



Shire of
Nannup
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Minutes

Council Meeting held Thursday 23 July 2020

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1. DECLARATION OF OPENING & ACKNOWLEDGEMENT OF COUNTRY

The Shire President declared the meeting open at 5.32 pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE / VISITORS

ATTENDANCE:

Shire President: Cr T Dean

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

David Taylor – Chief Executive Officer
Susan Fitchat – Acting Manager Corporate & Community Services
Jon Jones – Manager Infrastructure
Jane Buckland – Development Services Officer
Sarah Dean – Governance Officer

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

VISITORS: Wayne Leece, Ian Gibb, Christine Merrit, Michael Merrit.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

3.1 Responses to questions taken on notice are printed below and also attached to the agenda.

Beth Crouch, Cundinup South Road

I attended the January Ordinary Council meeting and had a question taken on notice and have had no response to this question so I am here to ask it again today.

My mother is a resident in the Nannup hospital. Is Council aware that the hospital is running on one doctor currently? There is not a doctor that visits the Nannup Hospital that is able to visit the patients on the ward. If hospital residents need to see a doctor, they need to consult a doctor via a video link up in the Emergency Department. Can the Nannup Council do anything about this situation?

Chief Executive Officer response:

I refer to your question taken on notice at the June Council Meeting held on Thursday 25 June 2020 relating to a question that was not answered at the January 2020 Council meeting. A review of our records confirms that a response was not provided to you as mentioned in the meeting on the 25 June 2020 as the minute detailed that contact would be made to the relevant agencies. Verbal contact was made with the relevant agencies in February 2020. I apologise that a follow-up letter was not provided to yourself on that progress at the time. Given your question at the June 2020 meeting, it appears that the situation has not improved for residents at the Nannup Hospital and therefore I arranged a meeting with WACHS on the 15th July 2020 to understand the situation at the Nannup Hospital further. During that discussion it became clear that a solution is not a straight forward process. Please let me know a time suitable for yourself for a meeting with myself (and WACHS if possible) to discuss in more detail your concerns.

**QUESTIONS TAKEN ON NOTICE AT SPECIAL MEETING OF COUNCIL
JUNE 18 2020:**

Steve Boak – Jalbarragup

How is Council able to make a decision on what is a better economic return or use of the reserve without knowing what will occur on the site in the future?

Chief Executive Officer response:

Each Councillor has the opportunity to raise a Motion for discussion with Councillors in a public forum, which is what Cr Corlett has done in this instance. Part 6 of the Motion stated to undertake a public consultation process on the future use of the site. I understand your concern relating to Councillors being able to make an informed decision as a Councillor with the information on hand. How Councillors make decisions and participate in those discussions is up to the individual Councillor and this was evident at the meeting.

Kerri Firth, East Nannup Road

Why would Council spend this money on a synthetic bowling green?

Chief Executive Officer response:

Officer's believe that your question may have been recorded incorrectly at the meeting and therefore we will provide two responses; If the question was meant to be as written above; previous discussions with the Bowling Club have revealed that the grass green is very high maintenance and is also not able to be used year round, whereas a synthetic green has a high establishment cost but much lower and easier maintenance costs for the users.

If the question was meant to be 'why wouldn't Council spend this money on a synthetic bowling green?'. The Motion from Cr Corlett was to bring to the table discussions about the highest and best use of the site that the bowling club currently exists on and its possible future use within the Nannup community.

Bob Longmore, Blackwood Rive Drive

Q1. Were the Bowling Club Committee notified of Council's agenda item subject before the meeting tonight?

Chief Executive Officer response:

The CEO notified the Bowling Club President on the day that the agenda for the Special Meeting was published to ensure the Bowling Club were aware of the Motion by Cr Corlett to be debated at the meeting.

Q2. Has an 'official survey' been completed to determine the community views on the construction of a new bowling green?

Chief Executive Officer response:

No official survey was completed in relation to Cr Corlett's Motion as the item was raised for debate by the full Council. Each Councillor has the ability to raise a Motion on any subject they wish so that it can be debated by the full Council in a public forum. Part 6 of the Motion stated to undergo a public consultation on the use of the current bowling green and village green area.

Q3. Have any other funding sources been identified for this project?

Chief Executive Officer response:

The Motion by Cr Corlett only related to utilising \$140,000 of the Local Community Road and Infrastructure Funding and no other funding sources had been discussed previously. Part 7 of the Motion dealt with identifying other funding options for the project.

Q4. The Shire of Bridgetown constructed a synthetic bowling green in the flood plain; if they are willing to accept the inherent risk associated with this decision; why currently play out of town?

Chief Executive Officer response:

The basis for Cr Corlett's Motion was to bring to the surface discussion about the highest and best use for the site that the Bowling Club is located on.

Q5. Have Council attempted to promote the reconciliation between the current bowling committee and the Pennants members who currently play out of town?

Chief Executive Officer response:

Council have not been involved with the bowling club's internal politics other than accepting two meeting requests from concerned members.

Q6. Will the establishment of the bowling green at the Recreation Centre impact on the potential of that site to be used as one of the evacuation points for the Shire of Nannup residents during emergencies?

Chief Executive Officer response:

Emergency services and evacuation points would not have been impacted by this Motion.

Q7. I am only aware of cricket, golf and darts taking place at the Recreation Centre; is the proposed construction of the synthetic green a prop to shore up an ailing Association?

Chief Executive Officer response:

This intention of Cr Corlett's motion did not relate to the history or current status of the Sporting Association. The Motion was to bring to the surface discussion about the highest and best use for the site that the Bowling Club.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

20073 STEVENSON/MELLEMA

That Cr Brown be granted a Leave of Absence from the 29 July 2020 until 25 August inclusive.

CARRIED (8/0)

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. DECLARATIONS OF INTEREST:

The Chief Executive Officer and Manager Infrastructure declared a financial interest in 14.1- Acting Chief Executive Officer as it concerns their employment contract.

Cr Hansen declared an impartiality interest in 12.2 – Development Application for Family Day Care; as she is the Secretary of the RSL Nannup Sub-branch; the premises of which neighbour the applicant's property.

Cr Brown declared a financial interest in 12.3 – Delegated Planning Decisions for June 2020, as she is a property owner of a development application approval included within the officer report.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

20074 BUCKLAND/MELLEMA

That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 18 June 2020 be confirmed as a true and correct record.

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 June 2020 be confirmed as a true and correct record.

CARRIED BY EN BLOC RESOLUTION (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

20075 BROWN/STEVENSON

9.1 That the Minutes of the WALGA South West Country Zone meeting held Friday 26 June 2020 be received.

9.2 That the Shire of Nannup Bush Fire Advisory Committee Minutes of the meeting held Monday 8 June 2020 be received.

9.3 That the Shire of Nannup Local Drug Action Group Committee minutes of the meeting held 24 June 2020 be received.

CARRIED BY EN BLOC RESOLUTION (8/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Proposed dedication of a portion of Asplin Road - submitted to initiate road dedication process
LOCATION/ADDRESS:	Asplin Road, Nannup
NAME OF APPLICANT:	Ian Jenkins
FILE REFERENCE:	ROA58
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 June 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 - Correspondence and Plan from applicant 12.1.2 - Location map 12.1.3 - Cadastral map of locality 12.1.4 - Copy of letter from WAPC

BACKGROUND:

The applicant seeks Council support to initiate the road dedication process as outlined in Attachment 12.1.1. In particular, the applicant seeks that the existing Unallocated Crown Land, previously a road reserve known as 'Asplin Road,' is formally created (dedicated) as a public road. This would result in the existing section of track located within the Unallocated Crown Land being incorporated into a road reserve vested and managed by the Shire.

The correspondence from the applicant (Attachment 12.1.1) outlines that the dedication of the road reserve would provide legal vehicular access to Lot 79 on DP 254887 which is currently land-locked.

The location of Asplin Road is shown in Attachment 12.1.2 which is approximately 800 metres east of the Nannup townsite. Attachment 12.1.3 outlines a cadastral map of the locality. This shows that Lot 79 is 'land locked' given there is no gazetted public road connecting the property to Brockman Highway.

A search through Shire files has provided no indication as to why this section of Asplin Road was closed however correspondence from the Western Australian Planning Commission dated 3 January 2002 has been located which advised the previous owner of Lot 79 to liaise with the Shire to re-dedicate the closed road reserve (Attachment 12.1.4).

COMMENT:

It is suggested that the Council initiates the road dedication process based on the Plan set out in Attachment 12.1.1. This will start the process of addressing Lot 79 being land-locked.

While noting the above, considerations with the request include:

- A) The Plan is supported in proposing to address legal vehicular access to Lot 79 however there may also be merit in seeking discussion between the applicant and the owner of adjoining Lots 41 and 42 Folly Road to determine if there is an opportunity for an additional easement to benefit lots to the north and east of Lot 79. While these properties have existing easements which provide legal access to Dunnet Rd via Folly Road and Folly Formation, a new easement would keep options open for legal/vehicular access and emergency access for the area between Lot 501 Brockman Highway and any future urban development east of Dunnet Road.
- B) Based on other comparable proposals, the road dedication process will take a considerable time to be completed (in the order of years). Most of the process and associated time is associated with addressing the requirements of State Government agencies.
- C) The Shire has no plans to upgrade the standard of Asplin Road at this time and there should be no expectation from the applicant that the road standard will be improved beyond a trafficable surface should the dedication be successful.

If Council agrees with the officer recommendation, the Shire administration will seek comments on the proposed road dedication process for a period of at least 35 days. This will include through writing to and inviting comments from stakeholders and government agencies, placing a public notice in a newspaper circulating in the district, placing details on community noticeboards, placing details on the Shire website and having details at the Shire office. Following the close of the consultation period, the Shire administration will consider the submissions and will report back to Council. The Council will then determine whether or not it will agree to the road dedication request and whether it will advise the Minister for Lands to dedicate Asplin Road.

STATUTORY ENVIRONMENT:

Land Administration Act 1997 and *Land Administration Regulations 1998*. A Council resolution is required to initiate the road dedication process.

POLICY IMPLICATIONS:

Local Planning Policy LPP013 Car Parking and Vehicular Access and *LPP015 Dedication of Road Access* are non-statutory documents which are designed to provide guidance to assist the Council in its decision making.

FINANCIAL IMPLICATIONS:

The applicant has not paid the application fee as set out in Council's fees and charges in line with Council's decision to waive non-statutory fees for the period 1st April 2020 until 30th June 2020. The applicant (owner of Lot 79) is required to meet all costs associated with the road dedication process including survey, land acquisition and State Government administration fees.

STRATEGIC IMPLICATIONS:

Subject to gaining necessary approvals the proposal addresses various land-locked lots in the district.

RECOMMENDATION:

That Council:

1. Agrees to support the road reserve dedication of a portion of Asplin Road, Nannup as set out in Attachment 12.1.1.
2. Notes the Shire administration will invite submissions on the dedication of Asplin Road for a period of six (6) weeks.
3. Will reconsider the road reserve dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands dedicates the road reserve.
4. Requests the applicant to initiate discussions with the owner of Lots 41 and 42 Folly Road to determine if there is an opportunity for an additional easement to benefit lots to the north and east of Lot 79.

20076 MELLEMA/HANSEN

That Council:

1. ***Agrees to support the road reserve dedication of a portion of Asplin Road, Nannup as set out in Attachment 12.1.1.***
2. ***Notes the Shire administration will invite submissions on the dedication of Asplin Road for a period of six (6) weeks.***
3. ***Will reconsider the road reserve dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands dedicates the road reserve.***

4. ***Requests the applicant to initiate discussions with the owner of Lots 41 and 42 Folly Road to determine if there is an opportunity for an additional easement to benefit lots to the north and east of Lot 79.***

CARRIED BY ABSOLUTE MAJORITY (8/0)

Cr Hansen declared in an impartiality interest in the following item. She is the Secretary of the RSL Nannup Sub-branch; the premises of which neighbours the applicant's property.

AGENDA NUMBER:	12.2
SUBJECT:	Development Application for Family Day Care
LOCATION/ADDRESS:	Lot 15 on Diagram 73043 (No. 11) Cross Street, Nannup
NAME OF APPLICANT:	Anthea Greenmount
FILE REFERENCE:	A394
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	30 June 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 - Location map 12.2.2 - Details originally provided by applicant 12.2.3 - Submissions 12.2.4 - Location of submitters 12.2.5 – Applicant responses to submissions 12.2.6 - Extract from <i>Local Planning Policy LPP013 Car Parking and Vehicular Access</i> 12.2.7 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The Shire has received a Development Application from Anthea Greenmount to operate a family day care from an existing dwelling at Lot 15 (No. 11) Cross Street, Nannup.

Relevant details relating to the site and the application include:

- The application site is shown in Attachment 12.2.1;
- The property is 911m² in area and contains a dwelling and some sheds;
- Details submitted by the applicant are provided in Attachment 12.2.2. The family day care is proposed to operate from the dwelling and will, as required, utilise relevant portions of the property;
- The property is zoned “Residential R10/15” in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*;

- The proposal best fits into the Model Scheme Text definition of “family day care”. Family day care is defined in LPS3 in Schedule 1 as “means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*”;
- Family day care is not however included in the Zoning Table of LPS3. A “child care centre” is the closest use in the Zoning Table. A “child care centre” is an “A” use in the Residential Zone – this requires advertising the Development Application before determination by the local government;
- The *Shire of Nannup Local Planning Strategy* includes a strategy to “support home based businesses subject to complying with the Local Planning Scheme and the business being a ‘good neighbour’ through being appropriately managed” (page 23);
- The property is partly located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner;
- The Development Application was advertised for 2 weeks to adjoining/nearby neighbours and Councillors;
- The Shire received five submissions on the Development Application as outlined in Attachment 12.2.3. Two submitters raised no objections (St John Ambulance and RSL Nannup Sub Branch) while three submitters raised objections/concerns; and
- The main issues and objections relate to loss of amenity, hours of operation, noise, the location of vehicle drop off/ pick up, increased traffic, a lack of parking and the scale of the operations.

The submitters also raised some non-planning matters including pets at the premises and the potential for dogs to bark associated with vehicle drop off and pick up.

The objectors were from Danjangerup Cottages. As outlined in Attachment 12.2.4, the distance between the proposed family day care and the closest pensioner cottages is approximately 30 metres.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a response (see Attachment 12.2.5).

The applicant does not propose to seal on-site car parking which varies from *Local Planning Policy LPP13 Car Parking and Vehicular Access* (LPP13). The relevant sections of LPP13 are outlined in Attachment 12.2.6.

Attachment 12.2.7 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

While appreciating the matters raised which object to the application, following assessment against LPS3, the Local Planning Strategy, other planning documents/policies, details provided by the applicant and the submissions, it is concluded that the Development Application should be conditionally approved given:

The proposed family day care use is consistent with expectations in a Residential zone to provide for a range of non-residential uses, which are compatible with and complementary to residential development;

- The proposed use is considered appropriate for this site and this area and is compatible with a residential neighbourhood (if effectively managed);
- The family day care will provide a community service and benefit;
- The existing dwelling, with proposed family day care use, is consistent with the character of the area;
- It is overall consistent with the planning framework;
- Traffic impacts will be relatively low and can be handled on Cross Street and the nearby road system;
- There are opportunities for sufficient on-site parking and associated vehicle drop off/pick up on the application site which should enhance safety and amenity for adjoining/nearby residents; and
- Development conditions can assist to control the nature of the activity.

Given the above, it is recommended that Council approve the Development Application for a family day care subject to conditions. The officer recommendation does not include a time-limited approval. The Council has, in the past, approved some businesses operating from a residential dwelling on a short term (e.g. 1-3 year) period in order to monitor the on-going appropriateness of the activity.

While noting the above, there are various issues associated with the family day care, which should be considered by the Council in determining the Development Application. Some of these issues are outlined below.

- Hours of operation - the applicant proposes to be licensed and have the ability to operate 24/7. Any activity on the site is subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*. It is expected that noise from a family day care will be generally similar to a household containing children;
- On-going management and safety - the operator will need to address on-going management, being a "good neighbour" and address the safety of children;
- Section 12 of LPP13 sets a construction standard of sealing car parking areas, access driveways and crossovers for businesses operating in the Residential Zone. It is suggested the crossover should be sealed by the applicant, however, the car parking areas could remain gravelled. To minimise impacts on the pensioner cottages, it is suggested drop off and pick up occurs within 11 Cross Street rather than on the verge;
- The fencing may need to be upgraded to address childcare licencing and duty of care requirements;
- There is a significant difference between family day care (within homes) and child care centre (non-residential and larger scale); and
- The matters raised in Attachment 12.2.7 from the *Planning and Development (Local Planning Schemes) Regulations*.

There would appear to be a need for the family day care facility, which can only increase as the population of Nannup expands. If effectively managed, the proposed development is considered compatible with adjoining and nearby residential

development. Provided relevant issues are suitably addressed and the facility is well-run, the proposal should be a benefit to Nannup.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS3.

Family day care operators are bound to comply with various levels of Commonwealth and State Government regulations.

POLICY IMPLICATIONS:

Local Planning Policy LPP13 Car Parking and Vehicular Access is relevant in assessing the Development Application. 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 policy but is required to have regard to the policy in determining the Development Application.

The Shire does not have a Local Planning Policy on family day care or the larger scale child care centres. The Western Australian Planning Commission's *Planning Bulletin 72/2009 Child Care Centres* highlights that family day care takes place in dwellings which are usually in residential areas. Most of the Planning Bulletin 72/2009 relates to the larger scale and non-residential child care centres.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council approve the Development Application to operate a family day care at Lot 15 on Diagram 73043 (No. 11) Cross Street, Nannup, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

2. The approval is valid only while the applicant/operator remains a resident at Lot 15 (No. 11) Cross Street, Nannup.
3. A maximum of seven children are to be minded on the premises at any one time.
4. Client parking and drop off/pick up are contained on Lot 15 (No. 11) Cross Street, Nannup.
5. The crossover is sealed and drained to the satisfaction of the local government by 30 June 2021.
6. The applicant is to pay a performance bond for the crossover to the local government for \$1000 prior to occupation.
7. The applicant to provide a suitable plan showing car parking and vehicle turning areas to the satisfaction of the local government prior to occupation. The vehicle access ways, vehicle manoeuvring areas and car parking spaces are designed, constructed and drained to the satisfaction of the local government prior to occupation of the development.
8. The development shall not cause injury to or adversely affect the amenity of the neighbourhood by reason of noise.
9. The development hereby permitted shall not erect any advertising or signage at the site without the prior approval of the local government.
10. The Emergency Evacuation Plan is to be implemented prior to occupation of the development. All measures contained in the Plan are to be maintained to the satisfaction of the local government.

Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 2, development approval for the family day care is issued only to the applicant to whom the approval is granted and is not transferrable to another person or property.
- C) In relation to Condition 4, no parking or drop off/pick up is permitted on the street or on the verge abutting the subject property or any other property.
- D) In relation to Condition 8, the operator should be particularly mindful of adjoining and nearby residents between 8.00pm and 8.00am.
- E) In relation to Condition 9, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details
- F) In relation to Condition 10, the property is partly within a bushfire prone area.
- G) 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* and the *Shire of Nannup Health Local Laws*.

- H) The applicant is advised that the approved development must comply with all relevant legislation and be licensed. A copy of the licence to be provided to the local government prior to the commencement of the family day care.
- I) Should fencing need to be upgraded to address licencing or duty of care requirements, it is expected the cost will be borne by the applicant.
- J) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- K) 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.

20077 BUCKLAND/BROWN

That Council approve the Development Application to operate a family day care at Lot 15 on Diagram 73043 (No. 11) Cross Street, Nannup, subject to the following conditions:

- 1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 2. The approval is valid only while the applicant/operator remains a resident at Lot 15 (No. 11) Cross Street, Nannup.***
- 3. A maximum of seven children are to be minded on the premises at any one time.***
- 4. Client parking and drop off/pick up are contained on Lot 15 (No. 11) Cross Street, Nannup.***
- 5. The crossover is sealed and drained to the satisfaction of the local government by 30 June 2021.***
- 6. The applicant is to pay a performance bond for the crossover to the local government for \$1000 prior to occupation.***
- 7. The applicant to provide a suitable plan showing car parking and vehicle turning areas to the satisfaction of the local government prior to occupation. The vehicle access ways, vehicle manoeuvring areas and car parking spaces are designed, constructed and drained to the satisfaction of the local government prior to occupation of the development.***
- 8. The development shall not cause injury to or adversely affect the amenity of the neighbourhood by reason of noise.***
- 9. The development hereby permitted shall not erect any advertising or signage at the site without the prior approval of the local government.***

10. ***The Emergency Evacuation Plan is to be implemented prior to occupation of the development. All measures contained in the Plan are to be maintained to the satisfaction of the local government.***

Advice

- A) ***The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.***
- B) ***In relation to Condition 2, development approval for the family day care is issued only to the applicant to whom the approval is granted and is not transferrable to another person or property.***
- C) ***In relation to Condition 4, no parking or drop off/pick up is permitted on the street or on the verge abutting the subject property or any other property.***
- D) ***In relation to Condition 8, the operator should be particularly mindful of adjoining and nearby residents between 8.00pm and 8.00am.***
- E) ***In relation to Condition 9, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details***
- F) ***In relation to Condition 10, the property is partly within a bushfire prone area.***
- G) ***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 and the Shire of Nannup Health Local Laws.***
- H) ***The applicant is advised that the approved development must comply with all relevant legislation and be licensed. A copy of the licence to be provided to the local government prior to the commencement of the family day care.***
- I) ***Should fencing need to be upgraded to address licencing or duty of care requirements, it is expected the cost will be borne by the applicant.***
- J) ***The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.***
- K) ***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.***

CARRIED (8/0)

Cr Brown declared a financial interest in the following item as she is a property owner of a development application approval included within the officer report. Cr Brown left the room at 5.50 pm.

AGENDA NUMBER:	12.3
SUBJECT:	Delegated Planning Decisions for June 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:	3 July 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.3.1 – 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 June 2020 is presented in Attachment 12.3.1.

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 June 2020, eight (8) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for June 2020 compared to June 2019:

	June 2019	June 2020
Delegated Decisions	2 (\$53,900)	8 (\$941,000)
Council Decisions	1 (\$5,000)	0
Total	2 (\$58,900)	8 (\$941,000)

100% of all approvals issued in the month of June 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.

<p>RECOMMENDATION:</p>

<p>That Council receives the report on Delegated Development Approvals for June 2020 as per Attachment 12.3.1.</p>
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20078 HANSEN/STEVENSON

That Council receives the report on Delegated Development Approvals for June 2020 as per Attachment 12.3.1.

CARRIED (8/0)

Cr Brown re-entered the room at 5.52 pm.

AGENDA NUMBER:	12.4
SUBJECT:	Development Application for Food and Café Van
LOCATION/ADDRESS:	Reserve 20333 Brockman Street, Nannup
NAME OF APPLICANT:	May Leece Pty Ltd
FILE REFERENCE:	RES20333
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	20 July 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.4.1 - Location map 12.4.2 - Details originally provided by applicant 12.4.3 - Extract of planning framework 12.4.4 - Submissions 12.4.5 - Additional information from applicant 12.4.6 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The Shire has received a Development Application from May Leece Pty Ltd to operate a food and café van on Reserve 20333 (Nannup Caravan Park).

Relevant details relating to the site and the application include:

- The application site is shown in Attachment 12.4.1;
- Reserve 20333 is vested with the Shire for the purpose of 'Parkland Camping and Caravan Park'. The Shire has the power to lease for any term not exceeding 21 years and has an executed lease/agreement with May Leece Pty Ltd;
- Details submitted by the applicant are provided in Attachment 12.4.2. The food and café van is proposed to be permanently established and operate 3-4 days a week between the hours of 8am and 8pm;
- The property is a 'Public Purpose Reserve' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* for the purpose of 'Municipal'. The site is within a Flood Risk Area;
- The Local Planning Strategy sets out a vision, objectives, strategies and actions. Aim A41 states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire' while Strategy S59 states to 'provide for a consolidate, accessible, safe, attractive and vibrant town centre';

- Attachment 12.4.3 sets out a portion of the planning framework including an extract of LPS3 and the Local Planning Strategy. For land which is reserved in LPS3, the local government needs to consider matters in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the ultimate purpose intended for the reserve;
- While there are no local planning policies of direct relevance to the application, Council's *Mobile Shop/Temporary Premises/Street Stall Policy* is of relevance;
- The Strategic Community Plan notes the community seeks a vibrant town centre;
- The property is located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner;
- The Shire invited written comment on this application from adjoining/nearby landowners and food businesses located within the town centre for a two week period. The Shire received four submissions on the Development Application as outlined in Attachment 12.4.4. Two submitters raised no objections, one raised concerns (Nannup Fish & Chips) and one submission raised objections (Nannup Hotel); and
- The main issues and objections raised in the submissions relate to:
 - The van not providing varieties of food that are already on offer from other established food businesses in town;
 - Financial difficulties of operating a small business in a small town;
 - The Nannup Hotel is struggling to remain viable. The last thing it needs is for low-overhead food vans to be diminishing its business opportunities;
 - Given the small economy of Nannup, it does not make sense to over-service the food outlet opportunities;
 - If the Shire wishes for locals currently employed at the hotel to be without work, the Shire should reduce the rates of the Nannup Hotel property accordingly, as they will convert the hotel into a private residence;
 - There is little value in creating one job and losing ten jobs; and
 - The long weekend in March and the impact of the location of the van on the Nannup Music Festival operations.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a response (see Attachment 12.4.5).

Attachment 12.4.6 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

Following an assessment of the Development Application against the planning framework, the submissions and information provided by the applicant, it is recommended that the Council refuse the proposed food and café van on Reserve 20333. The reasons include:

- The proposed business would be operating outside of the Council's preferred commercial (including café/restaurant) area which is the Town Centre and Mixed Use zones;
- The proposed development is on Crown (Shire managed land) which is not subject to rates. In comparison, all property owners in the Town Centre and Mixed Use zones pay rates to the Shire and these rates are influenced by how the property is developed. There are questions relating to a 'level playing field' between a business operating on Crown (Shire managed land) compared to commercially zoned freehold land;
- The proposed development has the potential to detrimentally impact on existing or future businesses operating in the town centre which may undermine Council objectives to create and sustain a vibrant town centre;
- It is questioned whether the development is consistent with the 'Public Purpose Reserve' in LPS3 with the reserve purpose of 'Municipal';
- The application is inconsistent with Local Planning Strategy Aim A41 which states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire' while Strategy S59 states to 'provide for a consolidated, accessible, safe, attractive and vibrant town centre';
- The application may contribute to the potential loss of a valuable community service, in particular the only hotel in the Nannup townsite; and
- Council's *Mobile Shop/Temporary Premises/Street Stall Policy* includes an objective of not disrupting local businesses.

It is highlighted that economic competition is not a planning consideration for businesses operating for instance in the town centre. It is a market decision as to which businesses operate and are sustained in the town centre. While noting this, as outlined above, there are considered to be differences in this situation where the proposed commercial operation is located on Crown (Shire managed) land.

While noting the above:

- Various corporate and planning documents support to grow and diversify the local economy;
- The proposed food and café van will offer increased retail competition and choice for the local community and visitors;
- The proposed development is consistent with the permitted uses of both the Management Order for the Reserve and under the terms of the lease; and
- The Shire administration suggest there may be scope for the applicant to review opportunities to operate on a temporary basis on Reserve 20333 (including less days and/or different hours) and to demonstrate how the service will

complement but not compete with established food and café operations in the town centre. Alternatively, to review opportunities to establish the food and café van on land which is zoned Town Centre or Mixed Use.

In some local government areas, there are local laws that restrict itinerant vendors from trading within a certain distance of competing business or activity based on the argument of commercial inequity. That is, an itinerant trader does not incur high standards applicable to development, does not have Shire and water rates, and does not have building and property maintenance costs.

While noting the above, should Council determine that it is supportive of the Development Application, it is suggested that development conditions address matters including days and hours of operation, and flood risk.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy No.11 Development in Flood Risk Areas.

FINANCIAL IMPLICATIONS:

Nil at this stage.

STRATEGIC IMPLICATIONS:

Approval of the food and café van may impact existing or future businesses in the town centre and impact on the local employment or expenditure. This could set a precedent for similar proposals and/or itinerant vendors.

RECOMMENDATION:

That Council refuse the Development Application to operate a food and café van at Reserve 20333 Brockman Street, Nannup for the following reasons:

1. The development is located outside of the Council's preferred commercial (including café/restaurant) area which is the Town Centre and Mixed Use zones, compared to Crown (Shire managed) land.
2. The development has the potential to detrimentally impact on existing or future businesses operating in the town centre which may undermine Council objectives to create and sustain a vibrant town centre.
3. The application is inconsistent with the *Shire of Nannup Local Planning Strategy* including Aim A41 which states to 'ensure the Nannup town centre remains the principal commercial/retail centre for the Shire', while Strategy S59 states to 'provide for a consolidate, accessible, safe, attractive and vibrant town centre'. The application, if approved, will undermine strategies to create and sustain a vibrant town centre.

Advice

- A) Advise the applicant that they review opportunities to operate on a temporary basis on Reserve 20333 (including less days and/or different hours) and demonstrate how the service will complement but not compete with established food and café operations in the town centre. Alternatively, to review opportunities to establish the food and café van on land which is zoned Town Centre or Mixed Use.
- B) If the applicant 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.

20079 STEVENSON/BUCKLAND

That the report lay on the table until next month Ordinary meeting of Council.

CARRIED (8/0)

AGENDA NUMBER:	12.5
SUBJECT:	Councillor Training and Professional Development Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	Shire of Nannup Policy Manual
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 July 2020
ATTACHMENT:	12.5.1 - Draft Councillor Training and Professional Development Policy

BACKGROUND:

On 20 October 2019, the legislative changes contained within the *Local Government Legislation Amendment Act 2019* (the Amendment Act) came into operation across Western Australia.

As a result, councillors are now required to undertake universal training in accordance with the newly introduced sections 5.126, 5.127 and 5.128 of the *Local Government Act 1995* (the Act). This reform is key to providing councillors with the skills and knowledge to perform their role as leaders in their district.

With the introduction of the Amendment Act, Local Governments across Western Australia have received notification from the Department of Local Government, Sport and Cultural Industries (DLGSCI) to prepare and adopt a “Continuing Professional Development” policy that relates to the training of councillors. The rationale for the introduction of this policy is that it is recognised that councillors:

- have a unique and challenging role;
- oversee multi-million dollar budgets and make difficult decisions that impact the well-being of communities;
- unlike board members, are not selected for the role based on their knowledge and experience, but on their leadership and willingness to contribute to the community;
- once elected, are required to make decisions on matters as diverse as planning applications, budgeting, rates, support for community organisations, long term planning for the district and the recruitment of and employment relationship with the Chief Executive Officer (CEO); and
- are also expected to understand and comply with meeting procedures, conflicts of interest and codes of conduct.

COMMENT:

The draft Policy has been prepared in light of the changes brought about by the *Local Government Legislation Amendment Act 2019*, and is now a legislative compliance requirement for local government. It is recommended that Council adopt the policy.

STATUTORY ENVIRONMENT:

Local Government Act 1995
Section 5.128 of the Act specifies that:

“(1) A local government must prepare and adopt a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

(2) A local government may amend the policy.*

** Absolute majority required.*

(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(4) The CEO must publish an up-to-date version of the policy on the local government’s official website.

(5) A local government —

(a) must review the policy after each ordinary election; and

(b) may review the policy at any other time.”

POLICY IMPLICATIONS:

New Policy added to the Shire of Nannup Policy Manual.

FINANCIAL IMPLICATIONS:

Budget allocations will be made in each financial year budget of \$1,500 for each councillor towards ongoing professional development. On the year of election, an allocation will be made so that successful councillors can complete the mandatory training requirements.

STRATEGIC IMPLICATIONS:

Strategic Community Plan

6.1 Lead, Listen, Advocate, Represent and Provide – a listening leadership that provides and represents all.

RECOMMENDATION:

That Council adopt the draft policy “Councillor Training and Professional Development” Policy as shown in 12.5.1.

20080 STEVENSON/HANSEN

That Council adopt the draft policy “Councillor Training and Professional Development” Policy as shown in 12.5.1.

CARRIED BY ABSOLUTE MAJORITY (8/0)

AGENDA NUMBER:	12.6
SUBJECT:	Attendance at Events and Functions Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	Shire of Nannup Policy Manual
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 July 2020
ATTACHMENT:	12.6.1 - Draft Attendance at Events and Functions Policy. 12.6.2 - Local Government Operational Guidelines – Attendance at Events.

BACKGROUND:

With the introduction of the Amendment Act, Local Governments across Western Australia have received notification from the Department of Local Government, Sport and Cultural Industries (DLGSCI) to prepare and adopt an “Attendance at Events” policy that relates to the attendance of Elected Members and Chief Executive Officers’ (CEO) at events such as concerts, conferences and functions as a representation of Council.

Refer Attachment 12.6.2 for ‘Local Government Operational Guideline – Attendance at Events Policy’ that sets out the background and justification for the proposed policy.

To meet legislative requirements a draft Policy has been prepared for Council’s consideration with a view to adoption. In addition to councillors and the CEO the draft policy also covers attendance at events by employees.

COMMENT:

The Attendance at Events policy is to enable Council members to attend events as a representative of Council without restricting their ability to participate in Council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before the Council from the provider of the invitation.

The draft policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The majority of events that councillors, the CEO or employees at the Shire get invited to are free non ticketed events.

The draft policy lists a range of pre-approved events that councillors, the CEO and employees are entitled to attend without a need for any other approval. An approval process is set out for other events.

STATUTORY ENVIRONMENT:

Section 5.90A of the Local Government Act 1995, states:

“5.90A. Policy for attendance at events

- (1) In this section —
event includes the following —*
 - (a) a concert;*
 - (b) a conference;*
 - (c) a function;*
 - (d) a sporting event;*
 - (e) an occasion of a kind prescribed for the purposes of this definition.*
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
 - (a) the provision of tickets to events; and*
 - (b) payments in respect of attendance; and*
 - (c) approval of attendance by the local government and criteria for approval; and*
 - (d) any prescribed matter.*

** Absolute majority required.*

(3) A local government may amend the policy.*

** Absolute majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government’s official website”.

POLICY IMPLICATIONS:

New Policy added to the Shire of Nannup Policy Manual.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Community Plan

6.1 Lead, Listen, Advocate, Represent and Provide – a listening leadership that provides and represents all.

RECOMMENDATION:

That Council adopt the draft policy “Attendance at Events and Functions” Policy as shown in 12.6.1.

20081 HANSEN/BUCKLAND

That Council adopt the draft policy “Attendance at Events and Functions” Policy as shown in 12.6.1.

CARRIED BY ABSOLUTE MAJORITY (8/0)

AGENDA NUMBER:	12.7
SUBJECT:	Hardship Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	Shire of Nannup Policy Manual
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 July 2020
ATTACHMENT:	12.7.1 - Hardship Policy.

BACKGROUND:

The need to prepare a Hardship Policy for the Shire of Nannup has come about due to the unprecedented stresses created by the current COVID-19 outbreak. The policy has been developed using the WALGA template as a basis.

COMMENT:

The Hardship Policy provides a suite of actions to support Shire ratepayers and residents during times of hardship. The majority of the definition of hardship within this policy relates to financial hardship. It has been suggested by the Department of Local Government, Sport and Cultural Industries and WALGA as a means to assist those in hardship.

The severity and ongoing persistence of hardship within the Nannup community from COVID-19 is largely unknown, however this policy allows Council to guide staff in the implementation of support when relating to hardship and saves the need for each request to be put before Council.

This policy has been circulated for comment at previous Council Forum sessions with any comments received and updated.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY IMPLICATIONS:

New Policy added to the Shire of Nannup Policy Manual.

FINANCIAL IMPLICATIONS:

The financial impacts of this policy is the possibility of delayed income when the criteria are met.

STRATEGIC IMPLICATIONS:

Strategic Community Plan

6.1 Lead, Listen, Advocate, Represent and Provide – a listening leadership that provides and represents all.

RECOMMENDATION:

That Council adopt the draft policy “Hardship” Policy as shown in Attachment 12.7.1.

20082 MELLEMA/STEVENSON

That Council adopt the draft policy “Hardship” Policy as shown in Attachment 12.7.1.

CARRIED (8/0)

AGENDA NUMBER:	12.8
SUBJECT:	Fee Waiver Request – Nannup Flower and Garden Inc.
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Nannup Flower and Garden Inc.
FILE REFERENCE:	Shire of Nannup Policy Manual
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 July 2020
ATTACHMENT:	12.8.1 – Flower & Garden Festival Committee Letter.

BACKGROUND:

The Nannup Garden Village usually runs its annual Flower and Garden Festival over four days, but due to the impacts of COVID-19 have changed the format of the festival to run for a 6-week period between Thursday 13th August 2020 until 20th September 2020.

The reason for this extended period is to keep the visitation numbers at a manageable level to adhere to COVID-19 restrictions and to try and prolong the economic stimulus that the festival brings to town on a steadier basis.

COMMENT:

The Nannup Garden Festival is one of the two major festivals in Nannup each year. Unfortunately, for this festival is that they have been caught in the middle of the COVID-19 pandemic and the effects that is having on society. There are many restrictions and many other events in the region have cancelled completed due to the difficulty of maintain the COVID-19 guidelines and responsibilities required when undertaking an event.

The Flower and Garden Committee were very close to cancelling the 2020 event as they believed it would be impossible to maintain adequately the COVID-19 guidelines.

Recently, the Shire of Nannup entered into an MOU with the Flower and Garden Committee that included an existing \$10,000 annual commitment to the festival.

The Festival usually brings an estimate of between 5,000 – 7,000 visitors and significant economic stimulus over a four-day period. The Committee is hoping to achieve those figures in 2020 but over a more manageable 6-week period.

Even though Western Australia has recovered better than many other parts of the world during COVID-19, the Flower and Garden Committee are to be congratulated to committing to continuing with their festival in August.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

FNC 3 – Community Group Grants and Donations.

Memorandum of Understanding in place.

FINANCIAL IMPLICATIONS:

<i>Fee Waiver – reduction in income – 20/21 Fees and Charges</i>	
Consumer Pole 10 th august – 21 st September (\$35/day*42 days)	<u>\$1,470</u>
Grassed area behind Roads Board building (\$70/day*12 days)	<u>\$840</u>
Community Meeting Room fees 22nd August (\$113/day*1 day)	<u>\$113</u>
Recreation Building and Hockey Oval 19 th Sept (\$350/day*1 day)	<u>\$350</u>
TOTAL	<u>\$2,773</u>

STRATEGIC IMPLICATIONS:

Strategic Community Plan

6.1 Lead, Listen, Advocate, Represent and Provide – a listening leadership that provides and represents all.

RECOMMENDATION:

That Council waive the following fees and charge for the 2020 Flower and Garden Festival totalling \$2,773;

- | | |
|---|----------------|
| a) Consumer Pole 10 th – 21 st September (\$35/day*42 days) | <u>\$1,470</u> |
| b) Grassed area behind Roads Board building (\$70/day*12 days) | <u>\$840</u> |
| c) Community Meeting Room fees 22nd August (\$113/day*1 day) | <u>\$113</u> |
| d) Recreation Building and Hockey Oval 19 th Sept (\$350/day*1 day) | <u>\$350</u> |

20083 BUCKLAND/BROWN

That Council waive the following fees and charge for the 2020 Flower and Garden Festival totalling \$2,773;

- | | |
|--|-----------------------|
| <i>a) Consumer Pole 10th – 21st September (\$35/day*42 days)</i> | <i><u>\$1,470</u></i> |
| <i>b) Grassed area behind Roads Board building (\$70/day*12 days)</i> | <i><u>\$840</u></i> |
| <i>c) Community Meeting Room fees 22nd August (\$113/day*1 day)</i> | <i><u>\$113</u></i> |
| <i>d) Recreation Building and Hockey Oval 19th Sept (\$350/day*1 day)</i> | <i><u>\$350</u></i> |

CARRIED (8/0)

AGENDA NUMBER:	12.9
SUBJECT:	Accept Local Roads and Community Infrastructure Program Funding
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 July 2020
ATTACHMENT:	12.9.1 - Local Roads and Community Infrastructure Program Budget Breakdown

BACKGROUND:

On 22 May 2020 the Federal Government of Australia offered the Shire of Nannup a grant under the Local Roads and Community Infrastructure (LRCI) Program for an amount of \$343,617, excluding GST.

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. The purpose is to ensure stimulus funding flows into local communities. The program is administered by the Department of Infrastructure, Transport, Regional Development and Communications.

COMMENT:

The Grant Agreement has been received and the budget breakdown is attached. The funds will be distributed towards the following projects;

1. Scott River Fire Shed upgrade
2. Skate park lighting and shade upgrade
3. Improvements to shire amenities, namely the Town Hall, Foreshore Park, Marinko Tomas Park & the Recreation Centre toilets
4. Lowering of the Shire customer service counter
5. Community House upgrade

STATUTORY ENVIRONMENT:

6.15. Local government's ability to receive revenue and income

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The LRCIF amount covers the total project expenditure plus addition funds from the Drought Communities Program and 2020/2021 Shire Budget.

STRATEGIC IMPLICATIONS:

Our Economy

Sustainability is the key to Nannup's future

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

RECOMMENDATION:

That Council accept the \$343,617 funding offered through the Local Roads and Community Infrastructure Program within the 2020 / 2021 financial budget.

20084 STEVENSON/MELLEMA

That Council accept the \$343,617 funding offered through the Local Roads and Community Infrastructure Program within the 2020 / 2021 financial budget.

CARRIED (8/0)

AGENDA NUMBER:	12.10
SUBJECT:	Department of Local Government, Sport & Cultural Industries CSRFF Small Grant
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Nicole Botica
FILE REFERENCE:	FNC 60
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 July 2020
ATTACHMENTS:	12.10.1 – Big Ass Fans Proposal

BACKGROUND:

Funding is available through the Department of Local Government, Sport & Cultural Industries Community Sport & Recreation Facilities Fund (CSRFF) for projects up to \$300,000, and to be acquitted by 15 June 2021. Funding under the CSRFF will cover one third of the cost of the project.

The grant application process requires that Council endorses this application prior to submitting to the Department of Local Government, Sport & Cultural Industries.

This application is to install one industrial fan to the roof in the Nannup Recreation Centre Hall.

COMMENT:

This project was highlighted by the community as a priority in the Drought Communities Program consultation process, as part of the Recreation Centre upgrade.

Council in its 2017-2027 Strategic Community Plan identifies Sport and Recreation Services as Extremely Important with High Satisfaction. The installation of a large industrial fan in the centre of the Recreation Hall will assist with air flow, improve comfort for the users of the space. It is designed for sporting facilities and will not impact the performance of sport and recreation users of the hall.

There is a 15-year warranty is on all mechanical and electrical components when installed with the certified installers. The project has been quoted at \$15,974.52 GST exclusive with a CSRFF grant contribution request of \$5,324.84 GST exclusive.

STATUTORY ENVIRONMENT:

Nil.

POLICY AND CONSULTATION IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council's contribution of \$10,649.68 GST exclusive is available in the forecast budget for 2020 / 2021 Recreation Centre expenditure.

STRATEGIC IMPLICATIONS:

Community Strategic Plan 2017-2027 – Our Shire and Streetscape - Strategy 3.1 Well maintained quality infrastructure for our community and visitors and promote activity, Action – Continue to upgrade the Recreation Centre and Main Street.

RECOMMENDATION:

That Council endorse the submission of the Shire of Nannup to install an industrial fan to the roof of the Nannup Sport and Recreation Centre Hall with the Department of Local Government, Sport & Cultural Industries current CSRFF funding round.

20085 BROWN/HANSEN

That Council endorse the submission of the Shire of Nannup to install an industrial fan to the roof of the Nannup Sport and Recreation Centre Hall with the Department of Local Government, Sport & Cultural Industries current CSRFF funding round.

CARRIED (8/0)

Shire of Nannup
Ordinary Council Meeting Minutes: 23 July 2020

AGENDA NUMBER:	12.11
SUBJECT:	Accept Drought Communities Program Grant Funding
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 July 2020
ATTACHMENT:	12.11.1 - Drought Funding Projects for Nannup July 2020

BACKGROUND:

In January 2020 the Federal Government of Australia identified the Shire of Nannup as one of 52 shires who have been effected by drought as a result of the rainfall data decline. To assist these communities support packages are being rolled out and the Shire of Nannup will now receive \$1 million under the extended Drought Communities Programme.

This program is designed to deliver projects that will support the creation of jobs, boost tourism and improve community wellbeing, and enable construction of infrastructure that encourages people to stop in these small towns.

This economic development funding will help ensure our local community remains productive, helps to provide local employment and ensures local suppliers are in business. The funding is targeted at local infrastructure and other activities that provide employment for people whose work opportunities have been impacted by drought.

An Expression of Interest was open for the community to identify projects to be considered within this funding, 44 submissions were received. Within this funding an Adverse Event Plan must be submitted and an audit of projects must be undertaken. All projects must be acquitted by June 2021.

COMMENT:

The grant application was submitted to the Federal Government Department on Friday 17 July. A full project list and budget breakdown is attached.

STATUTORY ENVIRONMENT:

6.15. Local government's ability to receive revenue and income

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The Shire 2020 / 2021 annual budget will contribute \$221,000 towards the project expenditure for the delivery of the projects identified.

STRATEGIC IMPLICATIONS:

Our Economy

Sustainability is the key to Nannup's future

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

RECOMMENDATION:

That Council accept the \$1,000,000 funding offered through the Drought Communities Program within the 2020 / 2021 financial budget.

20086 BROWN/BUCKLAND

That Council accept the \$1,000,000 funding offered through the Drought Communities Program within the 2020 / 2021 financial budget.

CARRIED (8/0)

AGENDA NUMBER:	12.12
SUBJECT:	Monthly Accounts for Payment - June 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Acting Manager of Corporate and Community Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	20 July 2020
ATTACHMENT:	12.12.1 – Accounts for Payment – June 2020

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 June to 30 June 2020 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 one 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	12602 - 12697	374,849.00
Accounts paid by cheque	20463-20467	14,565.41
Accounts paid by Direct Debit	10794.1-10836.14	47,276.62
<i>Sub Total Municipal Account</i>		\$436,691.02

Trust Account

Accounts paid by EFT	12654	56.65
BSL Admin fee Trf		5.00

<i>Sub Total Trust Account</i>	\$61.65
Total Payments	\$436,752.67

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 \$436,752.67 1 June 2020 to 30 June 2020 in the attached schedule(s) be endorsed.

20087 MELLEMA/STEVENSON

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$436,752.67 1 June 2020 to 30 June 2020 in the attached schedule(s) be endorsed.

CARRIED (8/0)

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

13.1 OFFICERS
Nil

13.2 ELECTED MEMBERS
Nil

14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

PROCEDURAL RECOMMENDATION:

That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.

(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government)

20088 STEVENSON/MELLEMA

That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.

(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government).

CARRIED (8/0)

David Taylor (CEO), Jonathan Jones (MI) and Susan Fitchat (Acting MCCA) left the room at 6.15 pm.

AGENDA NUMBER:	14.1
SUBJECT:	Confidential Item - Acting Chief Executive Officer
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor
FILE REFERENCE:	Employee File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Financial Interest - David Taylor – Chief Executive Officer
DATE OF REPORT	15 July 2020

The Chief Executive Officer declares a Financial Interest as this item relates to employment contract.

Manager Infrastructure declares a Financial Interest in this item.

20089 HANSEN/BUCKLAND

That Council approves:

- 1. The Chief Executive Officer's annual leave for the period 7 August 2020 to 19 August 2020 inclusive and appoints Mr Jon Jones as Acting Chief Executive Officer during this period.***
- 2. Authorise the Shire President to vary the dates within part 1 above if necessary; with the agreement of the Chief Executive Officer.***

CARRIED (8/0)

20090 STEVENSON/BROWN

That the meeting be re-opened to members of the public.

CARRIED (8/0)

David Taylor, Jonathan Jones and Susan Fitchat re-entered the room at 6.18pm.

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

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 6.20 pm.