



MINUTES

Council Meeting held
on Thursday 23 July 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.25pm.

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

Councillors: Dunnet, Bird, Boulter, Camarri, Dean, Lorkiewicz, and Pinkerton.

Shane Collie – Chief Executive Officer.

Craige Waddell – Manager Corporate Services

Ewen Ross – Manager Development Services.

Chris Wade – Works Manager.

Rob Paull – Consultant Town Planner from 4.31pm to 5.23pm.

VISITORS

30.

APOLOGIES

Nil.

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms Stallard asked in the May 2009 Council meeting, *"what strategies Council has in place to reduce the environmental impact of its activity"*.

A reply dated 29 June 2009 was sent to Ms Stallard outlining the Councils approach to reducing environmental impact of its activities through compliance with State legislation and local laws. Additionally, the work in the planning and development area strives to attain sustainable development through a balanced score card addressing the corner stones; social, economical, environmental and cultural. (Attached)

4. PUBLIC QUESTION TIME

Mr M Loveland asked Councillors if they have received his most recent papers distributed to them.

Shire President responded that they had.

Manager Development Services responded that he will talk to Mr Loveland about some of the issues contained in his letter.

Ms N Jackson referred to a copy of a proposed plan she had received for the Time Wood Centre which had a wall located on the property boundary and asked what could be done about it.

Shire President responded that she should write to Council about her concerns and they can then be addressed.

Mr Rob Paull entered the meeting at 4.31pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

8218 CAMARRI/LORKIEWICZ

That Councillor Dunnet be granted leave of absence from the 24th July 2009 until 13th August 2009.

CARRIED 7/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr W Moroz made a presentation regarding agenda item 10.1.

Mr T Sheppard made a presentation regarding agenda item 10.1.

Mr G Sharp made a presentation regarding agenda item 10.1.

Mr A Morris made a presentation regarding agenda item 10.1.

Mr T O'Neill made a presentation regarding agenda item 10.1.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8219 BIRD/PINKERTON

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 June 2009 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

Time Wood Centre Advisory Committee meeting

Australia Day Advisory Committee meeting

Trails presentation to Boyup Brook Council

Presentation of the Vern McKay report

Meeting in Bridgetown regarding Local Government Structural Reform

10. REPORTS OF OFFICERS

Signed:

Dated 27 August 2009

AGENDA NUMBER: 10.1

SUBJECT: Request to adopt draft Amendment No. 6 to Local Planning Scheme No. 3 for Final Approval.

LOCATION/ADDRESS: Lot 3 of Nelson Location 778 Balingup Road, Nannup.

NAME OF APPLICANT: Greg Rowe and Associates (Proponent)

FILE REFERENCE: A157

AUTHOR: Manager Development Services and Shire's Planning Consultant.

DISCLOSURE OF INTEREST: Submission serial 12 was lodged by a friend/client of the planning consultant. The assessment and comment on this submission was made by the Manager, Development Services. At no time has there been any contact with the Submitter.

DATE OF REPORT: 14 July, 2009

Attachments:

1. Draft Amendment No. 6 to Town Planning Scheme No. 3 (as advertised).
2. Draft Development Guide Plan
3. Location and Zoning Plan
4. Council Minutes to initiate Amendment No. 6 (28 August 2008).
5. Department of Health correspondence.
6. Schedule of Submissions.
7. Recommended modifications to draft Amendment No. 6 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. 6 with or without modifications.

BACKGROUND:

1. The Proposal

The Proponent seeks Council's support to rezone Lot 3 of Nelson Location 778 Balingup Road, Nannup ('subject land') from 'Agriculture' under the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to 'Special Use' (via an approved Development Guide Plan) with the following uses:

Signed:

Dated 27 August 2009

- Hospital
- Medical Centre
- Bed and Breakfast Accommodation
- Caretakers Dwelling
- Dwelling
- Home Office
- Home Occupation
- Agriculture-Extensive
- Recreation-Private
- Rural Pursuit

The Scheme Report prepared by the Proponent states:

"The proposed use of the site is a small scale health facility for the treatment of people suffering from depression. The subject site is ideally located for such a facility being in a tranquil and natural rural setting.

The proposed health facility will include the refurbishment of an existing brick dwelling to meet the regulatory requirements stipulated by the Health Department of Western Australia. The license will provide for 30 patients to attend the day clinic. The construction of an accommodation wing for up to 20 of the referred patients forms part of the proposal. An existing timber cottage has been extensively renovated and will be used as the caretaker's residence".

Attachment 1 includes draft Amendment No 6. as advertised. Attachment 2 includes the draft Development Guide Plan as prepared by the Proponent.

2. Subject land and Nearby Land Details

The existing buildings are generally located to the rear (southern) portion of the subject land. Due to the existence of two ridges, buildings are not easily visible from the Balingup-Nannup Road. The existing dwelling is still visible from Balingup-Nannup Road over the adjoining plantation which has recently been felled. However, although visible, the buildings are essentially 'in evident' and would be considered 'glimpses from passing traffic.

The subject land is occupied by two dwellings and associated outbuildings - comprising a relatively new large single storey dwelling, and a timber cottage, which (the Shire understands) was relocated to subject land approximately 30 years ago.

Remnant vegetation is generally found in the middle and south-east corner of the subject land. The remainder of the site is comprised of mostly cleared pasture with the northern half of the site steeply sloping and cleared pasture and is used for livestock grazing.

Access to the site is gained via an unsealed gravel road that winds from the Balingup-Nannup Road along the western boundary of the site around a large dam ('Sky Lake') and a second, smaller dam terminating at the existing entrance. Land surrounding the subject site is generally comprised of areas of remnant vegetation, cleared areas of pasture generally used for grazing of livestock and plantation timber.

Land adjoining to the east of the subject land is established for tourist purposes comprising historical cottage, museum, bed and breakfast, chalet development and existing restaurant. The remainder of this property is comprised of cleared pasture and remnant vegetation.

Land adjoining to the west is owned by the Conservator of Forests and has a 30 year old pine plantation, much of which has been harvested. Land to the south and beyond forms part of the State Forest, with land to the north across the Blackwood River and to the west used mostly for grazing livestock and plantation timber.

Attachment 3 provides a location plan.

3. Shire of Nannup Local Planning Scheme No. 3

The land is currently zoned 'Agriculture' and is also located within a special control area known as "Landscape Values Area" recognising that fact that the Nannup Balingup Road corridor has topography and vista features that Council wishes to protect through its development controls. (Attachment 4).

The objectives for land use and development for the subject land (Agricultural zoning) and the Landscape Values area special control area are as follows:

Agricultural Zoning

- *Support the continued use of rural areas for farming and agricultural pursuits.*
- *Provide for land uses that reinforce the rural and landscape character of the surrounding area.*
- *Promote the use of good siting and design of development to minimise fire risks.*
- *Minimise the intrusion of land uses that would be more appropriately located in a township or urban area.*
- *Ensure that only one dwelling is constructed on a lot, unless an additional dwelling is necessary to provide a residence for people who are required to assist with the ongoing management of the land for a sustainable agricultural use.*

Landscape Values Area

- *To identify areas of significant landscape value in the Local Planning Scheme and adopt provisions to protect these values from insensitive development;*
- *To encourage development to fit into the special natural, visual and physical characteristics of the land, particularly topography;*
- *To encourage the retention of vegetation and preservation of the natural topography of the land;*
- *To support small scale, low key development whereby the site layout, location of buildings and provision of services is appropriate to the site's natural, visual and physical features;*
- *To discourage development considered likely to intrude upon, or not be compatible with, the established landscape character and qualities of the surrounding area; and*
- *To encourage rural landscape improvements including rehabilitation or revegetation within areas considered to be of significant landscape or scenic value or degraded areas considered to be visually prominent.*

The proposed land uses that include 'hospital and medical centre' are not permitted under the existing 'Agriculture' zoning so the subject land is required to be rezoned and included into the Special Use Zone of LPS 3 with appropriate land use controls.

4. Council Resolution

In 2008, the proponent lodged a submission to the then draft LPS3 requesting the subject land be zoned to allow the establishment of a Health Retreat. The Report (Attachment 4) to Council noted:

"The Health Retreat will provide a rural counselling and treatment facility for persons suffering depression".

The report advised that the following improvements were proposed as part of the Amendment:

- *Existing dwelling to be converted into a "D Class" Day hospital comprising:*
 - *two therapy/activity rooms*
 - *an office-reception area*
 - *records room*
 - *dining an activity room*
 - *quiet room*
 - *staff room*
 - *cool room*
 - *store room*
 - *consultation room*

➤ *toilet facilities*

- *Constructing an Accommodation Wing containing:*

- *20 bedrooms with en-suites*
- *communal kitchen and lounge area*

All the operations at the property will be managed by employed personnel. Professionals that will be employed include Psychiatrists, Psychologists, Nurses, Social Workers and Art Therapists, Receptionists and a Farm Manager”.

Council at its Meeting held on 28 August 2008 resolved as follows:

1. *That Council initiate an amendment to Local Planning Scheme # 3 for rezoning of Lot 3 of Nelson Location 778 Balingup 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.

5. Local Planning 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 subject land is included in Rural Planning Precinct NR1 under the Local Planning Policy. Matters under the Local Planning Strategy relevant to the draft Amendment are as follows:

Planning and Land Management Considerations

- *The Blackwood River is a key natural resource asset with significant recreational, scenic and environmental values. Protection of riparian vegetation is particularly important.*

- *Protection of Priority Agriculture (areas of State or regional agricultural significance) on the northern side of the Blackwood River and east of Cundinup Road is needed while also encouraging agricultural diversification and intensification.*
- *'Landscape Value Area' Special Control Area (SCA) centred on the Nannup-Balingup Road corridor. Much of this area is at risk of soil erosion if cleared of remnant vegetation or existing tree plantations.*

Precinct Objectives

- *Facilitate opportunities for the eastwards expansion of Nannup townsite and associated range of residential, rural-residential and tourism opportunities in recognition of flooding constraints to the west and the need to avoid encroachment on good quality agricultural land to the south.*
- *Protect and enhance landscape values of Nannup-Balingup corridor along Blackwood River valley.*
- *Provide for the sustainable use of land within the agricultural zones, and outside the Townsite Strategy Area, for a range of rural pursuits.*

Subdivision and Development Guidelines

Relating to Settlement

- *Support a mix of agriculture, residential, rural-residential, rural small holdings and tourism development within other relevant Townsite Precincts and subject to proponents satisfactorily addressing constraints relating to steep topography, erosion risk, landscape impacts, land stability, access and fire risk through investigation and site responsive design.*

Relating to Agriculture

- *Consider cluster farming proposals within the agriculture zones, subject to the criteria listed in the Local Planning Strategy.*

Relating to Tourism

- *Consider proposals for tourism development given the proximity to services and facilities in Nannup and subject to avoidance of conflict with existing agricultural land users, and detrimental visual impacts within the Landscape Values Area SCA.*

Relating to Land Management

- *Preserving significant vegetation, prominent landforms and view corridors within the 'Landscape Values' SCA'.*

The Local Planning Policy establishes 'performance criteria' for non-agricultural land uses in the rural areas of the Shire. Clause 13.4.3 'Performance Criteria' states:

"Any commercial or industrial use should generally be established in rural areas only if it is directly associated with an agricultural activity conducted on the land in the Shire, otherwise such a use should be located within existing rural townships. Notwithstanding this, uses not complying with these criteria will still be considered for approval in rural areas.

There must be a demonstrated need for any proposed non agricultural use (other than a residential use associated with rural land) to locate in a rural area, rather than within a township.

Land use conflicts can increase farm costs and threaten quality control of agricultural produce (for example through spread of weeds and spray drift of chemicals).

It is policy that any proposed non agricultural use must:

- *not result in the significant loss of land which could otherwise be used for agricultural purposes;*
- *not encourage the fragmentation of farming land, or introduce activities which may conflict with the present or future operations of surrounding farms and other agricultural activities;*
- *be compatible with surrounding land uses and be of a scale and design that respects the environmental, visual and built elements of the area;*
- *not lead the transformation of a rural area into a quasi-commercial area;*
- *be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity, and where appropriate, provide for the establishment of effective landscaping and screening buffers; and*
- *not form ribbon commercial development along main or tourist roads.*

It is policy that any proposed rural industry may only be considered in rural areas where:

- *it is located within or adjoining an area of intensive agricultural use and provides for the service or repair of equipment used in agricultural production; and*
- *it produces or processes primary produce from the immediate area.*

Note the development of tourist uses within rural areas is discussed in Local Planning Policy Framework – Tourist Development."

Matters relevant to the draft Amendment within the Local Planning Strategy includes the incorporation of landscape protection provisions and identification of landscape values area along Nannup-Balingup Road.

Under the Local Planning Strategy, the Nannup-Balingup road is promoted as a tourist drive by local tourist centres and also features a number of tourist establishments along its route. Its existing landscape is a mosaic of vegetated and pastured land. In this regard, the Local Planning Strategy states:

"20.3 Policy – Landscape Values Areas

Landscape Values Areas shall be identified under the Local Planning Scheme as an overlay to base zoning. Development controls within a Landscape Values Area are to include limited building envelopes, vegetation clearing controls, landscaping requirements, building construction techniques and building materials, access and signage controls. The subdivision of land within a Landscape Values Area shall be subject to specific assessment having regard to the suitability of the land for additional development, and the impact that such development would have on the amenity and landscape values inherent in the surrounding area.

Every application for development within a Landscape Values Area shall be accompanied by a Landscape Protection Plan showing:

- (a) existing and proposed contours, including any cut and fill work intended to be undertaken;*
- (b) existing vegetation;*
- (c) vegetation proposed to be removed;*
- (d) location of effluent disposal system; and*
- (e) location of access drive from road to dwelling and any parking areas.*

All development is to proceed in accordance with the approved Landscape Protection Plan.

Any development of new buildings, other than outbuildings approved by the local government as being required for bona fide agricultural purposes, and telecommunications infrastructure, is to be sited within a building envelope to be stipulated by the local government".

In general terms, the Local Planning Strategy observes that the locality in which the draft Amendment is located has high landscape value from the perspective of the Nannup-Balingup Road. In assessing the draft Amendment in light of the Local Planning Strategy requirements, the following comparisons are made:

Local Planning Strategy Requirements	Amendment provisions/DGP	Compliance /Non Compliance with Performance Criteria
“..... not result in the significant loss of land which could otherwise be used for agricultural purposes”.	The proposal will retain the opportunity for agricultural uses associated with grazing and intensive agriculture. The area of the 'development envelope is 1.87ha. (5% of the site area).	Compliance
“... be of a scale and design that respects the environmental, visual and built elements of the area”.	Buildings to be in evident from Nannup-Balingup Road.	Compliance
“....compatible with surrounding land uses and be of a scale and design that respects the environmental, visual and built elements of the area”.	Reflecting a residential design/bulk/scale.	Compliance
“.... not lead the transformation of a rural area into a quasi-commercial area”.	Will not create a precedent for any further non-rural uses in the locality.	Compliance
“..... be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity, and where appropriate, provide for the establishment of effective landscaping and screening buffers”.	100m setback of Building envelope to eastern boundary 100m setback of Building envelope to western boundary - Average of 630m setback of Building envelope to Nannup-Balingup Road. 210m setback of Building envelope to southern boundary.	Compliance
“...not form ribbon commercial development along main or tourist	The Amendment reflects a 'stand alone' non-rural use and does not reflect	Compliance

roads".	'ribbon' development along Nannup-Balingup Road.	
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It would appear that the draft Amendment reflects the performance criteria and the provisions of the Local Planning Strategy. It is suggested however that an additional provision be included (reflecting the Landscape Value policy) where by a Landscape Protection Plan is prepared as part of any Planning Approval as follows:

"Every application for development shall be accompanied by a Landscape Protection Plan showing:

- (a) existing and proposed contours, including any cut and fill work intended to be undertaken;*
- (b) existing vegetation;*
- (c) vegetation proposed to be removed*
- (d) location of effluent disposal system; and*
- (e) location of access drive from road to dwelling and any parking areas."*

6. 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 subject land is identified on the overall Land Use Strategy Map as being in the "State Forest/Multiple Use" area and forms part of the "Rural Landscape Protection" zone which is generally associated with the Blackwood River Valley. This means that development in this zone should not be detrimental to the visual landscape and environment. It is not considered an area of agricultural significance but an area of high landscape protection values.

The subject land lies within the "Blackwood Planning Unit" (BR2) which lists Primary Uses and Secondary Uses in the Rural Landscape Protection Zone as follows:

Rural Landscape Protection zone:

Primary Uses: Single house, low-key tourism*.*

Secondary Uses: Annual horticulture, perennial horticulture*, dairying*#, grazing*, agroforestry*, commercial tree plantations*, rural industry*, extractive industry*.*

It is not considered an area of agricultural significance but an area of high landscape protection values.

Under the general heading of 'Summary of Major Findings and Recommendations', the WBRS notes:

Land use conflicts:

- *Agriculture is to be considered the pre-eminent rural use, with all others being of secondary importance.*
- *The dividing boundary should be taken as the critical point to consider setbacks in each case.*
- *Houses, tourism developments and other non-rural uses to require formal local government planning approval in each case.*
- *Consider current and potential future uses in assessing appropriate setbacks. Assess setbacks in relation to existing developments on the basis of individual merit.*

Although a use such as 'hospital' is not defined, it is reasonable to ensure that any such 'non-rural' use (including tourism) does not conflict productive agricultural land.

The nearest intensive agricultural use is an existing vineyard on adjoining Lot 9. The vineyard is located approximately 1100m from the existing dwelling and proposed 'day hospital'.

Should the owners of Lot 9 seek to expand the vineyard to be closer to the subject land, it is likely that it would still be some 500m from the 'day hospital' due to a large area of native forest on both Lot 9 and the subject land that would need to be retained. This vegetation, along with the face of the slope would provide a constant buffer.

WBRS identifies the subject land (and Lot 9) as being predominantly suited to grazing and not within proximity to productive agricultural land. In summary, since the subject land is not identified to be within proximity to productive agricultural land and has substantial setbacks, it is considered that agricultural land conflict issue has little or no bearing on this proposal.

However, it is recommended that the Amendment Report be modified to clearly indicate that the development of the land shall be in a manner that does not conflict with existing or potential agricultural, horticultural or viticultural pursuits of

the locality. In addition, it is also recommended that the Amendment be modified to include the following:

"Should planning approval be issued for a hospital or similar use, the local government may include as a condition on any approval the requirement for a 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 Certificate of Title of the land advising:

"This lot is adjacent to agricultural land on neighbouring lots wherein rural production activity occurs, including plantation harvesting which may have a nuisance effect on amenity, from time to time."

6. Development Guide Plan

LPS3 includes at Schedule 14, specific requirements for the preparation of Development Guide Plans ('DGP'). 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.

The DGP associated with the Amendment is included as Attachment 3. The DGP depicts a 1.87ha 'Development Envelope', existing vegetation, existing lake, existing and proposed buildings and car parking. An area west of the building envelope is defined as 'additional car parking'.

Under the Amendment, development (other than a 'single dwelling') is only applicable to be within the development envelope. In the recent past, it has been common place for the Council/Shire to require provisions associated with the development of land stated on the DGP. No such provisions have been included on the draft DGP and it is recommended that should Council adopt the Amendment for final approval, the following notations be added to the DGP:

1. *This Development Guide Plan provides a framework for future development of the Land.*
2. *The following Policy Statement will apply to the land and any development undertaken:*

All development is to be compatible with the capability of the land, whilst retaining the rural character and amenity of locality.

3. *No new building shall be located closer than 100 metres from any boundary.*
4. *A Landscape Protection Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup prior to any further development.*

5. *An Emergency Management and Evacuation Plan and Fire Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup, FESA and DEC prior to any further development or subdivision. All subdivision, development and land use shall comply with the endorsed Fire Management Plan.*
6. *Vegetation shall not be removed without the written permission of the Shire of Nannup.*
7. *No dams or lakes will be permitted, other than those shown on the DGP.*
8. *Should planning approval be issued for a hospital or similar use, the local government may include as a condition on any approval the requirement for a 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 Certificate of Title of the land advising:*

"This lot is adjacent to agricultural land on neighbouring lots and within the Subject Land, wherein rural production activity, including plantation harvesting which may have a nuisance effect on amenity, from time to time."

7. Remnant Vegetation

Remnant vegetation on the subject land has been subject to previous disturbance. Some further impact at the fringes of this vegetation will be required to establish building and hazard reduction zones about proposed development.

The report accompanying the draft Amendment along with the draft DGP does not anticipate the removal of any remnant vegetation. This is backed by a draft Amendment provision stating:

1. *In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government.*

8. Access

Access to the subject land is from Nannup-Balingup Road. Sight lines for access appear acceptable for the uses proposed however some upgrade (at the proponents cost) may be required as a condition of any eventual Planning Approval. The draft Amendment includes the following provision:

1. *As a condition of planning approval the local government may require construction of passing bays as part of the vehicular access to the site.*

It is likely that some upgrade to Nannup-Balingup Road access would be required which could include passing bays as part of the access at the entrance to the site. In this regard, it is recommended that should Council adopt the Amendment for final approval, the provision be amended to read:

"As a condition of planning approval the local government may require upgrading of Balingup-Nannup Road in the vicinity of the entrance to the subject land along with construction of passing bays as part of the vehicular access to the site".

9. Fire Risk Assessment and Emergency Management

In relation to fire risk, a draft Fire Management Plan (FMP) accompanied the Amendment Report. The draft FMP was referred to FESA and endorsed. The following 'standard' provision has been included in the draft Amendment:

"Prior to the use or development of the Site, the local government will require the implementation of an endorsed Fire Management Plan".

From the submission received, fire safety is of primary concern for adjoining and nearby residents. This has also been expressed by the officer from the Forrest Products Commission as operators of the adjoining (part harvested) plantation.

Although the FMP has been endorsed by FESA, it is recommended that should the Amendment be adopted for final approval, habitable buildings be constructed to a higher standard than may ordinarily be required. In addition, it is appropriate that at the Planning Application stage, a further Fire Management Plan that incorporates Emergency Management and Evacuation Plans is prepared.

In this regard under the Emergency Management and Evacuation Plans, the operator would assess patient danger in relation to their safety as well as community safety and evacuation process/procedures. The Shire also recommends that following provision be inserted into the Amendment associated with fire management:

"Prior to the use or development of the Site, the local government will require the preparation and implementation of an endorsed Emergency Management and Evacuation Plans which will address (but not limited to) the means by which will limit patient and community danger".

"Prior to the use or development of the Site, the local government will require implementation of an endorsed Fire Management Plan. In this regard:

- All habitable buildings 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 or other standard that may be in force.

- *In preparing a Fire Management Plan, the issue of fire prevention, fire management and the issue/need for onsite fire safety structures specifically related to the use of the land as a hospital shall be addressed.*
- *Any other matter as required by the local government, DEC and FESA".*

10. Department of Health

The Amendment was referred to the Department of Health for comment. A response was received from their Licensing Standards and Review Unit (LSRU). (Attachment 5).

The Department has confirmed that an application to licence a Psychiatric Day Hospital Class D was received by LSRU from Blackwood River Pty Ltd in November 2008. The Application stated that the Class D facility would be located at Lot 3, Location 77B Balingup-Nannup Road, Nannup and called Blackwood River Clinic.

The Department advised that Blackwood River Pty Ltd stated in their Licence Application that: "The primary function is as 'Psychiatric Day Hospital set in a serene rural valley catering for local and out of the area patients who are sufficiently well to undergo group psychotherapy, individual counselling, art therapy, yoga, medication, life skills, exercise and work therapy." *The Hours of Operation are to be "Monday to Friday, 9.00am to 5.00pm and Saturday and Sunday 9.00am to 12 noon."*

Blackwood River Clinic further documented that: Clinical Service will be "Throughput (Class D): There will be a maximum of 30 patients per day at the clinic and a maximum of 30 patients on site at any time. There is a maximum of ten patients for group psychotherapy and one patient per hour for individual counselling."

The review of the licence application consists of three areas that must be approved prior to issuing the licence. These areas are; approval of the licence holder, approval of the premise and approval for the arrangement for management, staffing and equipment.

The LSRU is currently waiting on *"outstanding matters to be addressed by the Licence Applicant and information regarding Arrangement matters and an inspection of the premises is pending before approval of the facility"*.

It should be noted that the control of operational matters with regards the "Hospital" lies with the Department of Health. This report and advice to Council reflects the planning perspective with regards a zone change from "Agriculture" to "Special Use". As with most application the management of the end use falls under other legislation and control organisations.

11. Nannup Police

Discussion with the local Nannup Police indicates there is some concern over the location of this type of facility in Nannup. The concerns are that under legislation should there be a patient with a history of violence and they are called, or a patient having a violent incident, then removal of the patient would become a Police issue.

This could involve response to the property, provision of Police Escort to the ambulance and/or provision of secure transport and escort to closest facility. The concerns expressed included:

- Manning levels of the Nannup Police Station to respond and the added load, given that the station is manned by two officers.
- Risk assessment need, that given the additional load of upwards of thirty people with known health issues, the likely hood of an incident is considered by them to be increased.
- Growing demands on the Nannup infrastructure attributed to development. Had the application been for any other commercial undertaking (i.e. night club, additional liquor license, large industry with high personnel employed etc), there may also be the same sort of pressures identified.

It should be noted that the concerns expressed are not restrictive to the proposed facility but generally in the Nannup area. The Police advise that there has been a previous "incident" on the site however this is not the basis of the concerns expressed as they would be the same had there been a history or not.

The risk assessment has some validity as a concentration of 30 health patients is likely to raise the risk of an incident requiring a Police presence. The mitigation to this risk is increasing the Police resources in Nannup and/or the license holders being responsible for a response in the likelihood that there is a violent incident.

The incident that is being referred to occurred on the premises previously and could also occur at any facility in Nannup. For planning purposes although noted, it should not be a deciding issue.

The Police have been forwarded the submission and asked to formally respond. At the time of preparing the Report, a response had not been provided. It is anticipated that it will be provided under separate cover to council.

12. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 6 for 42 days. Upon closure of the advertising period, the Shire established a 'forum' (4 June 2009) where submitters, proponent and other interested parties could discuss the Amendment. Further submissions were invited by the Shire.

It is considered that the requirements of the WAPC consultation have been met. Consultation involved writing to adjoining neighbours, seeking the advice of relevant agencies, and advertising in the Busselton – Dunsborough Times along with details being available for public inspection at Shire's Office in Nannup and on its website. Due to community response, further consultation involved advertising a public meeting in the Donnybrook – Bridgetown Mail and Busselton – Dunsborough Times, placing a sign on-subject land, holding of a public meeting attended by 33 people and extending the time for submissions for a further 30 days.

Fifty-six (58) submissions were received on draft Scheme Amendment No. 6 during the advertising period and in the extended time outside the advertising period where the Shire invited 'late' submissions. These are summarised in the Schedule of Submissions (Attachment 6), along with a recommended action. Copies of all submissions are available to Councillors on request.

The issues raised in the submissions addressed planning related matters that can either be addressed in modifications to draft Scheme Amendment No. 6 or are dealt with in the existing provisions. However, many submissions in both support and opposition to the Amendment raised the issue of medical and psychological assistance that the community as a whole requires. Submissions that could be construed as being in 'support' of the Amendment (and this was not always clear) expressed the need for psychological counselling needs for the South West. These submissions did not necessarily indicate that such facilities should be on the subject land. However, some submissions clearly felt that the site was suitable given its rural ambience.

Submissions opposing the Amendment expressed the impact on the rural ambience of allowing a 'day hospital for people with depression as being the reason why it should not be allowed on the land. The concerns raised by the Nannup Police were also echoed by neighbouring property owners. This Amendment has polarised community views as to the appropriate location of such a facility.

13. Suggested changes to the draft Scheme Amendment Provisions

From the submissions received and the assessment by the Shire, modifications to Amendment No. 6 are considered necessary. Modifications recommended relate to:

- Fire control.
- Emergency plans and evacuation plans
- Landscape Protection Plan
- Clarification of associated accommodation use.
- Allowing Council to make any planning approval 'personal' to the Applicant
- Agricultural land notifications
- Access works

Clarification is also required for the associated accommodation sought. The Scheme Report states:

"As the facility will have the potential to treat up to 20 non-local patients, provision will also be made for an accommodation wing adjacent to the clinic. This accommodation wing will be constructed with bedrooms and ensuite bathrooms, a communal kitchen and lounge area will be provided also.

The accommodation wing design and type of construction will be guided by the advice of the engineers following the preparation of a suitable geotechnical report.

Patients may choose to book in to stay in the accommodation wing or alternatively stay off site in any of the surrounding accommodations throughout Nannup and the surrounding areas".

In this regard, the use of 'bed and breakfast' is sought in the Amendment. For clarity, it would be more appropriate to substitute 'bed and breakfast' for 'residential building' but with a provision that clearly links this accommodation to hospital and/or medical centre as follows:

"The use of the land for residential building shall be ancillary to the hospital and/or medical centre use. No more than 20 beds will be available for such accommodation".

14. Suggested changes to the draft Scheme Amendment Report

It is necessary for draft Scheme Amendment No.6 Report to be modified to provide for some minor formatting changes, administrative "tidy ups", scheme and statutory policy provisions as discussed in this Report.

15. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No.6, with or without modifications, this is then referred to the WAPC. The WAPC 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. 6 will, in time, be gazetted.

16. Conclusions

On planning grounds, support for the final approval of Amendment No. 6 to LPS 3 can be given subject to modifications to draft provisions as set out in this Report and included in Attachment 7.

However, it is noted that from the submissions received, there is concern from neighbouring property owners in particular that the location of the facility is inappropriate for their reasons expressed. It would appear that much of it relates to the fear of having a facility that invites people with depression to a locality that for the very reason chosen by the proponents, is considered to be remote. Although many of the submitters opposing the facility recommend that it be sited elsewhere (generally, closer to a town – not necessarily Nannup), it is very likely that similar concerns would arise for property owners near any other site.

The submissions not supporting the Amendment relate to the 'hospital/medical centre use' component of the land. No comment has been noted for the other uses sought including:

- Bed and Breakfast Accommodation
- Caretakers Dwelling
- Dwelling
- Home Office
- Home Occupation
- Agriculture-Extensive
- Recreation-Private
- Rural Pursuit

It is questioned whether the same degree of opposition would arise if the 'hospital/medical centre use' was to be for a more 'palatable' medical use rather than a facility for people with depression. The issue Council faces in dealing with the draft Amendment is to differentiate between the 'stigma' associated with a 'psychiatric facility and the planning assessment.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

It would appear that the draft Amendment reflects the performance criteria and the provisions of the Local Planning Strategy. The establishment of a day hospital and associated accommodation for up to 30 patients could result in less persons than when compared to the 25 bedrooms (single bed chalets) approved as part of Amendment No. 3 (Mowen Road) or 39 bedrooms (various bed chalets) approved as part of Amendment (East Nannup Road).

Through rezoning, the Shire has supported the following non-rural developments on land fronting Nannup-Balingup Road and close vicinity to the subject land:

- Lot 7 Balingup Road, Nannup (Dwelling – Single Dwelling, Chalet Development, Public Utility and Rural Pursuit) on 2.44ha parcel - ***Special Use 6***.
- Nelson Location 780 Nannup-Balingup Road (Workers Accommodation (4 single dwellings), Restaurant, Winery, Bed & Breakfast Accommodation, Museum and Chalet Development (maximum 5 chalet units) on 59ha. parcel – ***Special Use 9***.
- Lot 10 Nannup-Balingup Road (5 chalets plus manager) on 3.7ha parcel - ***Special Use 11***

It is not suggested that the above Special use zones are not appropriate to the rural locality. Simply, they have all also gone through a process of assessment whereby they were found to be acceptable uses and developments in the locality. In a planning sense, the 'tourist use' does not elevate them above the rural purpose of the zone. However, from inspecting these sites, they all reflect development that is far more exposed to the visual integrity of the Nannup-Balingup Road than the proposal currently before Council.

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 which can assist in providing economic benefits to the local economy. However, from the submissions received many in the local community do not accept this view. In fact, some suggest that the use and development associated with the Amendment will in fact, cause severe economic detriment to business in the locality. This is clearly the view of nearby 'tourist' uses.

Social

The social implications of the Amendment have been disputed in submissions. The views are polarised - either accepting a social benefit or disputing the benefit - concluding that the hospital for persons with depression will severely impact upon the social fabric of the Shire.

It is the Shire's view that adoption of the Amendment for final approval along with the subsequent approval for the use would not cause the degree of detriment perceived. People with depression freely interact within the community. Provided the modifications to the Amendment and the DGP are accepted, the establishment of a facility as sought may socially benefit the Shire and the South West.

It is reasonable for Council to seek to have the facility 'personal' to an Applicant – where the Applicant can demonstrate to the Council that they have the relevant experience, qualifications and staffing to successfully establish the facility.

FINANCIAL IMPLICATIONS:

None anticipated to the Shire. However, as noted in the submissions, those opposing the Amendment have expressed a strong concern associated with the financial impact upon them should the Amendment be approved. Others have possibly seen increased revenue being generated.

OFFICER'S RECOMMENDATION:

That Council resolve to:

1. Support final approval to Scheme Amendment No. 6 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lot 3 of Nelson Location 778 Balingup Road, Nannup from 'Agriculture' to 'Special Use' zone via an approved Development Guide Plan.
2. Accept the Submissions referred to in Attachment 6 as 'Late Submissions'.

3. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 6.
4. Require the modifications to Scheme Amendment No. 6 provisions as set out in Attachment 7.
5. Require the modifications to the Development Guide Plan as outlined in this Report.
6. Request the Western Australian Planning Commission and the Minister for Planning to accept the Submissions referred to in Attachment 6 as 'Late Submissions'.
7. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 6 to LPS 3, with the modifications set out in Resolution 4.

LORKIEWICZ/CAMARRI

That Council resolves as follows:

- 1) Item 10.1 be 'laid on the table' until the Proponent has provided a 'business plan' for the proposed hospital/medical centre use to the satisfaction of Council, that addresses (but not limited to) the following:
 - a) Actual staffing levels (ration of staff to patients);
 - b) Minimum level of staffing levels;
 - c) Actual title and job description of proposed staff;
 - d) Information on overnight stay in relation to supervision and anticipated staff ratios;
 - e) Intended 24 hour security plan
 - f) Fire protection associated with patient and overall community care; and
 - g) Means by which the social and community infrastructure of Nannup will not be put at risk.

LOST 1/6

Councillors voting for the motion: Lorkiewicz.

Councillors voting against: Dunnet, Bird, Boulter, Camarri, Dean and Pinkerton.

8220 DEAN/BIRD

That Council resolve to:

1. Support final approval to Scheme Amendment No. 6 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS 3') to amend LPS 3 by rezoning Lot 3 of Nelson Location 778 Balingup Road, Nannup from 'Agriculture' to 'Special Use' zone via an approved Development Guide Plan.

Signed:

Dated 27 August 2009

2. Accept the Submissions referred to in Attachment 6 as 'Late Submissions'.
3. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 6.
4. Require the modifications to Scheme Amendment No. 6 provisions as set out in Attachment 7.
5. Require the modifications to the Development Guide Plan as outlined in this Report.
6. Request the Western Australian Planning Commission and the Minister for Planning to accept the Submissions referred to in Attachment 6 as 'Late Submissions'.
7. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 6 to LPS 3, with the modifications set out in Resolution 4.

CARRIED 5/2

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

SCHEME AMENDMENT

**SHIRE OF NANNUP
LOCAL PLANNING SCHEME NO. 3**

AMENDMENT NO. 6

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
SHIRE OF NANNUP
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 6

That Council, in pursuance of section 75 of the Planning and Development Act 2005, resolved to initiate an amendment to the Shire of Nannup Local Planning Scheme No.3 as follows:-

1. That Council initiate an amendment to Local Planning Scheme No. 3 for rezoning of Lot 3 of Nelson Location 778 Balingup-Nannup 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.

DATED THIS _____ DAY OF _____, 200__ .

CHIEF EXECUTIVE OFFICER

FILE NO. _____
PART OF AGENDA _____

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. 6 |
| 5. PURPOSE: | <ol style="list-style-type: none">1. Rezoning of Lot 3 of Nelson Location 778 Balingup–Nannup Road, Nannup from ‘Agriculture’ zone to ‘Special Use’ zone for the purpose of private hospital and associated accommodation and to amend the Scheme Maps to include “SU11” accordingly;2. Inserting applicable special provisions into Schedule 4 of the Scheme; and3. Introducing a Development Guide Plan referenced in Schedule 4 of the Scheme Text. |

SCHEME REPORT:

1.0 INTRODUCTION

This report has been prepared in support of a request to the Shire of Nannup to initiate an Amendment to the Shire's Local Planning Scheme No. 3 (LPS 3) to modify the existing Scheme Provisions relevant to Lot 3 of Nelson Location 778 Balingup-Nannup Road, Nannup (herein referred to as the "subject site").

In order to facilitate the proposed development it is necessary for the site to be rezoned to a 'Special Use' Zone (SU 11) to reflect the range of proposed activities on site and establish specific controls in relation to the use and development of the land. The proposed use of the site is a small scale health facility for the treatment of people suffering from depression. The subject site is ideally located for such a facility being in a tranquil and natural rural setting.

The proposed health facility will include the refurbishment of an existing brick dwelling to meet the regulatory requirements stipulated by the Health Department of Western Australia. The license will provide for 30 patients to attend the day clinic. The construction of an accommodation wing for up to 20 of the referred patients forms part of the proposal. An existing timber cottage has been extensively renovated and will be used as the caretaker's residence.

This report provides background information relating to the subject site, contains a description of the proposal, addresses various statutory considerations and examines other relevant planning and environmental issues applicable to the proposal.

There is no identified impediment to the rezoning of the subject site to 'Special Use 11' (SU 11) and on this basis formal adoption of an amendment to LPS 3 is requested.

2.0 SITE CHARACTERISTICS

2.1 Location

The subject site comprises a 35 hectare property on the southern side of the Blackwood River and the Balingup-Nannup Road, approximately 12 kilometres north-east of the Nannup town site. The subject site has approximately 1 kilometre of frontage along the Balingup-Nannup Road.

The subject site is located within the heart of the South West outside the Nannup town site and within 45 to 60 minutes drive of the neighbouring towns of Bridgetown, Donnybrook and Busselton. The surrounding land uses are generally comprised of farms with the focus on the agricultural production of beef, sheep, orchards and

vineyards as well as extensive areas of CALM reserves that are national parks, or are used for native forest or plantation pine timber production.

2.2 *Legal Description*

The property is legally described as Lot 3 on Plan 12565 - Certificate of Title Volume 1514 Folio 993.

2.3 *Existing Land Uses*

2.3.1 *Subject Site*

The subject site currently occupies a relatively new large single dwelling, associated outbuildings and a timber cottage, which was relocated to this site approximately 30 years ago.

The existing buildings are located to the rear (southern) portion of the site, nestled in a valley and shielded by two ridges and as such are not visible from the Balingup-Nannup Road.

Remnant vegetation is scattered across the middle and south-east corner of the site. The remainder of the site is comprised of mostly cleared pasture. The northern half of the subject site is mainly comprised of steeply sloping hills of cleared pasture and is used for livestock grazing.

Access to the subject site is gained via an unsealed gravel road that winds from the Balingup-Nannup Road along the western boundary of the site around a large dam (Sky Lake) and a second, smaller dam (Cottage Lake), terminating at the existing Main Entrance.

2.3.2 *Surrounding Land*

Land surrounding the subject site is generally comprised of areas of remnant vegetation, cleared areas of pasture generally used for grazing of livestock and plantation timber.

The Lot directly to the north and east of the subject site is approved for development (under 'Special Use 9') for the purposes of a combined tourist precinct including a historical cottage, museum, bed and breakfast, chalet development and existing restaurant. The remainder of this property is comprised of cleared pasture and remnant vegetation.

The Lot located to the west of the subject site is owned by the Conservator of Forests and has a 30 year old pine plantation which is in the process of being harvested.

Land to the south and beyond forms part of the State Forest, with land to the north across the Blackwood River and to the west used mostly for grazing livestock and plantation timber. Lots with road frontage include B&B accommodation.

3.0 PROPOSAL

The vision for the subject site is to establish a small scale, low-key health facility in a tranquil and natural setting for the treatment of people suffering from depression while retaining the existing agricultural activities on the northern portion of the site. The location, land capability and natural amenity of the site make it an ideal location for such a development that will ensure the retention of the existing native vegetation and landscape character of the site and not jeopardise the agricultural opportunities for the site or its surrounds.

The principal intent of the proposed facility is to provide a centre of outpatient treatment for individual's suffering from depression. The ambience and seclusion of the site presents the right serene setting to assist patients seeking nature, meditation and therapy to alleviate their depression and anxiety.

4.0 PROPOSED SCHEME AMENDMENT

4.1 Overview

In order to establish the proposed facility on the subject site it is necessary to modify the existing Scheme Provisions relevant to the site. The site currently forms part of the Agriculture Zone, and while the proposal does not conflict with the underlying intent of the Zone of Landscape Values Area given the specific nature of the proposal the Zone does not contemplate the development as a use.

In order to facilitate the development, it is necessary for the site to be rezoned to a 'Special Use' Zone to reflect the range of proposed activities on site and establish specific controls in relation to the use and development of the land.

In accordance with the 'Special Use' Zone, a development guide plan has been prepared and specific provisions drafted that will be inserted into Schedule 4 of the Scheme.

4.2 Proposed 'Special Use' Zone

The purpose of this report is to support a request to the Shire of Nannup to adopt an amendment to its LPS 3 to rezone the subject site from 'Agriculture' to 'Special Use 11 (SU 11)'.

The objective of a 'Special Use' zone is in accordance with Clause 4.7 of LPS 3 and is as follows:

4.7.1 *Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.*

4.7.2 *A person shall not use any land or any structure or buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.*

Note: Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

The proposed uses are as follows:

Agriculture—extensive means premises used for the raising of stock or crops but does not include agriculture—intensive and animal husbandry—intensive.

Bed and breakfast accommodation means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of breakfast.

Caretaker's dwelling means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

Dwelling has the same meaning given to the term in the Residential Design Codes.

Home Office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which—

- a) does not entail clients or customers travelling to and from the dwelling;
- b) does not involve any advertising signs on the premises; and
- c) does not require any external changes to the appearance of the dwelling.

Home occupation means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which—

- a) does not employ any person not a member of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 20 m²;
- d) does not display a sign exceeding 0.2 m² in area;
- e) does not involve the retail sale, display or hire of goods of any nature;
- f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Hospital means premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital.

Medical Centre means premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Recreation—private means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.

Rural pursuit means any land or buildings used for—

- a) the rearing or agistment of animals;
- b) the stabling, agistment or training of horses;
- c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- d) the sale of produce grown solely on the lot; but does not include agriculture—extensive or agriculture—intensive.

The 'Hospital' land use is deemed to be the most appropriate use to accommodate the development proposed. The 'Medical Centre' land use reflects the 'out patient' care that will be provided at the proposed D class hospital. The 'Bed and Breakfast Accommodation' land use will provide for the accommodation of patients whilst the remaining uses will ensure that the existing uses on site (inclusive of agricultural uses) can be maintained.

4.3 Development Guide Plan

To manage the siting and extent of the development associated with the proposed clinic a building envelope has been defined within which the proposed development will be located. As defined in the Development Guide Plan this building envelope is confined to the rear half of the property and will not be visible from the Nannup-Balingup Road.

A copy of the Development Guide Plan is attached.

4.4 Rationale Behind Rezoning Request

The proposed amendment is considered both suitable and appropriate for a number of reasons as outlined below:

- The proposed facility will not impact on adjoining properties given the proposed location will be screened by the existing topography.
- The proposed rezoning will not conflict with surrounding land uses/zones given the establishment of complimentary 'Tourism' type uses on adjoining property.

- There is a serious demand for the type of development proposed given the lack of appropriate Mental Health facilities in this region of the South West.
- The location, land capability and natural amenity of the site make it an ideal location for such a development that will ensure the retention of existing native vegetation and landscape character.
- The proposed development will not jeopardise the agricultural opportunities for the site or its surrounds.
- The topography enables the northern half of the site which is suitable for grazing cattle to be utilised for this purpose and the southern portion to be retained in its natural state.
- The proposed Clinic will protect, conserve and enhance the visual landscape, its ambience and unique qualities, the agricultural activity and the on site remnant vegetation by embracing an active and sustainable policy of protecting the landscape value and quality of the land.
- The proposed development will boost the local economy by outsourcing food, laundry, cleaning, maintenance etc, and by providing employment opportunities.

On the basis of the above, the proposed scheme amendment is considered appropriate and acceptable and in this regard should be supported by the Shire of Nannup.

5.0 CONCLUSION

This rezoning is necessary in order to facilitate the development of the subject site for the purposes of a 'Hospital' and associated accommodation for the treatment of people suffering from depression.

This report has been prepared in support of a request to the Shire of Nannup to initiate an Amendment to the Shire's Local Planning Scheme No. 3 (LPS 3) to modify the existing Scheme Provisions relevant to the site. In order to facilitate the proposed development it is necessary for the site to be rezoned to a 'Special Use' Zone (SU 11) to reflect the range or proposed activities on site and establish specific controls in relation to the use and development of the land.

The proposal will benefit the Shire and its surrounds by providing a much needed facility for outpatient treatment the likes of which are very limited in Western Australia and in particular in the South West Region. The lack of suitable medical facilities in the South West of WA is well known to the Health Department of Western Australia and has been of great concern to the proponents.

The proposed Clinic will protect, conserve and enhance the visual landscape, its ambience and unique qualities, the agricultural activity and the on site remnant vegetation by embracing an active and sustainable policy of protecting the landscape

value and quality of the land. The proposed development will boost the local economy by outsourcing food, laundry, cleaning, maintenance etc, and by providing employment opportunities.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 6

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

1. Rezoning of Lot 3 of Nelson Location 778 Balingup-Nannup Road, Nannup from 'Agriculture' zone to 'Special Use' zone for the purpose of private hospital and associated accommodation and to amend the Scheme Maps to include "SU11" accordingly;
2. Inserting applicable special provisions into Schedule 4 of the Scheme as follows:

SCHEDULE 4 – SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU 11.	Lot 3 of Nelson Location 778 Balingup Road, Nannup	• Hospital • Medical Centre • Bed and Breakfast Accommodation • Caretakers Dwelling • Dwelling • Home Office • Home Occupation • Agriculture-Extensive • Recreation-Private • Rural Pursuit	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 local government as a variation from the adopted Development Guide Plan provided that, in the opinion of the local government, such development would not compromise the intent of the Development Guide Plan and the purpose of the zone. 3. Any development to the adopted 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 the provisions of this Scheme.

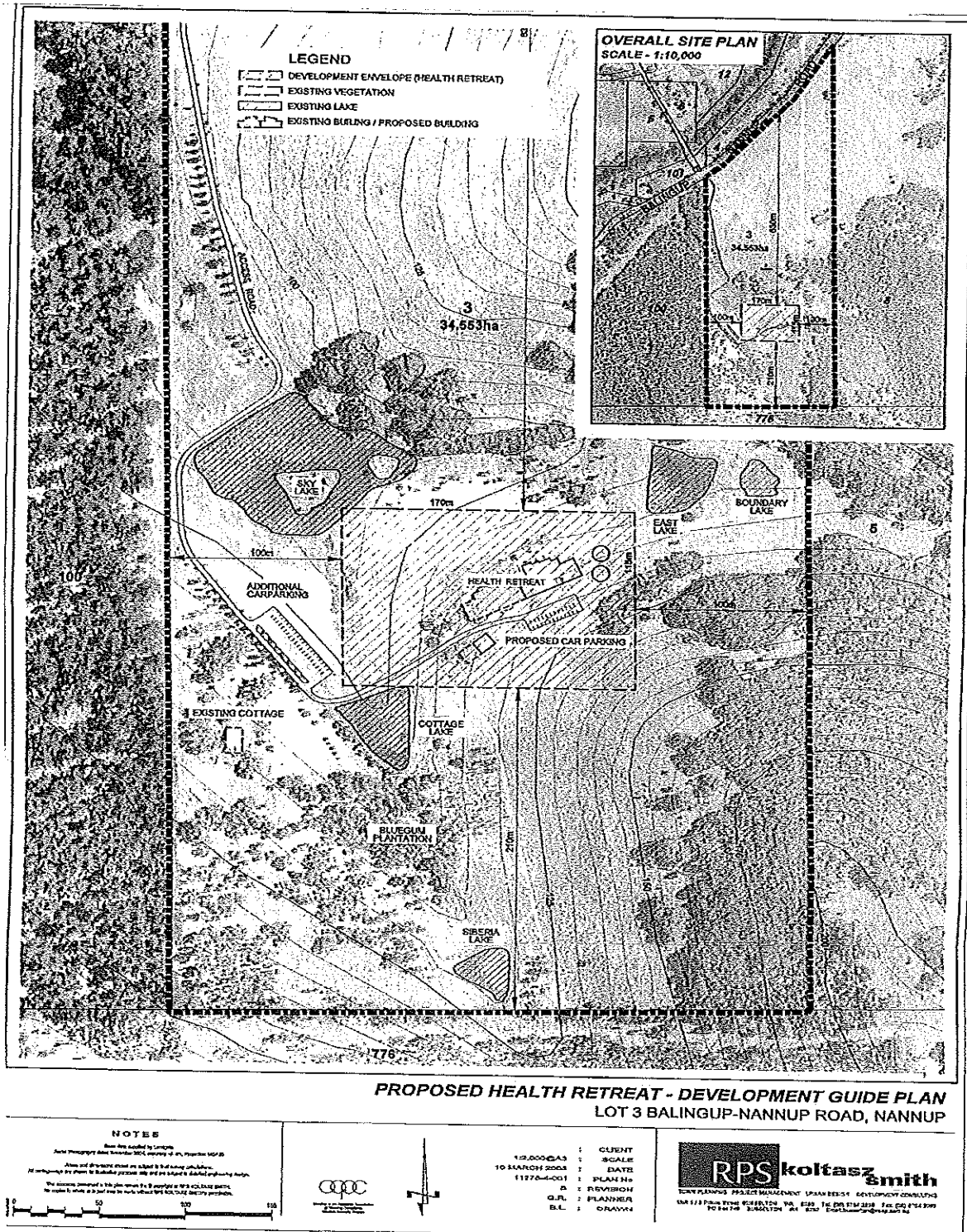
NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			4. All 'Special Uses' Associate with SU11 shall be deemed to be 'D' uses pursuant to the Scheme an considered under Part 10 of this Scheme. 5. Without the further written consent of the local government, the hospital or medical centre shall not accommodate more than 30 patients at any one time. 6. All buildings (with the exception of the proposed "Single Dwelling") shall be within the designated building envelope as depicted on the Development Guide Plan. 7. The "Single Dwelling" shall be setback in accordance with the relevant provisions of the existing 'Agriculture' Zone, specifically Clause 4.13.1.3. 8. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government. 9. A person shall not construct or commence to construct a building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in the landscape. 10. A condition of development shall be the approval by the local government of a comprehensive landscaping plan. 11. All habitable buildings shall be connected to a wastewater treatment system with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table. 12. Stormwater drainage shall be designed

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			to the satisfaction of the local government. 13. Prior to the use or development of the Site, the local government will require implementation of an endorsed Fire Management Plan. 14. As a condition of planning approval the local government may require construction of passing bays as part of the vehicular access to the site.

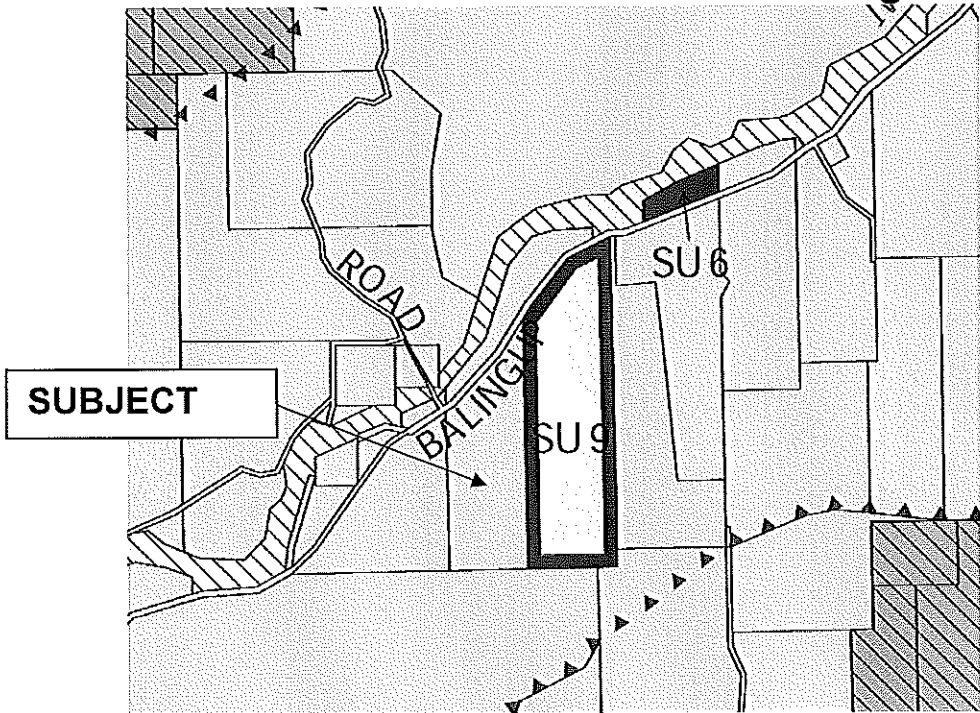
3. Introducing a Development Guide Plan referenced in Schedule 4 of the Scheme Text.

DATED THIS _____ DAY OF _____, 200__.

Draft Development Guide Plan



Location and Zoning Plan



LOCAL SCHEME RESERVES

- | | |
|--|--------------|
| MAJOR ROAD | STATE FOREST |
| PARKS AND RECREATION | WATER COURSE |
| PUBLIC PURPOSES | |
| PUBLIC PURPOSES
DENOTED AS FOLLOWS: | |
| C CLERGY | |
| CO COMMUNITY | |
| D GRAVE-ASE | |
| G GOVERNMENT | |
| H HOSPITAL | |
| M MUNICIPAL | |
| R RECREATION | |
| RE RECREATION | |
| S SCHOOL | |
| T TRUNK | |
| WS WATER SUPPLY | |
| RAILWAY | |

ZONES

- | | |
|---------------------|---|
| RESIDENTIAL | AGRICULTURE PRIORITY 1 - SCOTT COASTAL PLAN |
| SPECIAL RESIDENTIAL | AGRICULTURE PRIORITY 2 |
| MIXED USE | CLUSTER FARMING |
| TOWN CENTRE | COASTAL LANDSCAPE |
| SPECIAL USE | SPECIAL RURAL |
| INDUSTRY | |
| AGRICULTURE | |

OTHER

- | | |
|--|---|
| B20 B20 | SPECIAL RESIDENTIAL AREA
(SEE SCHEME TEXT) |
| A1 ADDITIONAL USES | HERITAGE AREA |
| SCHEME BOUNDARY | SPECIAL RURAL POLICY AREA |
| LOCAL GOVERNMENT BOUNDARY | LANDSCAPE VALUES AREA |
| TOWNSHIP - LAND ACT | FLOOD RISK LAND - SCA
(SEE SCHEME TEXT) |
| SR3 SPECIAL RURAL AREAS
(SEE SCHEME TEXT) | PUBLIC DRINKING WATER SOURCE AREA - SCA |
| SU 1 SPECIAL USE AREA
(SEE SCHEME TEXT) | NO ZONE |

COUNCIL MINUTES TO INITIATE AMENDMENT NO. 6 (28 AUGUST 2008).

AGENDA NUMBER: 10.1
SUBJECT: Request to Initiate an Amendment to Council's Local Planning Scheme – Proposed establishment of a Health Retreat
LOCATION/ADDRESS: Lot 3 of 778 Balingup Nannup Road Nannup
NAME OF APPLICANT: RSP Koltasz Smith on behalf of Mystic River Pty Ltd
FILE REFERENCE: A 157
AUTHOR: Leigh Guthridge - Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 August 2008

Attachments: 1. Location Plan.
 2. Development Guide Plan.
 3. Preliminary drawings of Day Hospital and Accommodation Wing

BACKGROUND:

An application has been made requesting Council to initiate an amendment to its Local Planning Scheme # 3 (LPS # 3) for rezoning Lot 3 of Nelson Location 778 Balingup Nannup Road Nannup from 'Agriculture' to 'Special Use' to facilitate the establishment of a Health Retreat.

The Health Retreat will provide a rural counselling and treatment facility for persons suffering depression. The site presently contains a dwelling, a cottage and associated outbuildings. The following improvements are proposed as part of this amendment:

- Existing dwelling to be converted into a "D Class" Day hospital comprising:
 - two therapy/activity rooms
 - an office-reception area
 - records room
 - dining an activity room
 - quiet room
 - staff room
 - cool room
 - store room
 - consultation room
 - toilet facilities
- Constructing an Accommodation Wing containing:
 - 20 bedrooms with en-suites
 - communal kitchen and lounge area

All the operations at the property will be managed by employed personnel. Professionals that will be employed include Psychiatrists, Psychologists, Nurses, Social Workers and Art Therapists, Receptionists and a Farm Manager.

The Development Guide Plan (attachment # 2) illustrates the proposed development and the Preliminary Drawings (attachment # 3) provides an insight in to the specific building improvements.

COMMENT:

It appears from the proposal that the overall 'land use' impacts are low key and will not detract from the objectives or Council's strategic planning controls for the land in this area.

Local Planning Scheme # 3 and Local Planning Strategy

The land is zoned agriculture and is also located within a special control area known as "Landscape Values Area" recognising that fact that the Nannup Balingup Road corridor has topography and vista features that Council wishes to protect through its development controls.

The objectives for land use and development for the subject land (Agricultural zoning) and the Landscape Values area special control area are as follows:

Agricultural Zoning

- *Support the continued use of rural areas for farming and agricultural pursuits.*
- *Provide for land uses that reinforce the rural and landscape character of the surrounding area.*
- *Promote the use of good siting and design of development to minimise fire risks.*
- *Minimise the intrusion of land uses that would be more appropriately located in a township or urban area.*
- *Ensure that only one dwelling is constructed on a lot, unless an additional dwelling is necessary to provide a residence for people who are required to assist with the ongoing management of the land for a sustainable agricultural use.*

Landscape Values Area

- *To identify areas of significant landscape value in the Local Planning Scheme and adopt provisions to protect these values from insensitive development;*

- *To encourage development to fit into the special natural, visual and physical characteristics of the land, particularly topography;*
- *To encourage the retention of vegetation and preservation of the natural topography of the land;*
- *To support small scale, low key development whereby the site layout, location of buildings and provision of services is appropriate to the site's natural, visual and physical features;*
- *To discourage development considered likely to intrude upon, or not be compatible with, the established landscape character and qualities of the surrounding area; and*
- *To encourage rural landscape improvements including rehabilitation or revegetation within areas considered to be of significant landscape or scenic value or degraded areas considered to be visually prominent.*

The amendment documentation confirms that the above objectives can be met as follows:

- The development is to be sited and clustered within a building envelope.
- The development (existing and new) is secluded and will not be visible from the Nannup Balingup Road.
- The proposal will co-exist with the existing agricultural operations that occur on the site.
- The agricultural operations on the property will remain a primary land use but also it will be an important part of the healing and rehabilitation program for patients within the health retreat as it is proposed that patients will integrate and participate in farm work that is stated that has positive spin offs for the patient's well being. Furthermore if the property is used for agricultural purposes it will ensure that the balance of the land is managed thus reducing the impacts that result from unmanaged rural properties (often resulting from lifestyle use) such as weed infestation, fire risk etc.
- A Fire Management Plan (FMP) has been developed as part of the amendment documentation. This FMP is important given the setting of the site within undulating terrain and the adjoining plantation.
- Minimal clearing of remnant vegetation and site disturbance is proposed to accommodate the new development.
- No perceived land use conflicts are anticipated given the low impact nature of the Health Retreat and the existing land uses of the adjoining properties being a plantation to the west and Tathra (special use site for Tourism) to the east.

The proposed land uses that include 'Day Hospital' and "Accommodation Wing" are not permitted under Council's LPS # 3 with the existing "Agriculture" zoning so 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.

If Council resolves to initiate this amendment, the following specific matters are to be assessed through the amendment process.

- Land capability.
- Water supply.
- Effluent disposal.
- Fire hazard management (having regard to the "Planning for Bush Fire Protection Policy").
- Internal road standards granting physical access the health retreat location.
- Strategic Planning considerations.
- Servicing.
- Management of land use conflicts.

Please note that the documentation as have been prepared to date providing detail for most of the above information however will be compiled in the correct format once amendment documentation is lodged.

Given the perceived low impact of the Health Retreat, the perceived benefits of the "service" to persons who suffer depression and the opportunity to integrate agricultural pursuits with the operations of the Health Retreat Council is recommended that Council initiate the rezoning process. The rezoning process will assess if this type of land use will be appropriate for the property.

STATUTORY ENVIRONMENT:

Local Planning Scheme amendments are processed in accordance with the Planning and Development Act 2005 and Town Planning Regulations. Once an amendment is initiated it allows the proponent to proceed with preparation of amendment documents with the knowledge that Council has no objections to the rezoning concept. Upon preparation of amendment documents for the rezoning of the land to the Special Use zone, they will be presented to Council for formal adoption.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Fees associated with the processing of Local Planning Scheme amendments are set out in Council's Schedule of Fees and Charges. Council is required to consider if the amendment is a major or minor amendment with the appropriate fees being paid.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

4. That Council initiate an amendment to Local Planning Scheme # 3 for rezoning of Lot 3 of Nelson Location 778 Balingup Road Nannup from 'Agriculture' to the 'Special Use' zone.
5. That Council request the proponent to prepare amendment documents prior to Council considering the amendment for formal adoption.
6. 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.

8004 DEAN/BOULTER

1. That Council initiate an amendment to Local Planning Scheme # 3 for rezoning of Lot 3 of Nelson Location 778 Balingup 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.

CARRIED 6/0

The meeting was closed at 5.53pm.

Department of Health Correspondence



**Department of Health
Government of Western Australia**

Your Ref :
Our Ref : RSD-04399 Blackwood River Clinic
Enquiries to :

Mr Ewen Ross
Manager Development Services
The Shire of Nannup
15 Adam Street
NANNUP WA 6275

Dear Mr Ross

**RE: BLACKWOOD RIVER CLINIC – NANNUP SHIRE – ESTABLISHMENT OF A
HEALTH RETREAT**

A copy of the correspondence dated 5 May 2009 was sent to the Mental Health Division. This correspondence has been forwarded to the Licensing Standards and Review Unit (LSRU) for action.

Under the *Hospitals and Health Services Act 1927* (the Act), a Psychiatric Day Hospital Class D, is a facility required to be licensed as a Psychiatric Day Hospital Class D if the intended function is the following –

The *Hospitals and Health Services (Day Hospital Facility) Determination (No. 2) 2005* states:

3. "Services that are "professional attention"
 1. A psychiatric treatment programme that:-
 - (a) is for a patient who has a mental illness;
 - (b) is provided by a multi-disciplinary team under the direction and supervision of a psychiatrist; and
 - (c) is a half or full day programme that consists of more than one type of mainstream therapeutic activity,
- is determined to be professional attention for the purposes of the definition of "day hospital facility" in section 2(1) of the Act."*

An application to licence a Psychiatric Day Hospital Class D was received by LSRU from Blackwood River Pty Ltd in November 2008. The Application stated that the Class D facility would be located at Lot 3, Location 77B Balingup-Nannup Road, Nannup and called Blackwood River Clinic.

Blackwood River Pty Ltd stated in their Licence Application that: *"The primary function is as "A Psychiatric Day Hospital set in a serene rural valley catering for local and out of the area patients who are sufficiently well to undergo group psychotherapy, individual counselling, art therapy, yoga, medication, life skills, exercise and work therapy." The Hours of Operation are to be "Monday to Friday, 9.00am to 5.00pm and Saturday and Sunday 9.00am to 12 noon."*

Blackwood River Clinic further documented that: *Clinical Service will be "Throughput (Class D): There will be a maximum of 30 patients per day at the clinic and a maximum of 30 patients on site at any time. There is a maximum of ten patients for group psychotherapy and one patient per hour for individual counselling."*

The review of the licence application consists of three areas that must be approved prior to issuing the licence. These areas are; approval of the licence holder, approval of the premise and approval for the arrangement for management, staffing and equipment.

The LSRU is currently waiting on outstanding matters to be addressed by the Licence Applicant and information regarding Arrangement matters and an inspection of the premises is pending before approval of the facility.

In response to the matters raised in correspondence dated 5 May 2009,

1. The appropriateness of this facility being located in the location of Nannup, approximately 15 km from the townsite of Nannup and 30 km from Bridgetown. There are concerns of people with depression being concentrated in a rural area (risk of causing fires, risk in a fire, physical harm) and distant from normal support that is to be found in the urban areas (24 hour security (Police), ambulance, hospital, General Practitioners, Specialists).

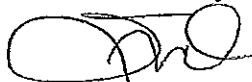
Blackwood River Pty Ltd has advised in the licence application that Dr Stephen Proud is the Consultant Psychiatrist (noting he is also a Company Director). LSRU would view that it is the nominated psychiatrist (that being, Dr Stephen Proud) who is legally responsible to ensure that the clients using these services are appropriate for the nominated services. Dr Stephen Proud is also responsible for overall clinical management of clients.

2. In the planning process and particularly if the application for re-zoning is approved, then the classification of the buildings under the Planning and Development Act and Building Act is important. Some indication of how the health licensing will classify the "Day Hospital" and the "Associated accommodation" is required.

To meet the requirement of the Private Hospitals Private Hospital Guidelines – Guidelines for the Construction, Establishment and Maintenance of Private Hospitals, July 1999; and Licensing Standards and Review Unit – Western Australia Health Facility Guidelines for Engineering Services 2006, August 2006 the premises shall be a Class 5 building.

In relation to the "associated accommodation", the Licence Applicant has advised LSRU that this would not be part of LSRU Licence Application. Therefore it will not be a part of the clinical services and not require LSRU licensing.

Yours faithfully



Susan Milos
MANAGER

LICENSING STANDARDS AND REVIEW UNIT

9 July 2009

cc: Dr Stephen Proud – Consultant Psychiatrist – Blackwood River Clinic
Mr Wally Moroz – Chief Executive Officer – Blackwood River Clinic

SCHEDULE OF SUBMISSIONS

Shire of Nannup Local Planning Scheme No. 3 - Scheme Amendment No. 6

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	WAPC Recommendation
1	Department of Environment and Conservation, South West Region, South West Highway, Bunbury 6230	A) No objection to the Amendment	A) Noted	No modification
2	FESA South West Highway, Bunbury 6230	A) Advised that the associated Fire Management Plan (FMP) has been assessed and is in compliance with the State's 'Planning for Bush Fire Protection' policy and as such, FESA has endorsed the FMP. B) No objection to the Amendment.	A) Noted. It is recommended that the FMP should be revised to reflect the use and operation of the land as a 'hospital'. 'Emergency Management and Evacuation Plan' is also recommended. B) Noted	Modification to Amendment No modification
3	Dirk Avery Red Gum Country Retreat Lot 1 Balingup Road, Nannup, 6275	A) The proposed development would seriously affect the ambiance of the drive, increase risk of fire and impact upon surrounding properties. B) The increased fire risk to the area as a result of the housing of persons suffering from depression.	A) Noted. The matters generally referred in the part of the submission are detailed below. B) Noted and agreed in part. FESA has adopted a FMP for the site. However, the issue raised by the objector relates to persons with depression increasing the fire risk. The Shire is not in a position to judge whether a person with depression or any other ailment is likely to be a greater fire risk. It is noted that the Scheme Amendment has a requirement for a detailed FMP associated with any application for planning approval:	No modification Modification to Amendment

		13. Prior to the use or development of the Site, the local government will require implementation of an endorsed Fire Management Plan. In this regard, it would be appropriate to modify the above sub-clause to refer to means by which the operator would assess the dangers of patients or anyone else in fire safety (such as removal of lighters, matches etc upon arrival) as well as an evacuation plan as follows: <i>Prior to the use or development of the Site, the local government will require the preparation and implementation of an endorsed Fire Management Plan and Emergency Evacuation Plan both which will address (but not limited to) the means by which will limit patient and community danger</i>		
C) There will be a risk of patients wandering on to adjoining properties and inadvertently leaving gates open, injuring themselves, presenting claims for personal injuries against the adjoining owner	C) Noted. Patients would be under the care and control of the operator and they would need to undertake appropriate due diligence to ensure that they were safely looked after. It is not anticipated that people will be encouraged to wander off the property, anymore than people who stay in rural tourist accommodation would be. However, as part of any planning application, it is reasonable for the operator to address means by which persons will be encouraged to remain on the property. In this regard, the following additional sub-clause is recommended: <i>Prior to the use or development of the Site, the local government will require the preparation and implementation of an endorsed Health and Safety Plan.</i>	D) The need to maintain the ambiance, tranquility and uniqueness of the tourist drive.	D) Noted. The existing buildings are generally located to the rear (southern) portion of the subject land. Due to the existence of two ridges, buildings are not easily visible from the Balingup-Nannup Road. The 'new house' is set back approximately 700m from Nannup-Balingup Road. The existing dwelling is still visible from Balingup-Nannup Road over the adjoining plantation which has recently	Modification to Amendment No modification

		E) The need for further consultation and impact assessment prior to further consideration of this development proposal.	been felled. However, although visible, the buildings are essentially 'inevident' and would be considered 'glimpses from passing traffic. E) Noted. The matter before Council is not a Development Application. Amendment No. 6 is a modification to the Planning Scheme that if approved, will allow a Development Application to be lodged. Shire (since receipt of the Submission) has undertaken a community meeting on the Application and encouraged further submissions. The sum total of submissions (not including Agency submissions) is 56. This would indicate a high level of public involvement with the Amendment.	No modification
4	A & F Morris RMB 779, Balingup Road, Nannup, 6275 (2 submissions – 6 May, 2009 and 7 May, 2009)	<i>6 May 2009 Submission</i> A) Expresses deepest sympathy for people with any form of mental illness and applauds those who try to cure those so afflicted. B) Opposed to Amendment 6 as it currently stands. C) Balingup Road is a premier tourist attraction and local enterprising people have made efforts to establish first class accommodation, food, wine and items of interests for tourists. It is as close knit community. D) The site and locality along with the topography and flora has the potential for extensive bushfire threat (noting that a fire has been on the property). Their fear is that not withstanding the best intentions and the best planning, some one individual at the facility will start a fire, be it through ignorance, indifference or ill-intention.	A) Noted. B) Noted. C) Noted. D) Note response to 3B) above.	No modification No modification No modification Modification as Recommended

	E) Local fear that the quiet amenity enjoyed could be threatened by strange or threatening behaviour	E) Noted. The concern raised is somewhat understandable should the facility be for the purpose of mentally unstable persons. The proposal however relates to persons with depression. Those same persons could currently be living, working and travelling through the community. Threatening and 'strange' behaviour can be of concern in any community however there is no evidence that the facility if approved would lead to the actions suggested. Should the Amendment be approved and planning approval be sought and issued, the facility will be licenced by the Department of Health on an ongoing basis.	No modification
	F) Road side signage should avoid reference to the purpose and classification of the development. Associated fears are that tourists will feel less inclined to stop over. <i>7 May 2009 Submission (matters not already addressed in earlier submission)</i>	F) Noted. The extent of advertising of the facility should in a manner that does not impact upon the amenity of the area. In this regard, it should be similar to tourist uses in the locality. Council would not be in a position to limit or direct information on any advertising sign. However, no modification is required to the Amendment as the 'exempt' signage would be for signage no greater than 0.2m2. All other signage requires the approval of Council.	No modification
	G) Confusion as to the proposed use. It is clearly for the purpose of a psychiatric day hospital.	G) Noted and addressed in the Report to Council.	No modification
	H) There has been inadequate consultation from the Shire and the proponent.	H) Noted. The Scheme Amendment was advertised in accordance with the provisions of the Planning and Development Act 2005 and associated Regulations. It is Council's discretion to determine the extent of advertising and which will be ultimately determined by the Minister for Planning.	No modification

		I) 'Special use zones' for Quongup/HillBille, Redgum Hill Country Retreat, Thathra, Fern Gully Retreat and Beyondrup Falls have been with the objective of merely strata the ownership but maintain/enhance the associated tourist facilities.	I) Noted.		Modification as Recommended
		J) The Amendment is also seeking 'Special Use' however this is not for tourist/strata and there is"no precedent put to the Shire to allow the establishment of a psychiatric facility to be embedded within a highly developed agricultural/tourist precinct, let alone the whole Shire."	J) Noted and agreed in part. At Clause 4.7 of the Scheme, the following is noted: <i>"Special Use zones apply to special categories of land use which do not comfortably sit within any other zone in the Shire."</i> Clearly, the use sought does not sit within any other defined zone with the Scheme. Precedent is not a matter that is relevant to the Amendment. However, it is reasonable that any development be in keeping with the objectives of the Agricultural zone. It is noted that none of the tourist 'Special Use' operations referred to by the submitter had any specific reference to the Agricultural zone (which they were all originally zoned). However, due to the scale of the development, it is necessary to ensure that any such facility does not conflict with use and development of the agriculture zone that surrounds it. In this regard, it is recommended that the Amendment Report be modified to clear indicate that the development of the land shall be in a manner that does not conflict with existing or potential agricultural, horticultural or viticultural pursuits of the locality. In addition, it is also recommended that the Amendment be modified to include the following: <> <i>Should planning approval be issued for a hospital or similar use, the local government may include as a condition on any approval the requirement for a 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 Certificate of Title of the land advising:</i>		Modification as Recommended

			<i>"This lot is adjacent to agricultural land on neighbouring lots wherein rural production activity occurs, including plantation harvesting which may have a nuisance effect on amenity, from time to time."</i> K) Note response to 4J) above. L) Noted. The Shire is not equipped to comment on the rehabilitation needs of depression patients. However, the proponents are appropriately qualified but will need to satisfy the Department of Health in its licensing requirements in relation to the location of the site and the facility in general. M) Note response to 3C) above. The issue of medical requirements for Nannup is a wider issue that Council may wish to take up with relevant agencies. N) Noted and addressed in the Report to Council.	No modification No modification No modification No modification
	K) Within the Warren Blackwood Rural Strategy, the land is included in BR2 unit which "...the Shire is directed to "...enhance.....the cultural values of the area". L) From a mental health (depression) rehabilitation view point, ".... it is a fact that integration into the broader community is essential. It must be remembered that a sense of isolation is not. The subject property though serene is some 12 to 13 kilometres from town. There is no bus route passing the property. Travel to town will require a car or some such means". M) Mental health patients can require medical treatments for incidents including self harm. The Nannup hospital does not have a full time doctor. N) For the above reasons, the submitter believes that it would make more sense for the facility to be located much more judiciously.			

5	Beverley Collett (on behalf of BJ and BA Collett and families) PO Box 109, Nannup 6275	A) This proposal is in direct conflict with the tourism and lifestyle environment of Tathra. We strongly object to the having the 'Rural South West Psychiatric Day Hospital' located next door to our tourism development and our home. "As Council would be aware, the Tourist component of our property has been in place since 1990." B) This area is a high fire prone area and "...people with mental illness are often not fully conscience of dangers, such as discarding a cigarette butt. In the case of a fire they would be traumatized (as we all are) but being ill and possibly from non rural area they would be vulnerable and their survival would be jeopardized, as would the firefighters who came to help. Twenty to thirty ill people would be quite asn evacuation effort. There is a duty of care issue here for all stakeholders. Who would be liable?" C) A psychiatric hospital in this remote area is in direct conflict with two of the major land uses, namely tourism and lifestyle. D) The home and tourism business is a haven and place to 'recharge. If the proposed use at close proximity is allowed to proceed "...I fear the impact it will have on us". E) Will the proponents live on the land permanently?	A) Noted. B) Note response to 3B) above. C) Noted. The Scheme and associated strategic documents provides that the predominant development within the locality is agriculture. D) Noted. E) Noted. It is not clear that the proponents will necessarily live on the property, however this was expressed by one of them at the recent meeting of submitters and	No modification Modification as Recommended No modification No modification No modification
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			interested parties at Council on 4 June 2009. The Amendment does seek a dwelling to be a permitted use and it would therefore be possible for one or both of the proponents to reside on site. It would not be possible to require this to occur – but would be a lifestyle choice for them.	
6	Hon Barry House MLC 157 Bussell Highway Margaret River, 6285	A) I am writing to give the Mystic River Pty Ltd my wholehearted support in their endeavours to establish the proposed Blackwood River Clinic in the Shire of Nannup. B) The growing awareness and prevalence of mental health issues in the community needs the infrastructure and support from all levels of Government. C) There is no doubt that this facility, which proposes to support individuals who suffer from depression through a medical centre and accommodation, when necessary, has the potential to change the lives of many people who live in the South West Region. D) Furthermore a secondary benefit for the local Shire will be the job creation and additional economic outcomes that will flow from the initial construction of the development and then the ongoing servicing of this facility. E) As the local Parliamentary Representative for the South West Region I can attest to the professionalism and commitment of Directors Dr Wally Moroz and Dr Stephen Proud of Mystic River Pty Ltd	A) Noted B) Noted C) Noted D) Noted E) Noted	No modification No modification No modification No modification No modification

		first-hand.	F) In light of this, I urge anyone approached to give this submission the prompt and positive consideration it deserves.	F) Noted	No modification
7	AO & EM Sheppard PO Box Cottesloe WA 6911	A) We own Nelson Lot 61, Loc 779, Balingup Rd, Nannup otherwise known as "Whimwood". Our property adjoins "Tathra" on Balingup Rd. B) We have been given a copy of a letter from the Nannup Shire to Mr BJ Collett dated 27 March 09 on the above topic, which relates to a proposed rezoning of Lot 3 Nelson Location 778 from 'Agriculture' to 'Special Use' . C) I have today seen data on the proposed amendment on the Council website but am surprised that we have at no time received any direct notification of the proposed amendment number 6. Our property is next door but one to the proposed rezoning. D) Please confirm to us that all processes have been followed and that we are not entitled to any direct notification. E) We specifically object to the inclusion of the 'hospital' and 'medical centre' proposed uses in this scheme amendment, as both phrases are intended for mental health purposes in	A) Noted B) Noted C) Noted D) Noted. The Scheme Amendment was advertised in accordance with the provisions of the Planning and Development Act 2005 and associated Regulations. It is Council's discretion to determine the extent of advertising and which will be ultimately determined by the Minister for Planning. E) Noted. Under the Shire of Nannup Local Planning Scheme No. 3, the definition of 'hospital' means: " ... premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital".	No modification No modification No modification No modification No modification	

	this proposal.	The definition does not specifically relate to the purpose of the hospital.	No modification
	F) Our grounds for objection relate to issues of amenity and safety.	F) Noted.	No modification
	G) The tourist road between Nannup and Balingup is deemed one of the most attractive routes in Western Australia. It is used for farming and small scale tourism. We have established a vineyard here at considerable expense and to contribute to the tourism ambiance and amenity.	G) Noted and addressed in the Report to Council.	No modification
	H) The establishment of a mental health hospital or treatment centre is inconsistent with this tourism and agricultural ambiance and amenity. There remain stigmas attached to mental health which it is inappropriate for planners to ignore.	H) Noted. It is doubtful that the use itself would be inconsistent with tourism and agricultural 'ambiance' as this would probably more relate to building impact associated with setbacks etc. However, the submitter has reflected the views of other submissions received.	No modification
	I) The establishment of a mental health hospital or treatment centre involving 30 day clinic patients and 20 accommodated patients and 5 accommodated staff, is significantly in excess of any other development or business that has been allowed on the Nannup - Balingup Rd, and is inconsistent with this tourism and agricultural ambiance and amenity.	I) Noted. The number of people involved with the proposed hospital would not necessarily be significantly more than the several chalet developments along Balingup Road (assuming up to 4- 5 persons per chalet plus the managers residence) along with winery and restaurant uses that has been approved. However, it is recognised that for most 'tourist' uses, the peak period of use is seasonal, whereas the hospital is unlikely to be influenced by seasonal matters.	No modification
	J) Simply put, the scale of operation means the area will become known for its mental health operations and this will adversely impact the tourism operations in the valley and the	J) Noted. The 'adverse impact' of having a hospital for depression is very difficult to quantify. Clearly the submitter believes that it would adversely impact, however one would query whether a traveller/tourist would be aware of such a use and if so, whether they	No modification

	amenity enjoyed by the other residents in the valley.	would have the same response.	No modification
	K) The Scheme report in Para 5.0 Conclusion - final page, states <i>'The proposed Clinic will protect, conserve and enhance the visual landscape, its ambience and unique qualities'</i>. I regard this as spin or a false statement, commonly called 'gilding the lilly'. L) The proposed medical centre is for the treatment of depression. My understanding is that one in four persons will suffer from mild depression and most mass murderers suffer from depression and other complexes. It is therefore not unreasonable for local residents and tourists to have concerns about the safety of such an operation in an isolated valley. It is not unreasonable for them to be skeptical of safety assurances. M) Furthermore, once such planning approval is granted, it is reasonable to assume that the size and scale of the psychiatric operation will increase with time.	K) Noted. Note response to 3 C above. The existing building that will be used for hospital purposes and the proposed extension (as indicated in the Scheme Report and on the Guide Plan will be some 700m from Balingup-Nannup Road. An inspection of the site reveals that the existing building is essentially in evident when viewed from the Balingup-Nannup Road due to the slope of the land. Some vista is possible when viewed over the adjoining plantation to the west from Balingup-Nannup Road. It is unlikely that the buildings associated with the development of the land would detrimentally impact upon the visual quality of the locality. L) Noted and addressed in the Report to Council. M) Noted. The matter before Council is not a planning application. Amendment No. 6 is a modification to the Planning Scheme that if approved, will allow a Development Application to be lodged. The extent of the developable area is defined in the draft Guide Plan. The number of patients are also limited. Modifications to the number of patients or any change to Scheme provisions would require a further Scheme Amendment. Any increase in operation outside an Approved Amendment or Guide Plan should not be assumed.	No modification

		N) The Police presence in Nannup is minor. My experience in recent months is that they were too busy to deal with a gun license. This would imply they are already overstretched and have limited resources. O) The fire risk associated with such large numbers of persons who are depressed or medicated is clearly higher than the norm. P) There is a lack of general medical resources available to the complex's patients in Nannup. The local hospital has two nurses on duty and no resident doctor. It is probably prudent for the facility to be situated closer to a proper hospital. This would suggest the environs of Busselton or Bunbury. Q) We request Council not to pass this Scheme amendment. The placement of the clinic is inappropriate.	N) Noted and addressed in the Report to Council. O) Note response to 3B) above. P) Noted. It is suggested that the need or otherwise for medical resources from the hospital use is something that the operator would need to demonstrate to the Department of Health. Q) Noted.	No modification Modification recommended as No modification No modification
8	Greg Sharp RMB 843 Balingup Road, Nannup 6275	<i>8 May 2009 Submission</i> A) Concern that the Residents of Balingup Road have not been properly informed of the project. A full representation must be given to all Balingup Road property owners so they can make an informed decision. <i>10 July 2009 Submission</i> (common Submissions signed by <> other submitters) A) Council is deliberating on a proposal	A) Note response to 3A) above. A) Noted.	No modification No modification

	put forward to develop a Class D (Psychiatric Day) Hospital on the Nannup-Balingup (Balingup) Road, Nannup. For the facility to function meaningfully, it must be properly integrated into the community. Currently, the Shire has inadequate resources to responsibly support the scheme and in particular the proposed site is considered inappropriate for prospective patients. B) Although we (names below) have the deepest sympathy for those who have mental health issues, on the above basis, we oppose the proposed development. C) We ask Council to put sentiment aside, gather the facts, assess the risks, square it against the intent of the Shire's Local Planning Scheme No.3 (LPS) and act responsibly to all the stakeholders. Hopefully, Council will agree with our conclusion and reject the application. D) The Balingup Road is recognised in tourist literature for its unique scenic beauty, which is evocative of the more gentle alpine regions of Europe. Indeed, signage at both of its ends displays the words "Tourist Drive". Unit BR2 of the Warren-Blackwood Rural Strategy (2004) [WBRSJ directs Council to " ...enhance the cultural values of the area". E) Council has defined the road and environs as a 'Landscape Values Area'		No modification
		B) Noted.	No modification
		C) Noted. At no stage has Council or the Shire sought to introduce 'sentiment' in to the assessment of the Scheme Amendment (Note response to 7M).	No modification
		D) Noted and addressed in the Report to Council.	No modification
		E) Noted and addressed in the Report to Council.	No modification

	(LV A) in order to protect and enhance it. Perfectly sensible! Agriculture, tourism, and lifestyle is the name of the game.		
	F) Millions of dollars have been spent so far by enterprising individuals secure in this knowledge to create an ambiance (tourist Mecca) to the point that the road is (as is Caves Road) considered as having 'Brand' status. The proposed facility within our isolated community is intended to be developed by private initiative per the Hospitals and Services Act 1927. G) The proponents; Mr W Moroz, Mrs R A Moroz and Dr Stephen J Proud have incorporated as, and are directors of, Mystic River Pty Ltd, the entity established for the operation of the subject: development to be known and road signed as "Sky Lakes Clinic". H) Due to an initial lack of public consultation, there has been some confusion as to what the development entails. Opinions have included a: • "holistic" centre treating post natal depression, health farm, • home for the elderly. I) Council has a 'duty of care' towards all	F) Noted. G) Noted. H) Noted. Under the Shire of Nannup Local Planning Scheme No. 3, the definition of 'hospital' means: " premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital". The definition does not specifically relate to the purpose of the hospital. The Scheme Amendment Report states: "The principal intent of the proposed facility is to provide a centre of outpatient treatment for individual's suffering from depression. The ambience and seclusion of the site presents the right serene setting to assist patients seeking nature, meditation and therapy to alleviate their depression and anxiety." I) Noted. The Scheme Amendments referred to for 'tourism'	No modification No modification No modification No modification No modification

	those seeking to become a part of the community. It also has a 'duty of care' to existing residents who would be affected by Council changes.	would have been assessed in the same light and criteria as the Scheme before Council.	
	J) Tourism is very important to Nannup. The subject property aside, a precedent has been set along the Balingup Road whereby all five or so zone change applications submitted in recent years, were for the purpose of expanding existing tourist facilities and to offer Strata Title ownership. K) Clause 6.2.2.1 of the LPS states in part <i>"The places identified on the Scheme Map as being within a Landscape Values Area are those areas considered by the local government to be of particular scientific, scenic, or other value and should be retained ..."</i>. Clause 6.2.2.2 (d) states in part <i>"to support small scale, low key development"</i>	J) Noted and addressed in the Report to Council. K) Noted.	No modification No modification
	L) Sky Lakes Clinic is unfolding as follows: • Current earthworks and building mods under the existing Zone classification 'Agriculture', thence • if permission for 'Special Use' is given, implementation of the day hospital, thence • future expansion of the facilities to allow overnight stay, thence • ??????	L) Noted. It is not clear what point this aspect of the Submission is seeking to make. The existing 'dwelling' is an 'as of right' use in the 'Agriculture' zone. All use and development must comply with the Scheme.	No modification
	M) A reasonable interpretation of 'other' in the former clause would include 'cultural'. 'Cultural' is defined here as	M) Noted. The interpretation of 'other' would normally relate to those matters that do not structurally impact upon scene quality. The Scheme provision relates to 'use' and	No modification

	that historic fabric of shared values, customs and activities. Therefore, the nature of the proposed business would be at odds with this clause, and up to 35 people cannot be considered as 'low key'. To make the scale of the proposal clear, comparison to other facilities referred to herein is provided.	in this context, the submitter's view of 'cultural' is not supported.	
N)	There is unfortunately a stigma attached to mental health facilities, Tourism and mental health do not coexist well. There has been no precedent put to Council that would see up to 30 unwell individuals concentrated on one property let alone located within an isolated community. Given the nature of the proposal, we ask Council not to ignore the implications.	N) Noted. The perceptions of 'stigma' as defined by the submitter along with the expression of 'unwell individuals' are best addressed by the Department of Health in the licencing process of the 'hospital'.	No modification
O)	The only other 'social welfare' facility established within the Shire is the now defunct Lake Jasper Recidivist Camp, A maximum of 9 youngsters were catered for. Suffice to say here, it was problematic to the then neighbours. Council should contact them for details.	O) Noted. The Shire is not aware of the defunct Lake Jasper Recidivist Camp or the relevance to the Amendment. In any case the reality is that the operator of the Lake Jasper Recidivist Camp is unlikely to be associate with the proponent of the Scheme Amendment.	No modification
P)	The facility would need to address ongoing strategic and logistic challenges, the solutions of which would depend upon the availability of supportive public infrastructure. - Consider that currently there is/are: - a minor police presence only, - no full time doctors in Nannup particularly mental health professionals,	P) Noted.	No modification

	• no emergency hospital nor full time medical facilities, • the nearest psychiatric facility in Bunbury, • the nearest medical facilities in Bridgetown, • an ambulance and fire fighting service dependent on available volunteers, • no public transport to ferry patients to and fro, • only the problematic Balingup Road available in times of crisis, • no mobile phone coverage on site, • problematic land line telephony and power supply, and • no garbage collection (a possible health/ safety issue).		
	Q) Circa June 2004, the then current owners set fire (off fire season) to grass that, because of the extreme terrain, quickly developed into a bush fire that threatened adjoining FPC plantation. Emergency services were activated. The point here is that such topography, conspires to accelerate flame spread speed. R) In July 2007, Nannup Police attended the property to deal with an individual wreaking wanton damage on the timber cottage. Council may seek the details under FOI. This brings into question Mystic River's ability to properly assess an individual's mental state!	Q) Noted. The area (not just the subject land) is noted as being of high fire risk. R) Noted. The issue that allegedly took place in a private home does not relate to the matter before Council.	Modification as recommended No modification

	S) The media is replete with examples of administrative backsliding, denials, blame shifting, obfuscation, stonewalling and the like. One can easily recall the current treatment of the elderly in nursing homes and returned combat troops, custodial transport of prisoners, and surgical disasters undertaken by incompetent or bogus professionals etc. So it is reasonable for our community to be sceptical of safety assurances. T) Mr Moroz is an educator at ECU. Dr Proud is a psychiatrist and as such would carry the professional burden of the proposal exclusively. We understand that the proponents have no prior business experience together, developing and running such a facility. Currently, they are domiciled in the Perth environs. U) As a result, the proposed development would be run from there by remote control i.e. dependant entirely on attracting and retaining suitable on-site staff to deal with the minutiae of day-to-day operations together with any crises that may unfold. V) In the event that a claim is made against Mystic River P/L, the personal assets of the directors are immune, in accordance with their shares held in the company. W) From a depression rehabilitation view point it is a fact that integration into the broader community is essential. The subject property though serene is	S) Noted. Council is not in a position to comment upon the professionalism of the media. T) Noted. The operators will have to satisfy the Department of Health with respect to the management arrangements and licensing. U) Note response to 8T) above. V) Noted. W) Note response to 8T) above.	No modification No modification No modification No modification No modification
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	Some 12 to 13 kilometres from town. The proponents have stated that only the 'local' patients can use their cars. The mobility needs of the residents would be a factor. There is no bus service passing the property. Travel to town or other centres will require a car or some such means. X) It must be remembered though that a sense of isolation is likely to exacerbate any problems. Y) We ask Council to indulge us the following detailed crucial analysis. The area of which Sky Lakes forms a part is classified as a 'Bush Fire Prone Area'. Sky Lakes (as is nearby properties) has a fire hazard rating ranging from Medium to Extreme. It is understood that the majority of the patients would be drawn from large population areas (such as Perth) and as such would have limited understanding of countryside mores, particularly in times of high bush fire threat. Z) In traffic engineering parlance, Sky Lakes Clinic would be a 'traffic generator', due to staff, patients, relatives, service providers etc coming and going. That's a significant intrusion in terms of vehicle movement and potentially 'lazy' cigarette butts. AA) A statistical sample of individuals taken from both the general population and those who are depressed show that the incidence of smoking is higher within the latter group; less than 20% cJw more than 30%. There is a strong			
			X) Note response to 8T) above. Y) Noted. Modification to the Amendment is recommended requiring fire and emergency management to be a matter to be considered at the Planning Application stage. Z) Noted. All non-rural developments along Nannup-Balingup Road are 'traffic generators'. Issues of cigarette butts cannot be attributed to one proposal alone. AA) Noted.	No modification Modification recommended as Modification recommended as No modification

	causal relationship between depression and smoking. Much research has been done in this regard.		
	BB) Jim Rosack states in his paper; 'Researchers Explore Link Between Smoking, Depression' (Clinical & Research News) "Smoking has long been linked with depression. Now a new study is shedding light on the ability of cigarette smoke to act like an antidepressant in brain stem cells".	BB) Noted.	No modification
	CC) Health regulations in W. A. require that people in public places, if smokers, must smoke outdoors. The proposal intends to accommodate up to 20 resident patients from between 6 to 8 weeks. There would be up to 30 patients (resident plus non resident) at one time, including up to 20 han locals, together with 5 staff that includes a caretaker Le. a total of 35 individuals. Therefore over the 6 month fire ban/restriction season, and an average stay of 7 weeks, there would be in excess of 70 resident patients passing through the doors.	CC) Noted.	Modification recommended as
	DD) It would be expected that the facility would not be run on 'Stalag' lines. During 'off contact' periods, patients would be free to wander the property and environs at will.	DD) Noted.	Modification recommended as
	EE) We can assume that some patients would be medicated and we can also assume a lack of close supervision. So it would be expected that 30% of 70 residents Le. 21 individuals would be in need of a 'puff. We are disregarding	EE) Note response to 8Y) above	Modification recommended as

	here the impact of other 'visitors'. Matters look pessimistic! Some one individual might start a fire, be it through ignorance, indifference forgetfulness or ill-intention. FF) We draw the comparison between the situation and IRA assassination attempts on Margaret Thatcher. "She has to be lucky every time, we need to be lucky only one time"! If a major fire establishes itself, temperatures can reach many hundreds of degrees (Celsius) with wind (flame) speeds well over 100 kilometres per hour- Given such an inferno, people facing this dire threat we believe, will not act rationally- The Royal commission into the recent Victorian bush fires disaster has identified the breakdown in the chain of fire fighting command as a major contributory cause of loss of life. The hierarchy of fire fighting jurisdictions here is: self reliance, neighbours, the local volunteers' bush fire brigade, the Shire's fire fighting units, DEC/FPC units, and FE SA units. GG) Seamless command, control and communication is crucial. Discipline, equipment and experience must be on hand. Notwithstanding a proposed FESA based Fire Management Plan, the residents would be placed in harm's way. Council must remember	FF) Note response to 8Y) above. The issue of bush fire danger from any non rural development – including tourist developments, is significant. GG) Noted. Trafficable access is a requirement of the Amendment and to be detailed at the Planning Application stage.	Modification as recommended Modification as recommended
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	that many of the individuals will have little to no country life experience. Given that the Balingup Road is girded by a tunnel of trees, we doubt that it can be relied on either as an escape route or as an emergency access route. Much of the property is too steep for safe 4 wheel drive access ($\pm 45^\circ$)- Consider too that the adjoining land owners might be fighting for their property and lives.	
HH)	The worth of a parcel of land is set by a complex mix of its intrinsic features, usage opportunities and the locale within which the property is situated.	HH) Noted.
II)	The nature of the properties along the Balingup Road and environs is such that if an individual property is up for sale, likely interest would come from 'tree changers', 'outsiders' or wealthy non resident business interests. In any case 'due diligence' can be expected. Stigma is a sad fact of life and would be a powerful bargaining chip employed by the potential purchaser in forcing a final sale price. Reportedly, this was the case at Lake Jasper.	II) Noted. The eventual sale price is not a matter for Council to consider.
JJ)	The PR effort has been abysmal, some might describe it as futile! We are extremely disappointed that Council has hitherto considered that the application be deemed as "Minor" and as a consequence, administration has undertaken limited public notification of the proponents' intentions.	JJ) Noted.
KK)	Administration has only recently met its	KK) Noted.
		No modification
		No modification
		No modification
		No modification

	obligations with Clauses 9.4.3 (a), (b), and (c) of the LPS which requires notification to nearby owners and/or advertising in the Scheme area, and/or display signage.	
	LL) Administration has either failed to understand, or ignored or trivialised what is commonly recognised as a highly emotive issue. The stigma attached to such a facility must be taken into consideration during the planning stage. MM) By way of example, the Abstract by Michael Dear (Mc Master University Hamilton Ontario Canada states "<i>Community opposition to the establishment of a small scale mental health facility is often intense</i>". The full text: "<i>Impact of Mental Health Facilities on Property Values</i>" is in the Community Health Journal published by Springer Netherlands ISSN 0010-3853 (Print) 1573-2789 (On line). NN) An excellent example of positive bureaucratic effort is a Fact Sheet published by Queensland Health, June 2005, regarding a proposal to convert an existing B&B on Moowooga Street, Earville, Cairns into less a 'Mental Health Facility' more a 'Respite House'. Letter drops, internet, and public meetings are Queensland Health's <i>modus -operandi</i>. OO) We remind Council that administration is the servant of the ratepayers and as such does not have	LL) Noted. The Report to Council on the Amendment seeks to address <u>all</u> issues raised - both for and against in an impartial manner. It is understandable that not everyone will agree with the views and recommendations of the Shire in what is a highly charged and emotive proposal. MM) Noted. NN) Noted. OO) Note response to 8LL) above. The assessment of the Amendment or any planning matter is not dependant upon 'who pays'.
		No modification
		No modification
		No modification
		No modification

	an independent existence. Administration wages are paid from our rates. We intend expect administration to be competent i.e. professionally follow due process, keep abreast of public sentiment and go to all lengths to keep the public 'in the picture'. PP) That said, we are gratified that administration has begun to place public notices locally. We note that Proposed Amendments 5 and 7 (unfortunately not the subject Amendment 6) appear in the June edition of Nannup's Telegraph. We encourage Council to ensure that administration makes this a standard feature.	PP) Noted.	No modification
	QQ) We also respectfully draw attention to the Local Government Act requirement that any interest in any amendment must be declared.	QQ) Noted. Councillors are aware of their obligations under the Local Government Act.	No modification
	RR) Unfortunately, due to the recent, sudden resignation of Cr Robert Taylor, we have lost his supportive voice on Council regarding the subject proposal, and our North Ward is now under-represented.	RR) Noted.	No modification
	SS) The proponents deserve a 'brick bat' too: An article, from Public Attitudes Regarding the Community/Canadian Mental Health Association Crisis/Stabilization Unit for 4 patients in Swan River, Manitoba by Ivan L. Rapchuk states "A community consultation process involving all stakeholders (i.e. including the mental	SS) Noted. The ability or otherwise of the proponent to satisfy the submitter in their 'consultation' is not a matter for Council.	No modification

	health community and potential neighbours) in the development and planning of a mental health facility is essential for proper service delivery to patients. It is significant that the majority of the respondents in the surveyed area in Swan River felt that they would have a say in future changes to the CSU, and this was not dependent upon whether they were originally consulted about the CSU. The results suggest that the surveyed individuals have not lost faith in the mental health community, and feel that they will be part of the process should any changes occur at the CSU, regardless of whether they were consulted in the past'. CSU is the acronym for Crisis Stabilization Unit. TT) CONCERNS: • The ability of medical practitioners and associated professionals to get inside the mind of a patient and be 100 % assured of the emotional makeup is questioned. There is always a risk of misjudgement as has happened at Sky Lakes, July 2007. • Mystic Lakes PIL is a business. As such it has to pay its bills and turn a profit. • The flow of patients is essential to maintain it as a going concern. If there was Grants restructuring, commercial pressure would challenge the vetting criteria. • Should the project proceed, we	TT) Noted. The following matters have been either noted or addressed in the response to submissions an the Report to Council. No modification
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	fear that there will be no public consultation in the event of change of scope and/or regulatory amendments. • The current directors might move on. New directors might push for a 'Graylands on Blackwood' facility! Quiet amenity enjoyed by us here could be threatened by strange or threatening behavior. • Not withstanding the best intentions and the best planning. some one individual might start a fire. • Up to 35 people would be placed in harm's way if a bush fire threatens the development. • The impact on property real estate value. • Roadside signage would include the word ~ clinic'. We repeat here that there is a stigma that might be to the detriment of local business. • The 'local' doctors are in town on a 3 day-a-week basis. It can be hard to get an appointment! Would Nannup Hospital admin increase consultation capacity if needed? • Would we have to 'tiptoe' around Sky Lakes i.e. restrict pest culling, burning off, aerial spraying, chain saws, motor sports, farming operations etc? UU) CONCLUSION • We recognise that mental illness is a world wide affliction, and our	UU)Noted. The following conclusions have been either noted or addressed in the response to submissions an the Report to Council No modification
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		'lucky country' is not immune_ It has to be dealt with. We also recognise that under very specific circumstances mental health facilities do integrate successfully into communities, and can bring about a sense of protective embrace. • It is expected that the health authorities will push for mental health facilities to be set up in rural Australia as part of a diversified 'community based care' policy. But it has to be done right. Supporting infrastructure has to exist, the site hazard free and community consultation is absolutely essential • We are not an uncaring bur we do not resile from our right to act intelligently and examine the implications forensically. The 'devil is in the detail'. • Our considered assessment is that currently the Shire does not have the means to responsibly support the proposal in a manner that it deserves, nor align it with existing realities, objectives and aspirations of the neighbouring landowners. • Council is constrained by clear legal frameworks e.g. LPS, WBSR etc. In terms of the Shire in general, it is not currently a suitable venue. Perceived Shire benefits such as expanded, enduring business possibilities are patently tenuous and must be counterbalanced against the stigmata that will certainly arise	
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		and the bush fire fears of the local community. In terms of the proposed site, its intended rezoning is at odds with the above. Crucially, it is and always will be a dangerously unsuitable location.		
		<i>Personal statement</i> A) We cannot believe that this submission has gone this far. The officers of Council are paid by the rate payers to protect their interests. B) This proposal does not belong on the Balingup Road. It is out of its zone. C) This project has the potential to put us at risk both physically and financially. D) No!		
9	Brent Wilson 27 St James Approach, Iluka 6028	A) Owns a strata lot/house/chalet and it has always been used as a retreat due to its proximity and quietness. B) Does not support the mentally ill rehab proposal as it will effect the serenity of the amenity by increased traffic and people. C) I purchased my lot as a business venture and have spent a lot of money building my business. D) My business is wholly based and advertised as a place of serenity, for adults only. This proposed rehab	A) Note response to 8(OO). B) Noted. It is not clear what is meant be 'zone' – however the submitter's opposition to the Amendment is well documented. C) Noted. D) Noted.	No modification No modification No modification No modification
			A) Noted. B) Noted. It would be unlikely that the facility would affect the amenity of the area through traffic or by having people on the site, anymore than a tourist operation that includes restaurant or chalets and the like. C) Noted. D) Noted. The information provided by the proponent and reflected in the advice from the Department of Health does not indicate a 'rehab' centre.	No modification No modification No modification No modification

		centre will severely affect that.		
		E) The location chosen is not within the scope of the local amenity. F) What do you do you propose to do in case of fire and emergency to evacuate the site? G) This type of proposal would be better suited in town where there is a doctor and hospital.	E) Noted and addressed in the Report to Council. F) Noted. It is recommended that the Amendment be modified to include a requirement for an Emergency Management and Evacuation Plan. G) Noted and addressed in the Report to Council	No modification Modification as recommended No modification
10	Makaira Nominees P/L (Mr and Mrs Blom) Lot 10 Balingup Road, Nannup, 6275	A) Concerned that the development would have an adverse impact on tourism in the district. B) Appears that the development may end up being a Class 'C' hospital which is not in tune with the district's rural tourism ventures	A) Noted. The development itself (i.e.) the building is set back approximately 700 metres from Balingup Nannup Road and would be unlikely impact upon the tourist amenity of the district. B) Noted. The definition of 'C' Class hospital is a matter for the Department of Health. However, the Shire understands that a Class C day hospitals refers to a: <i>"... day hospital facility where "the following professional medical services are determined to be professional attention for the purposes of the definition of "day hospital facility" in section 2(1) of the Act".</i> However, the Amendment document prepared by the proponent clearly indicates that the facility sought is to be a Class 'D' hospital. The Shire understands that a 'Class D' day hospitals refers ... <i>"to the following services that are professional attention for the purposes of the definition of "day hospital facility" in section 2(1) of the Act" – A psychiatric treatment programme that:</i> • <i>is for a patient who has a mental illness;</i> • <i>is provided by a multi-disciplinary team under the direction and supervision of a psychiatrist; and</i> • <i>is a half or full day programme that consists of more</i>	No modification No modification

			<i>than one type of mainstream therapeutic activity”.</i> In any case, it is unlikely that such a facility would negatively impact upon the ‘<i>the district’s rural tourism ventures</i>’. It is understood that any such facility is licensed to the approved operator and is not transferable. It is also recommended that the Amendment be modified to allow Council the opportunity to consider making any Development Approval ‘personal’ to the operator as follows: <i>“The local government may seek to include a condition on any approval for hospital and associated uses personal to the applicant”.</i> Note response to Submission No. 8 – ‘8 July Submission’.	No modification	No modification
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SCHEDULE OF FURTHER/LATE 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
11	Joan Saunders 21 Cabarita Road, Kalamunda,	A) This is a much publicized tourist area, not a designated sanitarium area. B) To have “sick” clients able to access the bush and the river is more than disturbing. The inevitable increase in traffic on the road has to disrupt the	A) Noted B) Noted and addressed in the Report to Council.	No modification No modification

	peace and the quiet that we all sought, worked and paid for. C) The Balingup road is acknowledged as a particularly picturesque one , it is winding, as it follows the river, most people are careful when walking along that road, but anyone who was a bit disorientated would not only be in danger themselves but also a danger to others on the road. D) There is ample opportunity for a developer to run a business like this in a city, closer to all emergency amenities (and they could be numerous) and also more convenient for the staff. Carers are hard to come by and it may be that finding them for such a spot would not be easy. E) As a business the "home" would have to be well patronised to make it profitable, who knows, in the future, what type of "client" might be accepted to keep the numbers up. F) I have done voluntary work in one or two of these type of places in Perth, houses converted to accommodate and am aware of the work involved caring for the safety of the clients, one slip and they are off out the door on their own "adventure". G) This could all well be a nice source of income for the Nannup shire, but I seriously feel that the small, and even smaller print needs to be very thoroughly scrutinized. And the feelings	C) Noted and addressed in the Report to Council. D) Noted and addressed in the Report to Council. The issue of finding 'carers' is not a matter relevant to Council. It is more an issue for the operator and the Department of Health. E) Note response to 11 D) above. F) Noted. G) Noted.	No modification No modification No modification No modification No modification
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	of the residents of the area, many of whom have been there for many years, should be paramount. Note Submission No. 8 – '8 July Submission'. <i>Personal Comment</i>		Note Response Submission No. 8 – '8 July Submission'.	No modification
	A) From personal knowledge and what I have learnt from others in past years, I feel dubious about the ability and the expertise within the Nannup Council to properly authorise this scheme. B) I feel there are too many 'unknown' factors and a possible unawareness of all the health and safety issues.		A) Noted. The Shire acknowledges the important role of the Department of health in determining the Licence Application. B) Noted.	No modification No modification
12	Trevor Wilkins 253 Jayes Road, Balingup, 6253	(A) Support the proposal as it would benefit Nannup and Balingup local businesses and provide employment. (Assessed by MDS)	A) Noted (Assessed by MDS)	No modification (Assessed by MDS)
13	Ben Worthington & Tarra Kingswood Lot 20 McKittrick Road, Nannup, 6275	A) Support the proposed hospital/depression clinic. B) It will benefit the Shire and surrounding areas by providing excellent service for persons suffering this health condition in the South West. C) There are minimal facilities in the area. D) Persons with depression will seek help if available close by. E) It will provide and benefit employment opportunities.	A) Noted. B) Noted. C) Noted. D) Noted. E) Noted.	No modification No modification No modification No modification No modification

14	Barry and Shirley Worthington Mt Lewin Loop, Nannup, 6275	A) Support the proposed hospital/depression clinic. B) It will be a great asset for Nannup. C) It will provide employment opportunities and put Nannup on the 'Map'. D) People coming down from the city could encourage real estate potential.	A) Noted B) Noted C) Noted D) Noted	No modification
15	Kevin Jones 15 Allnutt Street, Donnybrook, 6239	A) Informed private citizens are well aware of national and local imperatives in the treatment of depression. B) Any proposal of this type must be embraced and supported with the utmost gravity. The benefits to the local and wider community in medical terms alone is incalculable. C) I have inspected the site, access and local support infrastructure. An overnight stay on the site for this purpose has left me in no doubt that the seclusion, ambience and location of the site is without peer for this proposed purpose. D) Declining such a development in the face of such a need could only rationally occur on the basis of the most compelling and irrevocable objections.	A) Noted. B) Noted. C) Noted. D) Noted.	No modification
16	Peter Grant PO Box Mundaring, 6073	A) After having witnessed a good friend suffer mental illness (chronic depression) and be offered very little remedial treatments than anti-depressant drugs, which she became	A) Noted.	No modification

		dependant on an ultimately suicided. B) I consider this facility an extremely valuable asset to the community and recognise potential benefits to the Shire in providing employment and added demand for accommodation in the Shire.	B) Noted.	No modification
17	Claire White 30 Warren Road, Nannup, 6275	A) Owner of the Nannup Pharmacy. B) Supports the proposed clinic hospital as it will increase the viability of the pharmacy in the Nannup District through: • Increased prescriptions volumes from patients. • Increased business from patients and their visiting families • Increased employment opportunities C) Personally believes that the town of Nannup is a compassionate, caring and supportive community which is the essence of what's required to support a hospital of the nature.	A) Noted. B) Noted. C) Noted.	No modification No modification No modification
18	Dr Martin Coopes Suite 1/734 Karrynup Road Stirling 6021	A) There is a lack of mental health care facilities in the South West.	A) Noted.	No modification
19	Anne-Marie Krohn 9 Oregon Place, Cooloongup 6168	A) There is a noticeable lack of mental health care facilities in the South West.	A) Noted.	No modification

20	June Avila 1 Street Pingelly	A) The availability of mental health services in the South West is minimal. B) The idea of a day hospital in the Nannup Area would be ideal, especially to people in surrounding districts as this would alleviate the trauma of being too far away from the family support networks and not as far for family members to maybe attend family groups and visits etc.	A) Noted. B) Noted.		No modification No modification
21	Dr Peter Foley 69 Cambridge Street West Leederville 6007	A) There is a lack of mental health care facilities in the South West for people with depression and anxiety. B) A facility such as a day hospital in the area would be ideal. C) It would also help as a retreat for city patients with depression.	A) Noted. B) Noted C) Noted.		No modification No modification No modification
22	Sarah Lock 127 Homestead Road Gosnells 6110	A) There is a serious lack of mental health care facilities in the South West. B) Regular on-going support provided through a facility such as a day hospital would hopefully reduce the unnecessary impact on the services currently available.	A) Noted. B) Noted.		No modification No modification
23	Lynda Campbell 38 Kimberley Street, West Leederville 6007	A) A service such as this in the country improves access to services for residents in the area and provides infrastructure and generates growth for local community. B) Improves access to services for country people.	A) Noted. B) Noted		No modification No modification

		C) Environment and protection of environment and rural experience all go hand in hand to support the services of the clinic – i.e. –it is not a treat to the environment but an asset.	C) Noted.		No modification
24	Dr Ros White 40 Kimberley Street West Leederville 6007	A) As a private psychologist, my patients resident in the South West would benefit from a local facility. B) This facility would provide invaluable support for patients in their recovery from stress, anxiety and depression and result in less cost and inconvenience from travel to Perth for treatment.	A) Noted. B) Noted.		No modification No modification
25	Dr John Edwards 2 Burwood Street Nedlands	A) As a doctor managing patients from the South West who have to travel to Perth to access appropriate mental health services. B) The South West has a critical undersupply of mental health services. C) Provision of a day hospital in the Nannup area would be a useful start to improving country mental health services.	A) Noted. B) Noted. C) Noted.		No modification No modification No modification
26	Delores Heavey 58 Tamar Street Hopetown 6348	A) A concerned resident of the South West who would use or refer. B) A mental health day hospital should be encouraged because of the lack of facilities in a very fast growing problem area of health. C) I would strongly support this in the Nannup area.	A) Noted. B) Noted. C) Noted.		No modification No modification No modification

27	Origins Centre Jayes Road Balingup	A) Origins Centre support this much needed facility. B) We have been offering a mental health respite for many years and consider Dr Praed's facility to be a welcome addition to mental health in the region.	A) Noted. B) Noted.	No modification
28	Leanne Martin 40 Culham Street Hopetown 6348	A) A concerned resident of the South West. B) I strongly support the establishment of a day hospital for mental health services in the Nannup area, as the provision of mental health services in the South West are very poor.	A) Noted B) Noted	No modification
29	Astrid Stephenson 24 Veal Street, Hopetown 6348	A) I strongly support the establishment of a day hospital for mental health services in the Nannup area to supplement the current poor provision of mental health services in the South West.	A) Noted.	No modification
30	Nicholas Mesdag 66 Vidler Road Dunsborough	A) The South West has very poor provision of mental health services. B) I strongly support establishment of a day hospital of this type in the Nannup area.	A) Noted. B) Noted.	No modification
31	Danial Le Roux Unit 5, 44 Davies Road Claremont	A) I would find it rewarding to attend a retreat in the South West to enable me to rejuvenate.	A) Noted.	No modification

32	Sophie Philson 30 Ashbrook Green Dunsborough	A) We need mental health services like this in the South West.	A) Noted.	No modification
33	Barbara Swingler 23 Steere Street Balingup	A) As a private citizen I find it important that the mental health services in the South West be improved. B) The mental health services in rural WA need all the improvements they can get.	A) Noted. B) Noted.	No modification No modification
34	Megan Gibson 26 Winthrop Avenue Bunbury 6230	A) I support this proposal as there are totally inadequate facilities in the South West for people with depression.	A) Noted	No modification
35	Peter Hoffman 13 Alver Road Doubleview	A) I treat a number of patients from the South West with depression and anxiety. B) There are very few appropriate facilities in the area, especially around Nannup C) I support the establishment of such a facility in the Nannup Shire.	A) Noted. B) Noted. C) Noted	No modification No modification No modification
36	Tanya Chipilin 40 Kimberley Street West Leederville	A) I am a psychologist who has numerous clients in the South West/Nannup area who complain of the lack of treatment services. B) There is a serious need for this type of service given the current lack of mental health facilities in the South West Region.	A) Noted. B) Noted.	No modification No modification

37	Dr Andreas de Koning 23 Steere Street Balingup 6253	A) Owner of a property and as a professional health worker (clinical psychologist). B) Although not working at the above facility, this would be a good and very useful project. C) It would offer people suffering with problems to have a place to go for treatment which is not possible otherwise.	A) Noted. B) Noted. C) Noted.	No modification No modification No modification
38	Susan Udy 6 Doon Way Hamersley 6022	A) As an ex-member of the Royal Australian Army Nursing Corps I am very much aware of the traumatic experiences our Veterans have suffered. B) That out Veterans be afforded any assistance in the treatment of post-traumatic stress syndrome in a facility seemed most appropriate by their treating practitioners.	A) Noted. B) Noted.	No modification No modification
39	Jane Dowling 6 Otway Place Craigie 6025	A) With over 25 years experience of mental health delivery I am aware of the need for ongoing support in this Region. B) I support the scheme in providing a supportive therapeutic environment for people requiring assistance not available to them elsewhere. C) Veterans suffering stress do not currently receive the recognition or support they deserve.	A) Noted. B) Noted. C) Noted.	No modification No modification No modification

40	Nadia Forero Unit 9/990 Albany Highway Victoria Park 6101	A) I fully support the possibility of a mental health retreat being in place at this site. B) There is no where for young ones to go in the South West and will be a great support base for the needy in this area.	A) Noted B) Noted.	No modification No modification
41	Bart Wszola 21 Rokeford Way Morley	A) I am a psychologist concerned about the lack of mental health services in Nannup and I support the application.	A) Noted.	No modification
42	Bheena Sewnarain 10 Lawrence Close Darlington 6070	A) I am supportive of development of mental health services as a private citizen and mental health nurse. B) Mental illness results from complex interactions between mind, body and environment. Mental health consumers need community to aid recovery. C) It is imperative to improve accessibility to mental health services in a timely manner and provide education to increase understanding of mental health issues.	A) Noted B) Noted C) Noted	No modification No modification No modification
43	William M Saunders 27 Holden Drive Noranda 6062	A) I am a clinical psychologist in full time practice and I am aware from treating people from the South West that ongoing rehabilitative facilities are not existing in the Region. B) I support the proposal without reservation. C) It is a well thought out and important project led by a team of professionals with extensive psychiatric and additionally, holistic expertise.	A) Noted B) Noted C) Noted	No modification No modification No modification

44	Dr Connor 286 Marmian Street Cottesloe 6011	A) Referring GP and frequent visitor to the area. B) I know there are people in the area and surrounds who have problems that currently are not catered for – people either forgo therapy or have to travel long distances. C) Unfortunately, mostly they miss out on the help they need. D) Something local would be a welcome addition. E) I predict that many local/regional physicians (and relatives) would agree.	A) Noted. B) Noted. C) Noted. D) Noted. E) Noted.	No modification No modification No modification No modification No modification
45	John Avey and Judith Molynoux (Note: - no address was supplied with the submission)	Note Submission No. 8 – '8 July Submission'. <i>Personal statement</i> Our personal concerns additional to the content of this letter are as follows: A) Lack of signage/size of signage eventually being displayed on the Balingup/Nannup Road. B) The question of security and supervision C) Fire issues/Smoking/Intent D) Well being of neighbours and their assets. One mishap may destroy or damage property/business	Note Response for Submission No. 8 – '8 July Submission'. A) Note response to 7 D) above. B) Noted and addressed in the Report to Council. C) Noted and addressed in the Report to Council. D) Noted and addressed in the Report to Council.	No modification No modification No modification Modification as recommended No modification

46	O and L Gilbert 28 Brindabella Crescent Halls Head 6210	A) We are owners of a chalet at the Fern Gulley Retreat on the Balingup Nannup Road. The chalet is owned by ourselves as a "get away" from suburbia in this beautiful area and as tourist accommodation for a peaceful holiday in a rural environment in our absence. The Blackall River valley is a pristine area surrounded by natural and commercial forests and we feel that a mental health facility, together with the stigma surrounding such establishments will denigrate the esteem in which this area is held. B) We feel that interest in attracting tourists to this area will be diminished by the existence of a mental health facility. C) We are concerned that there has been little public consultation - we just heard about this by chance. The quiet amenity that we invested in is likely to be destroyed. Communications in the area are to say the least, dubious as are the power supplies and this would surely impact on a facility of this nature. There is no public transport for patients. D) Traffic will almost certainly be increased and render the road less safe. The nearest hospital is in Bridgetown. Doctors are not readily available and we believe this facility is going to be run by "remote control". E) The owners will be based in Perth with	A) Noted. B) Noted and addressed in the Report to Council. C) Noted and addressed in the Report to Council as well as response to 7D). D) Noted and addressed in the Report to Council. E) Note response to 5 E) above.	No modification No modification No modification No modification No modification
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	basic staff on the property. Given that the staff most probably be sourced from Perth they will have little appreciation of the problems that could occur in at remote area such as this. F) Real estate values will be adversely impacted. The Nannup to Blackwood route is essentially a tourist drive and one of the most desirable in the South West. "We are all obviously very concerned that the real estate and value of our properties will be adversely affected with a facility such as this right on our doorstep. G) Possibly the most worrying factor regarding this proposal is the very real threat of fire in this area. If a large fire does eventuate, who is going to help the guests in this facility? All the local residents will most probably be looking after their own properties or otherwise vacate the area if possible, - in which case would the staff be able to cope with a disaster of this nature with guests who are already experiencing mental problems? H) Another real problem as we see it is that the "patients" staying at the facility will obviously not be monitored 24/7 as this would be quite impossible. Who is going to monitor these people going outside to smoke and what they do with discarding their cigarettes in such a vulnerable area? Can anyone ensure that this will not happen? And if a fire does occur, the Balingup/Nannup road, surrounded by trees in all areas, may	F) Noted. There is no evidence of real estate values changing from the approval of the Amendment. G) Note response to 2A) and 3B) above and addressed in the Report to Council. H) Noted and addressed in the Report to Council.	No modification No modification No modification
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		be compromised in which case no one can get through? Then what? I) In conclusion, we really feel that this area is not suitable for an establishment such as the proposed facility. There must be many other, equally beautiful and restful areas around, with far better facilities to cope with eventualities that may happen, be a safer and more suitable environment and not compromise the welfare of the patients nor the lifestyle or indeed the investments of the surrounding residents. J) Finally, we must re-iterate however that we don't want to sound unkind and we know that these sorts of facilities are indeed necessary and serve a tremendous purpose, but the proposed venue for a facility such as this is VERY wrong. Note Submission No. 8 – '8 July Submission'.	I) Noted and addressed in the Report to Council. J) Noted. Note response for Submission No. 8 – '8 July Submission'.	No modification No modification No modification
47	J Saunders (Note: - no address was supplied with the submission)	Note Submission No. 8 – '8 July Submission'.	Note response for Submission No. 8 – '8 July Submission'.	No modification
48	Bonnie Baxter Ferngully Retreat Lot1 of Lot 7 Nannup to Balingup Road, Nannup	Note Submission No. 8 – '8 July Submission'. <i>Personal Submission</i> A) On the death of my husband Ian Baxter 24th September 2007 I was sure the	Note Response for Submission No. 8 – '8 July Submission'. A) Noted. Not relevant to the matter before Council. The submitter is invited to discuss this further with the	No modification No modification

		council would enforce the rules regarding a new development (cottage) on lot 6 part of lot 7 Ferngully Retreat. The same rules Ian and I had to abide by, at considerable cost as we were developing in a flood plain zone. B) You the Council not only gave permission for the owners to build without any reference to logons or septic but worst of all passed their build at .9 of a meter below the registered Datum height which we all had to add causing immeasurable problems. C) So you will understand when I say apart from the Balingup to Nannup Road being the wrong place for such a development; I have absolutely no faith in the councils ability to oversee a project like this.	Manager Development Services. B) Note response to 48 A) above. C) Noted.	No modification No modification
49	G and R Bettridge (Note: - no address was supplied with the submission)	Note Submission No. 8 – '8 July Submission'.	Note Response for Submission No. 8 – '8 July Submission'.	No modification
50	B and B Wilson (Note: - no address was supplied with the submission)	Note Submission No. 8 – '8 July Submission'.	Note Response for Submission No. 8 – '8 July Submission'.	No modification

51	A and F Morris (Note: - no address was supplied with the submission)	Note Submission No. 8 - '8 July Submission'.	Note Response for Submission No. 8 - '8 July Submission'.	No modification
52	Greg Stratton 9 Eighth Avenue Bassendean	A) My experience as an adult educator for over twenty years has brought me into contact with numerous people who have, on occasions, suffered from the debilitating effects of depression. B) Many of these people had no place to go to get the type of support and encouragement they required to get themselves well and to develop the resilience to move forward. C) Not all people understand what it is like to lack hope and the resources to remain connected to people and opportunities. The Blackwood River Clinic facility proposed here aims to fill a small part of the huge hole that exists for many in our community who require a specific type of environment and a specific type of care to get well. D) The people attending the facility, should it be approved, will be there to get strong and develop confidence. The project is about lifting the human spirit and launching individuals with mental health issues back into meaningful lives. It is testimony to the character of proponents that they aim to develop such a wonderful project and I wish them every support.	A) Noted. B) Noted. C) Noted. D) Noted.	No modification No modification No modification No modification

53	Thomas James O'Neill 13 Pola Street Dianella 6059	A) In regional Western Australia, there is a much-needed societal demand for this type of proposed facility. B) The Shire, its businesses, and its private community, will benefit from the proposed development which will enhance the local economy by providing employment and trading opportunities. C) The proposed facility will not impact adversely on the adjoining properties; and, it will not affect the current/future use of these properties by their owners. D) By employing sustainable means, the proposed development will maintain, and enhance, the environmental protection/conservation concerns for the region.	A) Noted. B) Noted. C) Noted. D) Noted.	No modification No modification No modification No modification
54	Steve and Chris Gollan Lot 1 Boundary Road Nannup 6275	A) What would stop the future expansion of the D Class Hospital? B) What would stop the change of classification of the unit? C) What would stop the future diagnosis of the patient from depression to any type of mental health illness? D) Who would monitor the facility and its clients?	A) Noted. The licensing of 'D' Class hospital is a matter for the Department of Health. However, the Amendment has provisions limiting the size of the development area and on the number of patients. B) Note response to 54 A) above. C) Noted. The use of the hospital it subject to licensing by the Department of Health. The Amendment does not seek to define the purpose of the hospital. D) Noted. The Department of health would regulate and monitor the use as a hospital under its Act and Regulations. The Shire would 'monitor' any Planning Approval that might subsequently issue.	No modification No modification No modification No modification

		E) A patient may have a diagnosis of depression but have more troubling/concerning mental health illness that could be of concern to the wider community. F) Clients on medication and then driving on the Balingup Road which is a safety issue for all concerned. G) Increased traffic flow to the one destination. H) Depending on the age of the clients as to what activities will take place i.e. loud music, late nights etc. I) More demands placed on the existing 3 day per week medical coverage which now has a waiting time to see the Doctor. Concerns may be placed on the volunteer services i.e. ambulance, fire brigade and SES. Also the Police and Hospital. J) Concerns for the patients that may abscond to be able to locate them in the State Forest for their safety and that of the volunteers that will be called to assist. K) Concerns for the clients if they hear chain saws, gun shots, motor bikes if they have been traumatised the client may react negatively. L) The surrounding tourism properties that a facility like this may have a negative affect on their business.	E) Noted and addressed in the Report to Council. F) Noted. The Council is not in a position to comment upon whether drivers on medication should be driving on any road in the State. G) Note response to 9 B) above. H) Noted. The facility will be managed on a 24 hour basis. There is no reason to suggest that noise for music and the like would be an issue. I) Note response to 3C) above. The issue of medical requirements for Nannup is a wider issue that Council may wish to take up with relevant agencies. J) Noted and addressed in the Report to Council. K) Noted and addressed in the Report to Council. L) Noted and addressed in the Report to Council.	No modification No modification No modification No modification No modification No modification No modification No modification
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		M) The neighbouring properties that may have concern for their well being and safety	M) Noted and addressed in the Report to Council.	No modification
55	Mark and Catherine Scott PO Box 33 Nannup 6275	A) Thank you for the opportunity to comment on the proposed amendment of the town planning scheme No 3 amendment number 6 - the development of a proposed D class psychiatric treatment facility on the Balingup Road. B) We are not opposed to this development, and believe it does present significant employment opportunities and income for the Shire. However, we do have some concerns about the community impact such a facility may have. C) We note that it will only provide psychiatric care during business hours. We are concerned about the care offered out of hours, and how any problems might be handled should the appropriate care staff not be on site or available? Specifically, we are concerned that this may place undue stress on our police, local ambulance and SES volunteers. We are also concerned that any patients that may require urgent medical attention will need to be transported to Bridgetown or Bunbury for treatment - a significant time frame. D) We acknowledge the excellent fire hazard analysis and given the vulnerable nature of the patients and	A) Noted. B) Noted C) Noted and addressed in the Report to Council. D) Note response to 2A) and 3B) above.	No modification No modification Modification as recommended Modification as recommended

	the number of people involved, the Shire should consider enforcing greater than usual setbacks and comprehensive evacuation plans/fire protection bunkers for the facility. Given the fire analysis of the property also rates part of the property as extremely vulnerable, we would like to see the	
	E) Shire enforce a condition of development that no patient will be admitted who has a previous record or tendency for pyromania (arson). F) Given the property is in an Area zoned for Priority Agriculture, we would like it noted on the titles that this development is in an Agricultural area, and as such normal agricultural practice should take precedence in the event of a dispute.	E) Noted. The Council would have no ability to place such a condition on any person for this or any other use or development. F) Noted. It is recommended that the Amendment Report be modified to clearly indicate that the development of the land shall be in a manner that does not conflict with existing or potential agricultural, horticultural or viticultural pursuits of the locality. In addition, it is also recommended that the Amendment be modified to include the following: <i>Should planning approval be issued for a hospital or similar use, the local government may include as a condition on any approval the requirement for a 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 Certificate of Title of the land advising:</i> <i>"This lot is adjacent to agricultural land on neighbouring lots wherein rural production activity occurs, including plantation harvesting which may have a nuisance effect on amenity, from time to time."</i> In addition, a Farm Management Plan should also be required
		No modification
		Modification as recommended

56	P Beatty Community Consultation Officer, Forest Products Commission Locked Bag 6 Manjimup 6258	A) Our organization (Forest Products Commission of WA, is a statutory authority with a lead role in commercial production and sale of forest products from public forests and freehold land in the name of the Director General Environment and Conservation. B) FPC manages the plantation land and timber resources which comprise significant parts of the landscape north and east of the scheme amendment site. C) The FPC wishes to point out the imperative for comprehensive fire risk analysis by the Shire and proponent of the medical facility, whereby not only the achievement of reduced fuels around the proposed buildings which will house patients and clients is assured, but the likelihood of people who may be experiencing mental disturbance not being able to cause inadvertent ignition of vegetation in high risk periods within the site. The potential loss through uncontrolled fire in the nearby plantation estate is significant.	A) Noted. B) Noted. C) Note response to 2A) above where FESA has endorsed the Fire Management Plan.	No modification No modification Modification as recommended
57	David and Anne Collett Loc 780 Balingup Road	Operates tourist facility next door Conflict with their business and lifestyle Lack of infrastructure in Nannup to support Concerns with patients being lost in neighbouring land and resources to find	A) Noted B) Noted C) Noted- comments Police/Dept Health D) Noted	No modification No modification No modification No modification

		Previous history of regards a fire on the property and an incident that required Police presence. Current affairs with regards to failures in the system, therefore what safety assurances are made? Concerns Proponents have not business history and would operate the facility by remote from Perth. Mystic River company accountability. Concerns with lack of transport services to facility Concerns with fire risk and associated to smokers. Concerns with the public consultation process. Application deemed minor and limited public notification, and not published in the Telegraph.	E) Noted, Direct relevance to be determined. FESA has endorsed the Fire Management Plan. F) Noted, not within reports scope to address Australian issues. G) Noted, Council is not in a position to comment upon this and not within the scope of the report. H) Noted, Council is not in a position to comment upon this and not within the scope of the report. I) Noted, include in response regards infrastructure J) Noted and addressed in the Report to Council. FESA has endorsed the Fire Management Plan. K) Noted, advertising in accordance with WAPC procedures.	Modification recommended No modification No modification No modification No modification Modification recommended No modification
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ATTACHMENT 7

**RECOMMENDED MODIFICATIONS TO DRAFT AMENDMENT NO. 6 TO TOWN
PLANNING SCHEME NO. 3.**

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 6

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

1. Rezoning of Lot 3 of Nelson Location 778 Balingup-Nannup Road, Nannup from 'Agriculture' zone to 'Special Use' zone for the purpose of private hospital and associated accommodation and to amend the Scheme Maps to include "SU12" accordingly;
2. Inserting applicable special provisions into Schedule 4 of the Scheme as follows:

SCHEDULE 4 – SPECIAL USE ZONES

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU 12.	Lot 3 of Nelson Location 778 Balingup Road, Nannup	Hospital Medical Centre Residential Building Caretakers Dwelling Single Dwelling Home Office Home Occupation Agriculture- Extensive Recreation-Private Rural Pursuit	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 local government as a variation from the adopted Development Guide Plan provided that, in the opinion of the local government, such development would not compromise the intent of the Development Guide Plan and the purpose of the zone. 3. Any development to the adopted 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 the provisions of this Scheme. 4. All 'Special Uses' Associate with SU12 shall be deemed to be 'D' uses pursuant to the Scheme and considered under Part 10 of this Scheme.

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			5. Prior to the use or development of the Site, the local government will require implementation of an endorsed Fire Management Plan. In this regard: • All habitable buildings 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 or other standard that may be in force. • In preparing a Fire Management Plan, the issue of fire prevention, fire management and the issue/need for onsite fire safety structures specifically related to the use of the land as a hospital shall be addressed. • Any other matter as required by the local government, DEC and FESA. 6. Prior to the use or development of the Site, the local government will require the preparation and implementation of an endorsed Emergency Management and Evacuation Plan which will address (but not be limited to) the means by which patient and community danger will be limited (including means to prevent fire danger from smoking). 7. Prior to the use or development of the Site, the local government will require the preparation and implementation of Farm Management Plan to address the use of the majority of the land for agricultural purposes. 8. Prior to the use or development of the Site, the local government will require the preparation and implementation of an endorsed Health and Safety Plan 9. The local government may seek to include a condition on any approval for the hospital and/or medical centre and associated uses

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			personal to the applicant. 10. Without the further written consent of the local government, the hospital or medical centre shall not accommodate more than 30 patients at any one time. 11. The use of the land for residential building shall be in accordance with LPS3 clause 4.3.4 and ancillary to the hospital and/or medical centre use. No more than 20 beds will be available for such accommodation. 12. All buildings (with the exception of the proposed "Single Dwelling") shall be within the designated building envelope as depicted on the Development Guide Plan. 13. The "Single Dwelling" shall be setback in accordance with the relevant provisions of the existing 'Agriculture' Zone, specifically Clause 4.13.1.3. 14. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government. 15. A person shall not construct or commence to construct a building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in the landscape. 16. A condition of development shall be the approval by the local government of a comprehensive landscaping plan. 17. All habitable buildings shall be connected to a wastewater treatment system with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table. 18. Stormwater drainage shall be designed to the satisfaction of the local government.

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			19. Every application for development shall be accompanied by a Landscape Protection Plan showing: • existing and proposed contours, including any cut and fill work intended to be undertaken; • existing vegetation; • vegetation proposed to be removed • location of effluent disposal system; and • location of access drive from road to dwelling and any parking areas." 20. As a condition of planning approval the local government may require upgrading of Balingup-Nannup Road in the vicinity of the entrance to the subject land along with construction of passing bays as part of the vehicular access to the site. 21. Should planning approval be issued for a hospital or similar use, the local government may include as a condition on any approval the requirement for a 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 Certificate of Title of the land advising: • "This lot is adjacent to agricultural land on neighbouring lots wherein rural production activity occurs, including plantation harvesting which may have a nuisance effect on amenity, from time to time."

4. Introducing a Development Guide Plan referenced in Schedule 4 of the Scheme Text.