



Shire of  
**Nannup**  
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# Minutes

Thursday 27 February 2020 Ordinary Council Meeting

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# Contents

<b>Item</b>	<b>Minute</b>	<b>Title</b>	<b>Page</b>
1		<b>Declaration of Opening/Announcement of Visitors</b>	1
2		<b>Record of Attendance/Apologies/Leave of Absence (Previously Approved)</b>	1
3		<b>Response to Previous Public Questions Taken on Notice</b>	1
4		<b>Public Question Time</b>	1
5		<b>Applications For Leave of Absence</b>	3
6	20015	<b>Petitions/Deputations/Presentations</b>	3
7		<b>Declarations of Interest</b>	3
8		<b>Confirmation of Minutes of Previous Meetings</b>	3
	20016	Confirmation of Previous Council Meeting Minutes	3
9		<b>Minutes Of Council Committees</b>	3
	20017	Receive the Minutes of Local Drug Action Group Committee and Audit Advisory Committee	3
10		<b>Announcements By Presiding Member Without Discussion</b>	4
11		<b>Reports By Members Attending Committees</b>	4
12		<b>Reports of Officers</b>	
12.1	20018	Delegated Planning Decisions for January 2020	5
12.2	20019	Development Application – Proposed microbrewery	7
12.3	20020	Request for Financial Assistance – 3 Tier Youth Mental Health Program	22
12.4	20021	Visitor Servicing – Blackwood Café Proposal	26
12.5	20022	Upgrade of Chairs at Recreation Centre	28
12.6	20023	Request to Support Lions Cancer Institute Event	30
12.7	20024 20025	Request to Revision of funding request received 19/20 Community Grants	32
12.8	20026	Fees and Charges Amendment - Hire of Temporary Fencing	35
12.9	20027	Budget Monitoring – December 2019	38

12.10	20028	Monthly Accounts for Payment - December 2019	40
13		<b>New Business of an Urgent Nature Introduced by Decision Of Meeting</b>	42
	20029	Procedural Motion	42
13.1	20030	Change to Council Meeting Times	42
14		<b>Meeting Closed To The Public</b>	43
15		<b>Elected Members Motions Of Which Previous Notice Has Been Given</b>	44
16		<b>Question By Members Of Which Due Notice Has Been Given</b>	44
17		<b>Closure Of Meeting</b>	44

# Minutes

## 1. DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 4.30pm.

## 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

### ATTENDANCE:

Shire President: Cr A Dean

Deputy Shire President: R Mellema

Councillors: C Buckland, C Brown, V Corlett, C Stevenson, P Fraser.

Tracie Bishop – Acting Chief Executive Officer

Jon Jones – Manager Infrastructure

Jane Buckland – Development Services Officer

### APOLOGIES:

David Taylor

### Leave of Absence:

Cr V Hansen

### VISITORS:

Rita Stallard, Kerri Firth, Julie Kay, Len Gilchrist, Geoff Spragg, Robert Marshall, Ian Gibb, Paul Jeffrey.

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

## 4. PUBLIC QUESTION TIME:

### Mrs Rita Stallard

**Q 1** Given that there have been no water restrictions in place within the Shire is it ethical to accept the drought relief funding?

**A 1** Shire President responded that he wasn't in the position to give a personal opinion on the ethics of such a payment. The drought funding was given to the Shire of Nannup as they met the two main prerequisites; being number of employees in agriculture industry must be more than 15% and also the

rainfall must be 60% of the annual average for the Shire. There are 34 Shires where this funding has been allocated; it is up to each individual Shire to apply. The public consultation process is currently underway.

**Q 2** Is it true that thirty-five trees have been felled at the caravan park?

**A 2** Manager Infrastructure responded that not as far as he is aware. Shire President responded that he too had heard the rumours circulating regarding this issue however it isn't true. The caravan park lessees will need permission from the Shire of Nannup before any tree felling is commenced.

**Q 3** What happens to contaminated recyclables? Is it true that one plastic bag is considered contamination? Why isn't there a facility at the tip to put the clean plastic bags in?

**A 3** Manager Infrastructure responded that contaminated recyclables are buried in landfill.

**Q 4** Are you aware of the destruction at Jocks Road reserve? I consider it a diverse wildflower hot spot and I believe there has been a lack of consideration to the environment in the fire mitigation activity performed there.

**A 4** Manager Infrastructure explained that the Jocks Road reserve is the Council road reserve on Vasse Highway. The fire mitigation activity undertaken in the area was a necessary operation to mitigate the risk of bush fire in that area. We will continue work to keep this area open for access in the case of a bush fire in the area.

### **Mrs Kerri Firth**

**Q 1** Why isn't there a seven day tourist information centre?

**A 1** The Shire President responded that on the Agenda this evening is an item that seeks to address this very issue.

**Q 2** Is there 5 extra staff in the office at the moment?

**A 2** Acting Chief Executive Officer advised Mrs Firth that particular rumour is untrue.

**Q 3** The Recreation Centre is leaking and I get wet when I play badminton. The shade cloth has moved and I am being blinded by the sun whilst playing badminton. Can something be done about this?

**A 3** The Manager Infrastructure acknowledged that the Recreation Centre roof is aging and in need of repair. The Acting Chief Executive Officer advised that maintenance of Shire buildings is included in budget deliberations each year and then implemented on a priority basis.

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

*Cr Brown read aloud a petition on behalf of Mr Brian Pears:*

**20015 BROWN/MELLEMA**

*That a park bench be built to commemorate Mrs Myrtle Pears and be placed half way down Kearney Street.*

**CARRIED (7/0)**

**7. DECLARATIONS OF INTEREST:**

Cr Brown declared an Impartiality Interest in agenda item 12.9 - Request to revision of funding as she is a member of a committee (Nannup Arts Council Inc.) that finds itself in the same situation regarding community grant funding as the South West Food Bowl.

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:**

**20016 BUCKLAND/FRASER**

*That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 23 January 2020 be confirmed as a true and correct record.*

**CARRIED (7/0)**

**9. MINUTES OF COUNCIL COMMITTEES:**

**20017 MELLEMA/STEVENSON**

*That the Minutes of the Bush Fire Advisory Committee meeting held 3 February 2020 be received.*

*That the Minutes of the Local Drug Action Group Committee meeting held 12 February 2020 be received.*

**CARRIED EN BLOC (7/0)**

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:**

Nil.

**11. REPORTS BY MEMBERS ATTENDING COMMITTEES:**

<b>Date</b>	<b>Meeting</b>	<b>Councillor</b>
3 February	Bush Fire Advisory Committee	Mellema, Stevenson,
12 February	Local Drug Action Group	Brown
19 February	Local Emergency Management Committee	Brown

**12. REPORTS BY OFFICERS:**

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for January 2020
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 February 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

**BACKGROUND:**

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in January 2020 is presented in Attachment 12.1.1.

**COMMENT:**

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council’s adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During January 2020, one (1) development application was determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for January 2020 compared to January 2019:

	<b>January 2019</b>	<b>January 2020</b>
<b>Delegated Decisions</b>	5 (\$49,500)	1 (\$8,000)
<b>Council Decisions</b>	0	0
<b>Total</b>	<b>5 (\$49,500)</b>	<b>1 (\$8,000)</b>

100% of all approvals issued in the month of January were completed within the statutory timeframes of either 60 or 90 days.



**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995 and LPS3.*

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

**POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

**FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for January 2020 as per Attachment 12.1.1.

**20018 STEVENSON/BUCKLAND**

***That Council receives the report on Delegated Development Approvals for January 2020 as per Attachment 12.1.1.***

***CARRIED (7/0)***

AGENDA NUMBER:	12.2
SUBJECT:	Development Application – Proposed microbrewery
LOCATION/ADDRESS:	Lot 692 (#1) Warren Road, Nannup
NAME OF APPLICANT:	Sphile Pty Ltd
FILE REFERENCE:	A430
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 February 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 - Location map 12.2.2 - Original plans and information from applicant 12.2.3 – Submissions 12.2.4 - Modified plans from applicant and applicant’s response to submissions 12.2.5 - Planning framework: extracts from key documents

**BACKGROUND:**

This item is presented to Council given the application site is situated on a high-profile location in the town centre and is located entirely in the floodplain.

Sphile Pty Ltd have lodged a Development Application for a proposed microbrewery to be located at Lot 692 Warren Road (corner of Grange Road), Nannup as shown in Attachment 12.2.1. Attachment 12.2.2 outlines the original details provided by the applicant which were the plans subject to public consultation. The proposal is to change the use of the existing restaurant/café to a microbrewery, to demolish the existing ablution block, and to construct a new building containing an ablution block, storage, bicycle parking and verandahs.

There is currently a restaurant/café (Nannup Bridge Café), a vacant commercial building (most recently occupied by the Nannup Arts Council) and a residence on the property. The owner intends to convert and extend the existing café building to incorporate the microbrewery.

*Consultation*

The Shire administration undertook extensive consultation through inviting public comment on the Development Application for a period of 42 days by writing to landowners and known occupiers within 150m of the site (32 stakeholders), the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage, placing details on the Shire website and having details available at the Shire office.

The Shire received 5 submissions on the Development Application as outlined in Attachment 12.2.3. In summary:

- 3 submissions were generally supportive of the proposed development but did raise concerns with regards to car parking, proposed opening hours, waste management, the impact of the proposed new works on the Grange Road streetscape, and how patrons would be discouraged from trespassing on neighbouring properties;
- 1 submission was not supportive of the proposal for economic reasons; and
- the submission from DWER did not object to the proposal but did identify key issues and provide recommendations with regards to flood and waste management.

### *Revised plans*

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn provided their response to the issues raised and three suggestions for a revised design for the proposed extension to the existing building which is shown in Attachment 12.2.4. **The revised plans replace the original plans. The revised plans, set out in Attachment 12.2.4, are the plans being assessed in this report by the Shire administration and the Council. It is highlighted that the applicant has provided three Grange Road elevations (options) relating to the ablution block.**

### *Planning framework*

The site is zoned 'Town Centre' and is within a Flood Risk Area under the *Shire of Nannup Local Planning Scheme No.3* (LPS3). The site is also located in the *Nannup Main Street Heritage Precinct* (Local Planning Policy LPP8). Other key planning documents related to the proposal include the *Shire of Nannup Local Planning Strategy*, *Local Planning Policy No.11 Development in Flood Risk Areas* (LPP11), *Local Planning Policy No.13 Car Parking and Vehicular Access* (LPP13) and *Local Planning Policy No. 19 Heritage Conservation* (LPP19).

LPS3 does not include the use of 'brewery'. The closest uses are 'restaurant' which is a 'D' (discretionary) use in the Town Centre zone and 'winery' which is an 'A' (advertising required) use in the Town Centre zone. Accordingly, a microbrewery or brewery are best classified as a 'use not listed' in LPS3. Should the Council consider the proposal has merit, the Council has the statutory power to approve this Development Application.

In regards to development of flood risk land, Clause 5.2.1 of LPS3 (Attachment 12.2.5) states in part that:

#### "5.2.1 Flood Risk Land

##### 5.2.1.1 Notwithstanding any other provision of the Scheme.

(a) the local government shall not grant approval to the carrying out of any development on land (or portion(s) thereof) that is shown on the Scheme Map as being flood risk land or where land abuts the Blackwood River unless an assessment has been made of:

- (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
- (ii) the safety of the proposed development in time of flood; and
- (iii) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.”

Clause 5.2.1.4 of LPS3 also states:

“5.2.1.4 Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made.”

In regards to development within the Nannup Main Street Heritage Area, LPP8 (Attachment 12.2.5) states that:

“All new development and redevelopment within the Nannup Main Street Heritage Area should contribute positively to the recognised heritage values and established townscape quality of Nannup’s main street.

The Council requires that all proposals for new development and additions to existing development within the Heritage Area shall:

- add to the range of services and facilities available to the town residents and its visitors;
- ensure through appropriate design that the strong “Garden Village” character, and “working timber town” identity/role of the town is preserved, particularly in regard to development size, form, height and scale;
- be compatible with existing development, particularly in regard to building materials, shop front design, front setbacks, the use of colour, the application of advertising signage and the location and form of fencing;
- enhance the existing overall visual appearance of the Heritage Area;
- improve the provision of weather protection for pedestrians; and
- build upon the existing strong sense of community, and improve the economic viability of the town.”

The Local Planning Strategy seeks to promote a vibrant town centre, provide for a wide range of uses and require a high standard of design.

Attachment 12.2.5 sets out the relevant planning framework which are extracts from LPS3, Local Planning Strategy, LPP8, LPP11 and LPP13.

## **COMMENT:**

### *A) Overview*

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is generally consistent with LPS3, strategies and policies. It is accordingly

recommended that Council conditionally approve the Development Application (based on the revised plans outlined in Attachment 12.2.4) given:

- the proposed development will assist to activate the northern section of the main street, providing a further point of interest for visitors and locals alike;
- it has the potential to draw visitors to Nannup which supports local businesses;
- the design is considered sympathetic to the heritage values of the town centre;
- the reasons put forward by the applicant in Attachment 12.2.2;
- key State Government agencies have not identified any fatal flaws with the proposal;
- the extensive community consultation undertaken, there is overall community support or acceptance of the proposal;
- there are no objections from other Shire officers/units;
- it is expected to create employment and economic development locally; and
- development conditions can assist to control the appearance, use and management of the development along with the risks associated with flooding.

#### *B) Key issues*

While noting the above, the key issues with the application are outlined below.

#### Flood risk

As outlined above, the site is entirely within the flood plain with the existing development constructed below the required minimum floor level to protect against flooding. The proposed new development will also be below the minimum floor level by approximately 1.5 metres.

Council policies adopt a precautionary approach to flood risk and approving development in flood risk area does present risks for the Shire.

On balance, given that no objections were raised by DWER (the peak water management/flood risk agency in Western Australia), the proposed new ablution block, storage and bike parking does not comprise any habitable buildings, and the constraints of addressing streetscape considerations, it is suggested the additional storage and ablution facility buildings are acceptable. Risks can be mitigated through:

- Obtaining an indemnification/deed agreement with the landowner;
- Adding a notification of flood risks to the Certificate of Title;
- Addressing matters raised by DWER; and
- The landowner obtaining and holding necessary insurances.

Alternatively, the Council may determine that a revised design is required which raises the minimum floor level to reduce the risk of flooding. If this was the case, it is expected a new Development Application would need to be lodged.

#### Heritage

The property is not on the Shire of Nannup Heritage List, but is on the Municipal Heritage Inventory as part of the Nannup Main Street Heritage Precinct.

The applicant proposes to demolish the existing toilet building as part of the development however this structure has no heritage value. The main commercial building will be retained with only minor proposed external changes.

The proposed new additions are sympathetic to the heritage values of the site and the precinct.

### Design

As outlined above, the revised design is considered sympathetic to the heritage values of the Nannup main street heritage precinct and is consistent with Nannup's 'garden village' character. Given the site's high-profile location, it is suggested the design will enhance the town centre. It is noted that the design incorporates materials and a design that are consistent with LPP8.

As outlined in Attachment 12.2.4, it is highlighted that the applicant has provided three Grange Road elevations (options) relating to the ablution block. The Shire administration prefers the second option with the verandah being extended given this will assist to 'soften' the development and better integrate existing and proposed development. The verandah will also provide environmental comfort for customers and other members of the public. The second option could also be enhanced with the introduction of windows (opaque or openable from the top), murals/public art between some of the columns and planter boxes. Unless the third option incorporates mature trees, it would take many years to soften the new development. The first option would need a high quality mural/public art, effectively maintained, due to its location and size.

Assuming a new verandah is provided, it will extend into the Grange Road reserve. While this is a common practice in Nannup, to achieve good design outcomes and environmental comfort, there is a need for indemnification along with insurances for existing and proposed verandahs.

### Parking

Currently, there are no formally constructed car parking bays on the site including to service the existing commercial development. This reflects the historic nature of the buildings. For the existing buildings, the car parking requirements (from a statutory planning perspective) for a microbrewery are expected to be similar to previous uses of a café/restaurant. If the microbrewery is effectively operated and is popular with locals, visitors and tourists, parking may however be greater than compared to previous operations.

Practically, given the historic nature of development and site characteristics, future patrons will continue to park off-site. Depending on numbers, this may require patrons to walk a short distance. Other than major events, there are always sufficient car parking spaces in the Nannup town centre.

Most of the new buildings do not in themselves generate additional parking requirements e.g. ablutions, storage and bicycle parking. It is acknowledged there will

be additional locations for patrons to be seated including under the new verandahs and in the undercover beer garden.

Accordingly, the below comments relate to car parking requirements associated with the proposed new development which is consistent with LPP13. Standards and guidance are set out in LPS3 and LPP13 which includes a requirement that parking bays and vehicle access be appropriately sealed and drained by the applicant/landowner.

As set out in Attachment 12.2.4, the applicant proposes 2 car parking bays for the development. While LPS3 does not specify a required number of car parking bays for a microbrewery, if assessed against the requirements for a restaurant or tavern the development would require one bay for every 25m<sup>2</sup> of gross floor space. LPS3 does not define if gross floor space only relates to buildings or to verandahs, undercover areas and alfresco areas. It has been Shire practice to not require car parking for alfresco dining in the town centre. If applied against the new building (minus the verandah and undercover areas), then the floor area is around 36m<sup>2</sup> which equates to two car parking bays.

The Council has various options on car parking including:

1. accepting the application as submitted;
2. requiring the landowner to make a cash-in-lieu payment, based on determining that the change of use and/or new buildings will generate increased car parking requirements, to assist the Shire to provide nearby off-site parking; or
3. requiring additional car parking bays being provided on Lot 692 Warren Road.

On balance, the Shire administration is supportive of Option 1 for this proposal. It is suggested there are non-standard circumstances to consider with this proposal, including that the proposed development does not significantly differ in usage from the existing restaurant/café use which accommodates patrons in street bay and car parking bays located across Grange Road.

While noting the above, it is suggested that, at times, there will be insufficient car parking bays on site and immediately adjoining the site. Accordingly, the landowner and future tenants/staff will have to manage this including encouraging tenants/staff not to use the car parking bays in peak periods. This may require parking a slight walk away from the site to enable use of on-site and nearby car parking bays by customers and clients.

The operator is encouraged to promote sustainable transport options including walking, riding, carpooling and community transport.

In addition to the above, it is considered appropriate that the Council review street parking in the area and consider ways to provide increased car parking spaces along with enhancing the area's amenity and safety.

### Noise and amenity

The Shire acknowledges the concerns from some submitters in regards to noise, hours of operation and trespass onto adjoining private properties. Some of the concerns are addressed through statutory requirements such as the *Environmental Protection (Noise) Regulations 1997*.

It is recommended that a Management Plan be prepared for local government approval which is then suitably implemented. This plan should address the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality including, outline the approach to maximise the safety and security of clients and visitors, and seek to be a good neighbour and be considerate including noise, litter and the approach to reducing trespass by clients onto adjoining private property.

There is a separate need to gain necessary approvals from the Department of Local Government, Sport and Cultural Industries (liquor licencing) with regards to opening hours and the service and sale of liquor.

### Servicing

The development is already connected to the reticulated sewerage system. The recommended conditions will assist to address matters raised by DWER and deliver appropriate environmental and health outcomes.

### Economic competition and impacts on existing businesses

It is highlighted that economic competition is not a planning consideration as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. This reflects the decisions of tribunals and courts in Western Australia and Australia. Accordingly, the Council is unable to refuse the Development Application based on competition and impacts on existing businesses.

### *C) Conclusion and options*

It is recommended that Council approve the Development Application (revised plans outlined in Attachment 12.2.4) subject to conditions. The Council could alternatively choose to defer making a decision on the matter and seek additional information or it may determine to refuse the Development Application.

## **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015, Land Administration Act 1997, Local Government Act 1995 and LPS3.*

## **POLICY IMPLICATIONS:**

Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not



bound by the policies but is required to have regard to the policies in determining the Development Application. Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *State Planning Policy 3.4 Natural Hazards and Disasters* and *State Planning Policy 3.5 Historic Heritage Conservation*.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

The proposed microbrewery is consistent with aims of the Local Planning Strategy and is important to the development of tourism in Nannup and the district. The development has the potential to draw visitors to Nannup which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2017-2027*.

#### **RECOMMENDATION:**

That Council approve the Development Application, set out in Attachment 12.2.4 for a change of use from restaurant/café to microbrewery, to demolish the existing ablution block, and to construct a new ablution block, storage and bicycle parking at Lot 692 on Plan 80869 Warren Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation set out in Attachment 12.2.4 incorporating a verandah and other measures to 'soften the design' as agreed by the local government, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. Engineering certification is provided for the building, to the satisfaction of the local government prior to the issue of a Building Permit, that the new building has been designed to take account of potential forces of flood water.
4. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be

permanently maintained in an operative condition to the satisfaction of the local government.

5. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation of the development to the satisfaction of the local government.
6. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the local government prior to occupation of the development.
7. The provision of one double crossover to Grange Road, with the crossover being designed, constructed (sealed or paved) and drained at the landowner's cost to the satisfaction of the local government prior to occupation of the development.
8. The development is connected to the reticulated water system prior to occupation of the development.
9. The development is connected to the reticulated sewerage system prior to occupation of the development.
10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles) with colours to be agreed by the local government.
11. The building is painted or clad in colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct and to the satisfaction of the local government prior to occupation of the development. A schedule of all materials to be used on the external surfaces of the building shall be submitted to the satisfaction of the local government prior to the issue of a Building Permit.
12. No external signage is to be erected without the prior approval of the local government.
13. Rubbish bin and recycling storage areas are to be located, designed and constructed to the satisfaction of the local government prior to occupation of the development.
14. The provision of a detailed floor plan, including the kitchen fit out, to the satisfaction of the local government prior to occupation.
15. The applicant is to maintain appropriate public liability insurance for the use of the Grange Road reserve for alfresco dining, along with existing and new verandahs in the Grange Road reserve.
16. The use of the site must not adversely affect the amenity of the locality by reason of noise.
17. The landowner is to submit and gain local government approval for a Management Plan, prior to commencement of the microbrewery use, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality. The approved management details shall be implemented on an ongoing basis to the satisfaction of the local government.

18. The hours of operation shall be limited as follows with no trading on Good Friday, Christmas Day and before 12:00pm on ANZAC Day, unless a variation is approved in writing by the Shire:
  - 10:30am to 8:30pm, Monday - Thursday;
  - 10:00am to 10:00pm, Friday and Saturday; and
  - 10:00am to 8:30pm Sunday.
19. The landowner enters a Deed, to the satisfaction of the local government, which is finalised prior to occupation of the development relating to flood risks and which indemnifies the local government. The costs of preparing and executing the Deed are at the landowner's cost.
20. The landowner meets the costs of adding a notification (section 70A or a memorial) to the Certificate of Title setting out that the property is at risk of flooding, to satisfaction of the local government, prior to occupation.
21. The provision of bike racks and bike parking to the satisfaction of the local government prior to occupation.
22. The landowner enters a Memorandum of Understanding with the local government, to the satisfaction of the local government prior to the issue of a Building Permit, to address risks, maintenance and associated matters with verandahs being in the Grange Road reserve.

### **Advice**

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) The applicant/landowner is advised that the approved development must comply with all relevant provisions of the Building Act 2011 and the Building Code of Australia.
- C) In relation to Condition 2, this could include the introduction of windows (opaque or openable from the top), murals/public art between some of the columns, planter boxes and/or other measures agreed by the local government.
- D) In relation to Conditions 4 and 5, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.
- E) In relation to Condition 9, evidence is provided to the local government and DWER that brewery waste (trade waste) can be disposed into the reticulated sewerage system.
- F) In relation to Condition 17, the Management Plan is to:
  - i. address the responsibility for clients'/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - ii. outline the approach to maximise the safety and security of clients and visitors; and
  - iii. seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing trespass by clients onto adjoining

private property. As part of this, to review boundary fencing and upgrade as required.

- G) The landowner should maintain appropriate insurances at all times relating to damage from flooding.
- H) The applicant is advised that the approved development must comply with all relevant provisions of the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Food Act 2008, Food Regulations 2009, Food Standards Code of Australia and New Zealand, Health (Public Building) Regulations 1992, Environmental Protection (Noise) Regulations 1997, Health (Laundries and Bathrooms) Regulations, Sewage (Lighting, Ventilation and Construction) Regulations 1971 and the Shire of Nannup Health Local Laws.
- I) The Blackwood River Flood Study shows that the entire lot is affected by flooding during major river flows with the 1 in 100 AEP flood level estimated to be 68.18 metres AHD. The Department of Water and Environmental Regulation advises that the proposed floor level of the new buildings of 67.19 metres AHD will provide approximately 1 in 40 year AEP flood protection.
- J) In accordance with Clause 5.2.1.6 of the Shire of Nannup Local Planning Scheme No.3 relating to flood risk land, the scheme states "Any decision made by the Shire in pursuance of this clause is deemed to be a decision made in 'good faith' and the Shire is hereby forever indemnified against any claim made by any person and relating to any loss whatsoever arising from such a decision".
- K) To reduce flood damages, all electrical installations should be located as high as practical and suitably installed.
- L) The property is entirely located in an area which has been declared as bushfire prone by the Fire and Emergency Services Commissioner. The applicant is advised to prepare and implement an Emergency Management and Evacuation Plan prior to occupation.
- M) The applicant is advised that this approval does not permit the external colours of the building to be changed. Any future changes to the external colours are to be consistent with the guidelines contained in Local Planning Policy LPP8 Nannup Main Street Heritage Area and are to be approved by the Shire.
- N) The applicant/operator is encouraged to promote sustainable transport options including walking, riding, carpooling and community transport.
- O) If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

## **20019 BUCKLAND/MELLEMA**

***That Council approve the Development Application, set out in Attachment 12.2.4 for a change of use from restaurant/café to microbrewery, to demolish the existing ablution block, and to construct a new ablution block, storage and bicycle parking at Lot 692 on Plan 80869 Warren Road, Nannup subject to the following conditions:***

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed no further development is to be carried out.***
- 2. The development hereby approved must be carried out in accordance with the plans and documentation set out in Attachment 12.2.4 incorporating a verandah and other measures to 'soften the design' as agreed by the local government, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 3. Engineering certification is provided for the building, to the satisfaction of the local government prior to the issue of a Building Permit, that the new building has been designed to take account of potential forces of flood water.***
- 4. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.***
- 5. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation of the development to the satisfaction of the local government.***
- 6. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the local government prior to occupation of the development.***
- 7. The provision of one double crossover to Grange Road, with the crossover being designed, constructed (sealed or paved) and drained at the landowner's cost to the satisfaction of the local government prior to occupation of the development.***
- 8. The development is connected to the reticulated water system prior to occupation of the development.***

9. ***The development is connected to the reticulated sewerage system prior to occupation of the development.***
10. ***The roof of the building is constructed of corrugated iron or Colourbond (not tiles) with colours to be agreed by the local government.***
11. ***The building is painted or clad in colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct and to the satisfaction of the local government prior to occupation of the development. A schedule of all materials to be used on the external surfaces of the building shall be submitted to the satisfaction of the local government prior to the issue of a Building Permit.***
12. ***No external signage is to be erected without the prior approval of the local government.***
13. ***Rubbish bin and recycling storage areas are to be located, designed and constructed to the satisfaction of the local government prior to occupation of the development.***
14. ***The provision of a detailed floor plan, including the kitchen fit out, to the satisfaction of the local government prior to occupation.***
15. ***The applicant is to maintain appropriate public liability insurance for the use of the Grange Road reserve for alfresco dining, along with existing and new verandahs in the Grange Road reserve.***
16. ***The use of the site must not adversely affect the amenity of the locality by reason of noise.***
17. ***The landowner is to submit and gain local government approval for a Management Plan, prior to commencement of the microbrewery use, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality. The approved management details shall be implemented on an ongoing basis to the satisfaction of the local government.***
18. ***The hours of operation shall be limited as follows with no trading on Good Friday, Christmas Day and before 12:00pm on ANZAC Day, unless a variation is approved in writing by the Shire:***
  - ***10:30am to 8:30pm, Monday - Thursday;***
  - ***10:00am to 10:00pm, Friday and Saturday; and***
  - ***10:00am to 8:30pm Sunday.***
19. ***The landowner enters a Deed, to the satisfaction of the local government, which is finalised prior to occupation of the development relating to flood risks and which indemnifies the local government. The costs of preparing and executing the Deed are at the landowner's cost.***
20. ***The landowner meets the costs of adding a notification (section 70A or a memorial) to the Certificate of Title setting out that the property is at***

*risk of flooding, to satisfaction of the local government, prior to occupation.*

- 21. The provision of bike racks and bike parking to the satisfaction of the local government prior to occupation.**
- 22. The landowner enters a Memorandum of Understanding with the local government, to the satisfaction of the local government prior to the issue of a Building Permit, to address risks, maintenance and associated matters with verandahs being in the Grange Road reserve.**

### **Advice**

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.**
- B) The applicant/landowner is advised that the approved development must comply with all relevant provisions of the Building Act 2011 and the Building Code of Australia.**
- C) In relation to Condition 2, this could include the introduction of windows (opaque or openable from the top), murals/public art between some of the columns, planter boxes and/or other measures agreed by the local government.**
- D) In relation to Conditions 4 and 5, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.**
- E) In relation to Condition 9, evidence is provided to the local government and DWER that brewery waste (trade waste) can be disposed into the reticulated sewerage system.**
- F) In relation to Condition 17, the Management Plan is to:**
  - i. address the responsibility for clients'/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;**
  - ii. outline the approach to maximise the safety and security of clients and visitors; and**
  - iii. seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing trespass by clients onto adjoining private property. As part of this, to review boundary fencing and upgrade as required.**
- G) The landowner should maintain appropriate insurances at all times relating to damage from flooding.**
- H) The applicant is advised that the approved development must comply with all relevant provisions of the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Food Act 2008, Food Regulations 2009, Food Standards Code of Australia and New Zealand, Health (Public**

**Building) Regulations 1992, Environmental Protection (Noise) Regulations 1997, Health (Laundries and Bathrooms) Regulations, Sewage (Lighting, Ventilation and Construction) Regulations 1971 and the Shire of Nannup Health Local Laws.**

- I) The Blackwood River Flood Study shows that the entire lot is affected by flooding during major river flows with the 1 in 100 AEP flood level estimated to be 68.18 metres AHD. The Department of Water and Environmental Regulation advises that the proposed floor level of the new buildings of 67.19 metres AHD will provide approximately 1 in 40 year AEP flood protection.**
- J) In accordance with Clause 5.2.1.6 of the Shire of Nannup Local Planning Scheme No.3 relating to flood risk land, the scheme states “Any decision made by the Shire in pursuance of this clause is deemed to be a decision made in ‘good faith’ and the Shire is hereby forever indemnified against any claim made by any person and relating to any loss whatsoever arising from such a decision”.**
- K) To reduce flood damages, all electrical installations should be located as high as practical and suitably installed.**
- L) The property is entirely located in an area which has been declared as bushfire prone by the Fire and Emergency Services Commissioner. The applicant is advised to prepare and implement an Emergency Management and Evacuation Plan prior to occupation.**
- M) The applicant is advised that this approval does not permit the external colours of the building to be changed. Any future changes to the external colours are to be consistent with the guidelines contained in Local Planning Policy LPP8 Nannup Main Street Heritage Area and are to be approved by the Shire.**
- N) The applicant/operator is encouraged to promote sustainable transport options including walking, riding, carpooling and community transport.**
- O) If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

**MOTION LOST (3/4)**

**VOTING FOR THE MOTION: Crs Mellema, Brown & Buckland.**

**VOTING AGAINST THE MOTION Crs Dean, Stevenson, Corlett & Fraser.**

**Council did not make a decision on agenda item 12.2 Development Application – proposed microbrewery during this meeting, and it will be tabled again for Councils consideration at a subsequent meeting.**



AGENDA NUMBER:	12.3
SUBJECT:	Request for Financial Assistance – 3 Tier Youth Mental Health Program
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WFL 2
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	19 February 2020
ATTACHMENT:	12.3.1 – 3 Tier Youth Mental Health Program – Warren Blackwood 12.3.2 - Letters of Support

## BACKGROUND:

The 3 Tier Youth Mental Health Program (3TYMHP) is one of the Blackwood Youth Action Inc. flagship programs led by Dr Sarah Youngson in high schools in the Warren Blackwood. This is a program that has been run across all high schools in the Warren Blackwood region, supporting Year 10 students with mental health literacy, and wellbeing for 3 years.

GP down south & Blackwood Youth Action (partners in this program) have been working hard at lobbying the Mental Health Commission and Minister Cook's office to commit to funding this program long term.

The program has a unique approach to the complex issues of youth mental health and youth suicide, encompassing mental health awareness, and prevention and intervention for secondary school students. The program breaks down the barriers and stigmas around mental health in our youth, promotes discussion, encourages help seeking behaviours and provides individual treatment and support to those in need.

Program Objectives include increasing:

- awareness of mental health issues and opportunities for recovery;
- knowledge of coping strategies for specific mental health issues; and
- access to appropriate support to young people with mental health problems.

The program targets secondary students in year 10.

**Tier 1** involves an awareness raising presentation delivered by an Ambassador who has lived experience of mental health issues. The presentation covers topics including maintaining physical and mental wellbeing, overcoming life's obstacles, peer pressure, how to ask for help and the importance of leadership and teamwork.

**Tier 2** focuses on prevention and involves the presentation of four workshops in each high school across the Warren Blackwood region. The workshops cover a range of topics that including drugs & alcohol, mental health, body image, stress & coping strategies, family violence, self-harm and suicide. The workshops focus on prevention strategies and help seeking behaviours. The workshops provide education to the students on the skills, resources and the right environment to discuss issues. They aim to break down stigmas and barriers and encourage self-referral or support seeking activities.

**Tier 3** focuses on developing linkages between schools, general practitioners, community agencies and mental health service providers. This ensures that young people who have mental health problems are provided with appropriate one on one support through counselling and other mental health treatment options.

A detailed overview of the 3TYMHP can be found in the attachment 12.3.1.

#### **COMMENT:**

The program is seeking Council's support for the 3 Tier Youth Mental Health Program. The funding for this program has been at risk. The partners have had outstanding support from Terry Redman MLA, who has appealed to Minister Cook on a number of occasions, including lodging a grievance in Parliament.

The Shire of Manjimup committed to a \$20,000 one off donation to assist the 3 Tier Mental Health Program to remain operational for the first half of the 2020 school year. This will ensure one component of the program, Tier 3, continues for six months, whilst the partners seek a long term funding solution.

The contribution by the Shire of Manjimup to this program demonstrates the value that this Shire has placed on the program, and the importance of maintaining a local solution in the regional and disadvantaged communities.

GP Down South have requested that the Nannup Shire Council will consider making an additional contribution to the 3 Tier Program, to go towards enabling this program to continue to function in its entirety. Other shires will also be approached including the Shires of Bridgetown and Boyup Brook.

The co-ordinator is hopeful that each Shire will consider a contribution of \$5000 to assist the Tier 1 and Tier 2 components to continue over the next six months. A Local Government contribution will also demonstrate to the State Government the value that our local community places on the Program, and would add a great deal of weight to the submission to the Mental Health Commission.

## **STATUTORY ENVIRONMENT:**

Council has the statutory ability to allocate funding to Not for Profit programs such as this. Any decision of Council to amend the Annual Budget must be by Absolute Majority decision of Council.

## **POLICY IMPLICATIONS:**

Policy FNC 3 – Community Group Grants and Donations:

1. Requests for donations outside of the Community Grants budget deliberations are to be made in writing, giving full details of the organisation concerned and the purpose for which the donation will be used. Council reserves the right to request any information necessary in order to arrive at a decision whether or not to provide a donation in any instance.
2. All requests for donations outside of community grant budget deliberations shall be included in the next available agenda, which will include a report from staff detailing the availability and source of funds from Council's budget if recommended for approval
3. Council at its discretion shall approve or not approve donations outside of community grant budget deliberations.

## **FINANCIAL IMPLICATIONS:**

An adjustment to the budget is made.

## **STRATEGIC IMPLICATIONS:**

Our Council leadership

- A listening leadership that provides and represents all
- To do what is right and fair for the people

**RECOMMENDATIONS:**

That Council support the 3 Tier Youth Mental Health Program through a financial contribution of \$5000.

**Amended Motion:**

**20020 BUCKLAND/STEVENSON**

- 1. That Council support the 3 Tier Youth Mental Health Program through a financial contribution of \$5000.*
- 2. That a letter accompanies the remittance advice of this payment to advise that this is a one off donation that is not to be repeated in 2021.*

**CARRIED (7/0)**

AGENDA NUMBER:	12.4
SUBJECT:	Visitor Servicing – Blackwood Café Proposal
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ASS 21
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	19 February 2020
ATTACHMENT:	12.4.1 – Blackwood Café Visitor Servicing Proposal

### **BACKGROUND:**

In January the Chief Executive Officer and the Economic & Community Development Officer met with Betty Prichodko from the Blackwood Café; who together with a BigN representative discussed the prospect of taking on visitor servicing through the Café. Since that meeting, the Blackwood Café prepared a brief proposal for discussion at the Tourism Committee meeting to deliver 7-day visitor servicing. Please refer to Attachment 12.4.1.

The Expression of Interest document advertised late last year has been shared with the proponent and they are agreeable to the requirements.

In the February, at the Tourism Committee meeting Betty Prichodko offered a 10-minute presentation on Visitor Servicing Proposal at Blackwood Café, there was no quorum at the meeting to make a decision in regards to this.

### **COMMENT:**

The visitor servicing contract with the Nannup Community Resource Centre was an interim measure until another option was made available, this is in place until March 31, 2020.

The Blackwood Café will be supported by the Shire to establish the service throughout the month of March with the intent to deliver the service from 1 April 2020, in time for the busy period of Easter.

### **STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The visitor servicing contract payment comes out of the funds allocated in the 2019 - 2020 and budgeted for in the 2020 - 2021 budget.

**STRATEGIC IMPLICATIONS:**

Our Economy

- We will have a sustainable, innovative and equitable economy
- Working together to attract people to our amazing Shire

**RECOMMENDATIONS:**

That Council support the Chief Executive Officer to negotiate a contract with the Blackwood Café for a period of 16 months ending 30 June 2021; to be considered for renewal with mutual consent three months prior to this date.

**20021 DEAN/MELLEMA**

***That Council support the Chief Executive Officer to negotiate a contract with the Blackwood Café for a period of 16 months ending 30 June 2021; to be considered for renewal with mutual consent three months prior to this date.***

**CARRIED (7/0)**

AGENDA NUMBER:	12.5
SUBJECT:	Upgrade of Chairs at Recreation Centre.
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	REC 2
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	23 January 2020
ATTACHMENT:	12.5.1 - Quotes for new chairs

**BACKGROUND:**

The chairs that are currently available for public use at the Recreation Centre are reaching a stage of degradation. There are currently 150 in the collection and these are used by the many user groups utilising the Recreation Centre including patrons attending funerals that are held from time to time at the centre.

Included within the 19/20 Budget was a line item to replace these chairs with more suitable options including an extra 50 chairs with arm rests to support the elderly and grieving members of the community when needed including during funeral services.

**COMMENT:**

Based on the reasoning that these chairs have been budgeted for replacement within the current financial year, officers have begun sourcing possible options available for the replacement chairs. This then will result in the current stock of chairs being surplus to Council's needs.

It is therefore an Officer recommendation that a tender process be completed to ascertain if any community groups, individuals or businesses would like to purchase the existing stock of chairs.

**STATUTORY ENVIRONMENT:**

Local Government Act  
3.58. Disposing of property

**POLICY IMPLICATIONS:**

Purchasing Policy ADM 4.

## **FINANCIAL IMPLICATIONS:**

Should there be interest and tenders submitted for the purchase of the current stock of chairs, funds raised will be used to support the cost of replacing the chairs.

## **STRATEGIC IMPLICATIONS:**

Our Economy –

- We will have a sustainable, innovative and equitable economy
- Working together to attract people to our amazing Shire

## **RECOMMENDATIONS:**

1. That Council approve the sale of the old chairs at the Recreation Centre through tender process.
2. Any funds raised will be put towards the cost of purchasing new chairs.

## **20022 BUCKLAND/FRASER**

- 1. That Council approve the sale of the old chairs at the Recreation Centre through tender process.**
- 2. Any funds raised will be put towards the cost of purchasing new chairs.**

**CARRIED (7/0)**



AGENDA NUMBER:	12.6
SUBJECT:	Request to Support Lions Cancer Institute Event
LOCATION/ADDRESS:	Grand Cinemas - Como
NAME OF APPLICANT:	Lions Cancer Institute (Inc.)
FILE REFERENCE:	FNC 10
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	5 February 2020
ATTACHMENT:	12.6.1 - Email from Lions Cancer Institute (Inc.)

**BACKGROUND:**

The “Special Children’s Big Day Out” is an annual event run by Lions Cancer Institute (Inc.). It is promoted as a Red Carpet event with the purpose of this event being to ensure that approximately 5,100 special needs children and carers can be taken out of hospital for the day to experience an outing that, as a result of current circumstances, may not be afforded to them at this point in time.

This event will see these children taken from all the hospitals that they are currently residing in on the 11<sup>th</sup> of April and transported to the Grand Cinemas in Como. For some this will be a first time experience. The children, who due to their illness won’t get out of hospital for Easter, will receive refreshments, show bags, a pre-released movie for them to enjoy and a visit from Easter Bunny who will be giving out Easter Eggs. It is important to note that all of this can only be made possible with the generosity from the community as there currently is no State or Federal Government Funding to support this event.

The reason for the request to the Shire of Nannup for support is that there will be seven children attending this event that live within the Shire of Nannup.

**COMMENT:**

The Lions Cancer Institute Inc., was formed in 1989 and is a subsidiary of the Lions Clubs of Australia. The Institute was formed to serve the community; and especially its rural and remote members who have poorer outcomes as a result of cancer. The Institute is distinguished by having a large body of dedicated and highly qualified volunteers who make a difference to cancer patients, and particularly those with skin cancer. Service’s provided include a cancer skin screening service, research projects and events like the “Children’s Big Day Out’. Their motto is “*Saving Lives in your community through screening and research*”.

The contribution asked is minimal especially when compared to the perceived enjoyment that attending this event is intended to provide to participants of the day. Total sponsorship requested is \$100 per local child which equates to \$700 overall.

Council's Policy FNC 3 – Community Group Grants and Donations provides commentary around the request for donations.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Policy FNC 3 – Community Group Grants and Donations:

*“3. Requests for donations outside of the Community Grants budget deliberations are to be made in writing, giving full details of the organisation concerned and the purpose for which the donation will be used. Council reserves the right to request any information necessary in order to arrive at a decision whether or not to provide a donation in any instance.*

*4. All requests for donations outside of community grant budget deliberations shall be included in the next available agenda, which will include a report from staff detailing the availability and source of funds from Council's budget if recommended for approval*

*5. Council at its discretion shall approve or not approve donations outside of community grant budget deliberations.*

**FINANCIAL IMPLICATIONS:**

Total contribution of \$700.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

**RECOMMENDATION:**

That Council advises the Lions Cancer Institute Inc., that the Shire of Nannup is happy and willing to support the “Children’s Big Day Out 2020 with a sponsorship of \$700.

**20023 MELLEMA/BROWN**

***That Council advises the Lions Cancer Institute Inc., that the Shire of Nannup is happy and willing to support the “Children’s Big Day Out 2020 with a sponsorship of \$700.***

***CARRIED (7/0)***

AGENDA NUMBER:	12.7
SUBJECT:	Request to revision of funding request received 19/20 Community Grants
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Southwest Foodbowl
FILE REFERENCE:	FNC 10
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 February 2020
ATTACHMENT:	12.7.1 - Letter – Paul Jefferies – Committee member

**BACKGROUND:**

Within the 19/20 round of Council’s Community Grant program a submission was received for the South West Food Bowl requesting funding for both the purchase of a laptop and support towards the bi-annual event next due to be held in the 2020/21 financial year. During Council considerations of this program Council reached a decision to support the purchase of the laptop only.

With staff changes there was an error made that resulted in three submissions being advised that they had been successful in receiving 100% of the grant requested. The reality was that there had been reductions made between the requested amount and the actual funding secured.

This error was noticed prior to any funding being received however in the interim there were letters sent that did state that all funding asked for had been secured.

As soon as the error was noted, contact was made with each of the community groups and apologies given. Following these conversations funds were released.

**COMMENT:**

While it never ideal for a situation such as this to occur, the error itself was a genuine error on behalf of the officer and as mentioned above as soon as this error was noted contact was made with the affected groups.

The letter attached suggests that if the funding is not re-instated then legal action will be considered. From officers’ perspective, given that the event that the funding is being used to support is not to occur until after the next round of funding has been completed the best way forward would be to firstly re-iterate our sorrow at the mix-up that occurred and further encourage the Southwest Foodbowl to complete an application for assessment within the Community Grants Program for 20/21. Further included within the letter would be acknowledgment that if this funding application is

successful, funds will be forwarded in a such a timely fashion to ensure they are available to support the event that is due to occur in October 2020.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Policy FNC 3 – Community Group Grants and Donations:

1. Council will advertise submissions for community grants in the local newspaper in December/January in any given year. The deadline for submissions will be 28 February in any given year.

**FINANCIAL IMPLICATIONS:**

Total contribution of \$2,000.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

**RECOMMENDATION:**

1. That Council reiterates to the South West Food Bowl its sincere apology for this mix up and encourage the Southwest Foodbowl to complete an application for assessment within the Community Grants Program for 20/21.
2. Included within the letter would be acknowledgment that if this funding application is successful, funds will be forwarded in a such a timely fashion to ensure they are available to support the event that is due to occur in October 2020.

***Amended Motion:***

**20024 DEAN/MELLEMA**

1. ***That Council reiterates to the South West Food Bowl and the Nannup Arts Council Inc. its sincere apology for this mix up and encourage the Southwest Foodbowl and Nannup Arts Council Inc. to complete an***

*application for assessment within the Community Grants Program for 20/21.*

- 2. Included within the letter would be acknowledgment that if this funding application is successful, funds will be forwarded in a such a timely fashion to ensure they are available to support the event that is due to occur in October 2020.*

**NOT CARRIED (0/7)**

**20025 CORLETT/STEVENSON**

*That this item remains on the table for further investigation as the third community group that was affected should be included in Council deliberations.*

**CARRIED (7/0)**

AGENDA NUMBER:	12.8
SUBJECT:	Fees and Charges Amendment - Hire of Temporary Fencing
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 30
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Nicole Botica – Community Development Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	10 January 2020
ATTACHMENT:	12.8.1 - Council Fees and Charges 2019/2020 12.8.2 - Community Sheds MOU

## **BACKGROUND:**

Stored at the Shire Kearney Street Depot and available for hire as per the Councils Fees and Charges are 157 panels or an estimated 300 metres of Temporary Fencing with supporting feet.

Hire of the fencing is based on a linear metre per week basis with a bond that is returned once the panels are brought back in good order.

Current hire costs as below:

Bond Per Hire \$525.00 including GST

For Other Local Governments for Extended Periods Only Per Metre/Week \$20.00 including GST

Erected & Dismantled within Nannup Town site Per Metre/Week \$20.00 including GST.

The current hire rate was calculated based on past shire labour rates and time taken to install and dismantle.

Feedback from those who have enquired about hiring our fencing have advised it is cheaper to hire this type of fencing from other hire businesses. This occurred last year for the Music Festival where the Organisers chose to source the required fencing through another supplier.

In addition, minutes of the Community Sheds Meeting Group held 9<sup>th</sup> April 2019 discuss the hire of the fencing and state *“given that the fencing was purchased in part with community group funds it was felt that hire should be complimentary to stakeholder groups on the proviso that the fencing is picked up, installed, dismantled and returned to the depot in good condition by the community group”*. As an Action the minute’s record *“Community Sheds Group to discuss temporary fencing hire when negotiating the MOU (MOU between the Shire of Nannup and User Groups of the Nannup Community Sheds) with Council”*.

Other than the enquiry from the Music Festival Organisers no other Community Group or entity has hired the fencing for at least two years.

Enquiries with a private Temporary Fencing Hirer have determined a rate of \$14.66 per metre inclusive of GST. Each fencing panel is 2.4 metres in length. The fencing hire rate includes transport to and from site, erection and takedown with no bond required to be paid.

#### **COMMENT:**

Due to the current lack of interest by the public in hiring our Temporary Fencing, officers suggest that Council revisit the hire terms, cost to hire and bond imposed with the view to dry hiring the fencing and reducing the hire and bond charge therefore making the hire of the fencing more attractive.

It is suggested that the person/s or group hiring pick up, transport, install and dismantle the fencing themselves and propose a reduced rate of \$5.50 including GST be charged per panel per week with a bond of \$250.00 applying regardless of the number of panels hired and that terms of hire are only to those persons, groups or organisations within the boundaries of the Shire of Nannup and for use within the Shire of Nannup.

The Local Government Act 1995 Part 6 Division 5 Subdivision 2 allows Local government to give notice of fees and charges, stating

*“If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of — “*

*(a) Its intention to do so; and*

*(b) The date from which it is proposed the fees or charges will be imposed*

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

*Part 6 Division 5 Subdivision 2*

*6.16 Imposition of fees and charges (3)*

*6.17 Setting level of fees and charges*

*6.19 Local government to give notice of fees and charges (a) & (b)*

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Financial Year Fees and Charges 2019/2020 and 2020/2021

#### **STRATEGIC IMPLICATIONS:**

Listen – Support existing and emerging community groups

**RECOMMENDATION:**

That Council:

1. Allow dry hire of the Shires Temporary Fencing to person/s groups or organisation/s only within the boundaries of the Shire of Nannup with those person/s groups or organisations picking up, transporting, installing and dismantling the fencing themselves.
2. Allow hire of the Shires Temporary Fencing at a reduced rate of \$5.50 per panel per week inclusive of GST with a bond of \$250.00 and subject to the *Local Government Act 1995* this fee to become effective within the 2019 2020 Financial Year.

**20026 BROWN/CORLETT**

***That Council:***

- 1. Allow dry hire of the Shires Temporary Fencing to person/s groups or organisation/s only within the boundaries of the Shire of Nannup with those person/s groups or organisations picking up, transporting, installing and dismantling the fencing themselves.***
- 2. Allow hire of the Shires Temporary Fencing at a reduced rate of \$5.50 per panel per week inclusive of GST with a bond of \$250.00 and subject to the Local Government Act 1995 this fee to become effective within the 2019 2020 Financial Year.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**



AGENDA NUMBER:	12.9
SUBJECT:	Budget Monitoring – December 2019
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	30 January 2020
ATTACHMENT:	12.9.1 - Financial Statements for the period ending 31 December 2019

**BACKGROUND:**

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.9.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

**COMMENT:**

Please refer to the attachment, Financial Statements for periods ending 31 December 2019 for a detailed analysis of our end of year position, Note 2.

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The attached financial statements detail financial outcomes for 2019/20.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

Monthly Financial Statements for the period ending 31 December 2019 be received.

***20027 MELLEMA/BUCKLAND***

***Monthly Financial Statements for the period ending 31 December 2019 be received.***

***CARRIED (7/0)***

AGENDA NUMBER:	12.10
SUBJECT:	Monthly Accounts for Payment - December 2019
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	29 January 2020
ATTACHMENTS:	12.10.1 - Accounts for Payment – December 2019

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 December 2019 to 31 December 2019 as detailed hereunder and noted on the attached schedule, are submitted to Council.

**COMMENT:**

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently two corporate credit cards in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

**Municipal Account**

Accounts paid by EFT	12152 - 12250	468,658.07
Accounts paid by cheque	20424 – 20429	5,657.00
Accounts paid by Direct Debit	DD10642.1-10661.1	56,467.76
<i>Sub Total Municipal Account</i>		<u>\$228,857.73</u>

**Trust Account**

Accounts paid by EFT	12173, 12200, 12251	597.60
Transfer to Muni Admin fees		43.25
Accounts Paid by cheque		0.00
<i>Sub Total Trust Account</i>		<u>640.85</u>

**Total Payments**

\$531,423.68

**STATUTORY ENVIRONMENT:**

LG (Financial Management) Regulation 13

**POLICY IMPLICATIONS:**

None.

**FINANCIAL IMPLICATIONS:**

As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:**

None.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$531,423.68 1 December 2019 to 31 December 2019 in the attached schedule(s) be endorsed.

**20028 BUCKLAND/MELLEMA**

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$531,423.68 1 December 2019 to 31 December 2019 in the attached schedule(s) be endorsed.***

**CARRIED (7/0)**

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

***Procedural Motion***

**20029 STEVENSON/BUCKLAND**

***That Council accept Late Item 12.11 Change to Council Meeting Times.***

***CARRIED (6/1)  
Cr Corlett voted against.***

**13.1 OFFICERS**

AGENDA NUMBER:	13.1
SUBJECT:	Change to Council Meeting times
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	27 February 2020
ATTACHMENT:	Nil

**BACKGROUND:**

Historically, Ordinary meetings of Council are held on the fourth Thursday of each month beginning at 4.30pm. Recently, due to work commitments this start time has proven to be unsustainable for Councillors.

**COMMENT:**

At the January 2020 Ordinary Meeting of Council a request was made for the start time of meetings be changed to allow Councillors to attend meetings without compromising on their other work commitments.

The revision would see Council meetings from March 2020 begin one hour later at than the current start time of 4.30pm. Effectively this would result in the meeting time beginning at 5.30pm on the fourth Thursday of each month.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership  
- Strategy 5.1 Support Existing and Emerging Community Groups.

**RECOMMENDATION**

That as per the March 2020 meeting, following an advertising campaign to alert the general public Ordinary meeting of Council will begin one hour later than the current time of 4.30pm.

***20030 BROWN/BUCKLAND***

***That as per the March 2020 meeting, following an advertising campaign to alert the general public Ordinary meeting of Council will begin one hour later than the current time of 4.30pm.***

***CARRIED BY ABSOLUTE MAJORITY (7/0)***

**13.2 ELECTED MEMBERS**

Nil.

**14. MEETING CLOSED TO THE PUBLIC**

(Confidential Items)

Nil.

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**17. CLOSURE OF MEETING:**

The Shire President declared the meeting closed at 5.44pm.