDUCTED ON THE FIELD OBSERVATIONS

CAD DATA IS LOCAL

SURVEY SHEET AUDITED
 DATE: 18.02.09 MB
 DOCKET: 02157-2008

ANNEXURE 2
*WAPC Subdivision Approval and
Plan of Subdivision*



Your Ref :
Enquiries : Matthew Cuthbert

Peter D Webb & Associates
P O Box 920
SUBIACO WA 6904

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 133180

Planning and Development Act 2005

Applicant	:	Peter D Webb & Associates P O Box 920 SUBIACO WA 6904
Owner	:	Askino Pty Ltd 25 Carrington Street NEDLANDS WA 6009 and Askino Pty Ltd 25 Carrington Street NEDLANDS WA 6009
Application Receipt	:	16 November 2006

Lot number	:	23
Location	:	
Diagram/Plan	:	20579
C/T Volume/Folio	:	2032/427
Street Address	:	Lot 23 , Nannup
Local Government	:	Shire of Nannup

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 16 November 2006 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 29 May 2011 or this approval no longer will remain valid.



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Department of Land Information (DLI) for certification. Once certified, DLI will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to DLI is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or Local Government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.



The agency/authority or Local Government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or Local Government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or Local Government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or Local Government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or Local Government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or Local Government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or Local Government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S):

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the Local Government the cost of such road works as estimated by the Local Government subject to the Local Government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
2. Arrangements being made with the Local Government for the upgrading and/or construction of the southern portion of Dunnet Road, in accordance with the applicable Subdivision Guide Plan. (Local Government)
3. The cul-de-sac heads being designed and constructed to the satisfaction of the Local Government. (Local Government)



4. The subdivider designing and constructing dual use paths within the Stage 2 and 3 subdivision area, which link to the existing footpath network. (Local Government)
5. The subdivider making a contribution towards the provision of a dual use path to be located within the Dunnet Road, road reserve. (Local Government)
6. The subdivider to implement the approved Visual Impact Assessment and Management Plan, within those areas identified on the applicable Subdivision Guide Plan as being "revegetation buffer". (Local Government)
7. Verge planting as shown on the subdivision sketch being undertaken. (Local Government)
8. The land being graded and stabilised. (Local Government)
9. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)
10. A detailed plan demonstrating the location and capacity of fire emergency infrastructure, including hydrants, is to be prepared and implemented to the specifications of the Water Corporation and the Fire and Emergency Services Authority. (FESA)
11. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
12. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)
13. The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)
14. Suitable arrangements being made with Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)
15. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
16. The battleaxe accessway(s) being constructed and drained at the applicant/owner's cost to the specifications of the Local Government. (Local Government)



17. Lot 139 being redesigned such that access is available from the internal subdivisional road, with the battleaxe leg as shown on the plan submitted, remaining part of the 'balance of title' lot. (Local Government)
18. A PAW linking the stage 3 subdivisional road with Lot 1 Dunnett Road being shown on the Deposited Plan and constructed. (Local Government)
19. Retaining walls being constructed and located so as to minimise visual impact when viewed from Brockman Hwy. (Local Government)
20. A Detailed Area Plan being prepared and adopted, for lots abutting the POS, in order to guide the orientation and building design principles and requirements for fencing, to be imposed at building licence stage. (Local Government)
21. A cash in lieu contribution equivalent to 10% of the 'urban' zoned land which forms (has formed) part of Lot 23 (with a credit to be provided for the POS Reserve previously provided) being provided in accordance with Section 153 of the *Planning and Development Act 2005*. (Local Government)
22. Temporary cul-de-sac head being provided to the satisfaction of the Western Australian Planning Commission at the termination of the main entrance road from Brockman Highway. (Local Government)
23. The PAW linking the road reserve with the existing POS being widened to 6m. (Local Government)

ADVICE:

- i) Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
- ii) Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground from the lot boundary.
- iii) If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision satisfactory arrangements will need to be made for the removal and relocation of that cable.
- iv) The Department of Indigenous Affairs advises that prior to any proposed development/activity, so that no site is damaged or altered (which would result in a breach of Section 17 of the Aboriginal Heritage Act of WA 1972) it is recommended that suitably qualified consultants be engaged to conduct ethnographic and archaeological surveys of the area.



The subdivider is advised to brief all subdivision contractors of their legal obligations with respect to the Aboriginal Heritage Act of WA (1972) prior to construction work. The subdivider is advised to contact the Department of Indigenous Affairs (Albany Office) for further information.

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Moshe Gilovitz
Secretary
Western Australian Planning Commission
29 May 2007



Your Ref :
Enquiries : Matthew Cuthbert

Peter D Webb & Associates
P O Box 920
SUBIACO WA 6904

FILE COPY

**Approval Subject to Condition(s)
Freehold (Green Title) Subdivision
Reconsideration Of Condition(s)**

Application No : 133180

Planning and Development Act 2005

Applicant	:	Peter D Webb & Associates P O Box 920 SUBIACO WA 6904
Owner	:	Askino Pty Ltd 25 Carrington Street NEDLANDS WA 6009 and Askino Pty Ltd 25 Carrington Street NEDLANDS WA 6009
Application Receipt	:	16 November 2006

Lot number	:	23
Location	:	
Diagram/Plan	:	20579
C/T Volume/Folio	:	2032/427
Street Address	:	Lot 23 , Nannup
Local Government	:	Shire of Nannup

The Western Australian Planning Commission has considered your request for reconsideration received on 27 June 2007 and has resolved as follows:

Condition 4 is modified to reflect the location of footpaths, as agreed to by the Shire, and which are identified on the plan which you have provided. Condition 4 now reads as follows:

4. *Footpaths being provided in accordance with the attached plan (ref. P0486-07 [S2&3])(Local Government)*

Condition 21 requires a cash in lieu contribution equivalent to 10% of the urban zoned land, with an allowance provided for the POS reserve provided in the previous stage of the subdivision (8607m² in size).

The requirement for the 10% POS calculation to be based on the 'urban' zoned land (which you contest), stems from a provision of the related Subdivision Guide Plan, which formed part of Amendment 34 and which was endorsed by the Minister. A lesser POS contribution as may be required by Liveable Neighbourhoods Policy (not yet effective), is therefore not applicable.

Based upon an urban area of 22.64ha, the cash in lieu obligation equates to 1.40ha of land. Development Control Policy 2.3 allows for a cash in lieu equivalent of 20% of the previously vested POS (20% of 8607m² - being 1721.4m²) to be expended directly by the subdivider upon the POS. As such, the subdividers' obligations in this case can be discharged by:

- i) Previous vesting of 8607m² of public open space;
- ii) Cash equivalent of 1721.4m² of land area being expended on the development of the vested POS; and
- iii) Paying a cash in lieu balance, equivalent to 1.22ha of land area.

It should be noted that the Shire may choose to expend the cash in lieu balance at this location, but that would be subject to the process as set out at section 4 of DC 2.3, which requires Ministerial approval.

In accordance with DC 2.3, Condition 21 is retained and an advice note (v) is added as follows:

In regard to Condition 22, funds to the value of an equivalent land area of 1721.4m² which are expended on developing the POS Reserve, can be deducted from the subdividers cash in lieu obligation.

Condition 22 is deleted as the Shire advise that sufficient manoeuvring space exists at the termination of the main entrance road from Brockman Highway, and therefore a temporary cul-de-sac is not necessary

All other terms and conditions remain as per the Commission's original decision dated 29 May 2007.

Right to apply for review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative

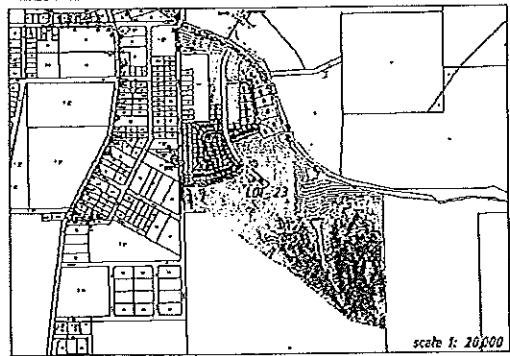
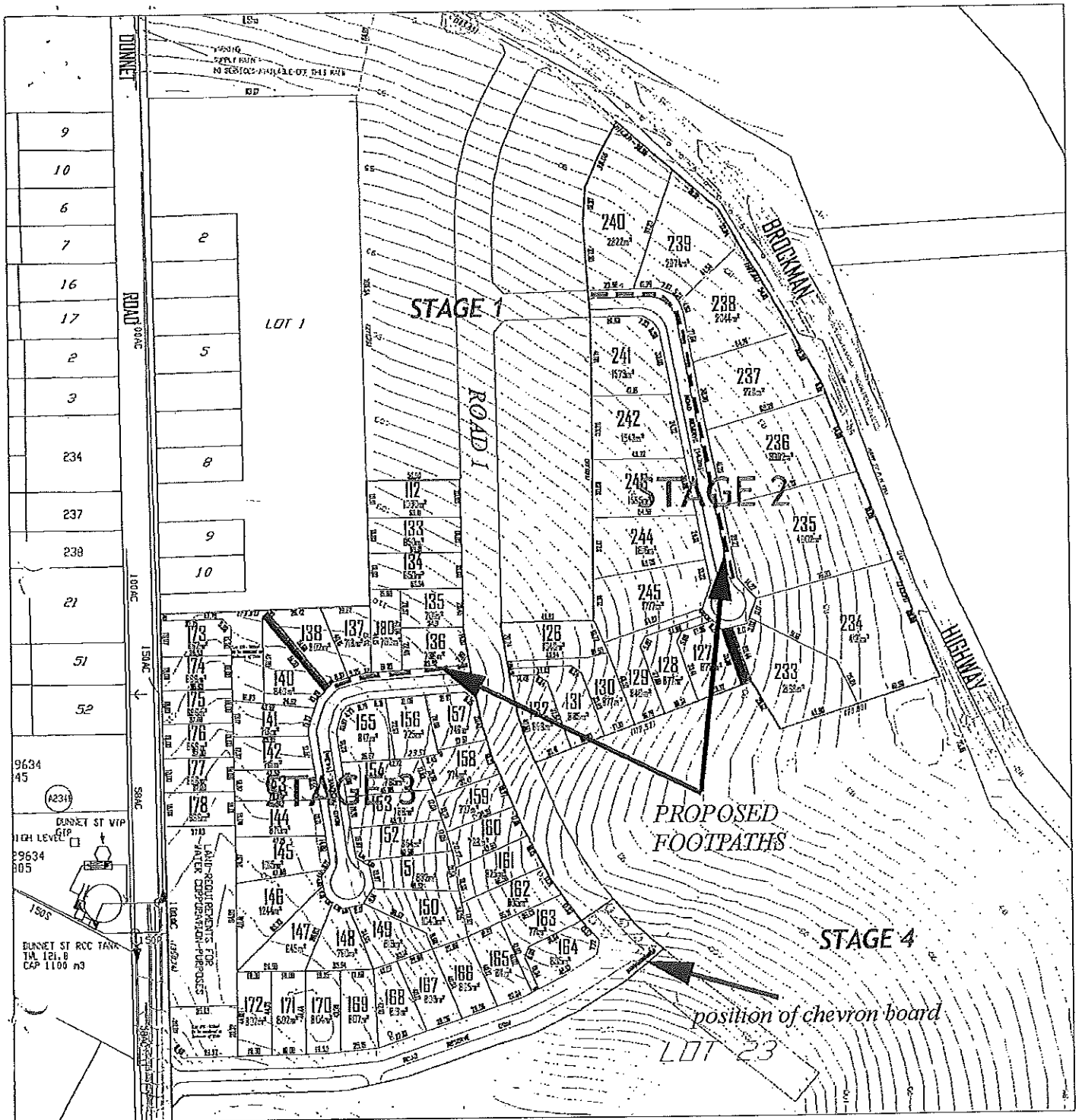


Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9216 3111 or go to its website: <http://www.sat.justice.wa.gov.au>.





ADVICE TO LOCAL GOVERNMENT

The WAPC recommends that the Shire consider expending some of the cash in lieu funds on the enhancement of the Blackwood River foreshore area in the locality of the subject subdivision.

 MOSHE GILOVITZ
Secretary
Western Australian Planning Commission
31 October 2007

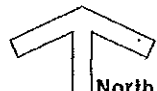


LEGEND

-  subject property
-  vegetation buffer 3m (consisting of shrubs and trees)
-  revegetation - avenue of trees
-  footpath

Note: All lot areas and dimensions are subject to survey.
 Source: Cadastre Information plotted from Water Corporation data.
 Contour Information prepared by Margaret River Survey Co.

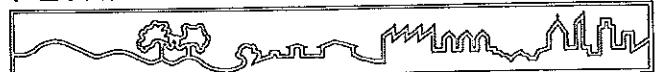
**PLAN OF SUBDIVISION
 STAGES 2 and 3
 LOT 23 BROCKMAN HIGHWAY
 NANNUP**



North

SCALE: 1:2000
 DATE: June 2007
 PLAN NO: P0466-07 [S2&3]

PETER D WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING & URBAN DESIGN
 PO BOX 920 SUBLIACO WA 6904 TEL: 9388 7111
 UNIT 2/19 YORK STREET, SUBLIACO WA FAX: 9388 7240

ATTACHMENT

ANNEXURE 3
WAPC endorsed
Subdivision Guide Plan

