



# Agenda

**Council Meeting to be held Thursday 26 August 2021**

**Commencing at 5.30pm in Council Chambers, 15 Adam Street,  
Nannup**

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**SHIRE OF NANNUP**  
**NOTICE OF ORDINARY COUNCIL MEETING**

To be held at the Council Chambers  
Thursday 26 August 2021 at 5.30 pm

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

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The Shire President to declare the meeting open and welcome the public gallery.

The Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

**2. ATTENDANCE/APOLOGIES:**

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**2.1 ATTENDANCE**

**2.2 APOLOGIES**

**3. PUBLIC QUESTION TIME:**

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**3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

*Attachment 3.1.1 – Response to question taken on notice at July Ordinary Meeting of Council.*

*Attachment 3.1.2 – Response to question taken on notice at July Ordinary Meeting of Council.*

**3.2 PUBLIC QUESTION TIME**

**4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:**

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**4.1 APPROVED LEAVE OF ABSENCE**

Nil.

**4.2 APPLICATION FOR A LEAVE OF ABSENCE**

## **5. CONFIRMATION OF MINUTES:**

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### ***5.1 Ordinary Council Meeting – 22 July 2021***

#### **EXECUTIVE RECOMMENDATION:**

That the Minutes from the Ordinary Meeting of Council held 22 July 2021 be confirmed as a true and accurate record (attachment 5.1).

### ***5.2 Special Council Meeting – 10 August 2021***

#### **EXECUTIVE RECOMMENDATION:**

That the Minutes of the meeting of Special Council meeting held 10 August 2021 be confirmed as a true and accurate record (attachment 5.2).

### ***5.3 Local Drug Action Group Committee – 14 July 2021***

#### **EXECUTIVE RECOMMENDATION:**

That the Minutes of the Local Drug Action Group committee meeting held 14 July 2021 be received (attachment 5.3).

## **6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

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## **7. DISCLOSURE OF INTEREST:**

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Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

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

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**9. PRESENTATIONS:**

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**9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

**10. URGENT BUSINESS:**

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

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**12. REPORTS OF OFFICERS:**

AGENDA NUMBER & SUBJECT:	12.1 – Delegated Planning Decisions for July 2021
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:	2 August 2021
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 July 2021 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 July 2021, six (6) 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 July 2021 compared to July 2020:

	<b>July 2020</b>	<b>July 2021</b>
<b>Delegated Decisions</b>	3 (\$42,500)	6 (\$3,660,800)
<b>Council Decisions</b>	1 (\$1,000)	0
<b>Total</b>	<b>4 (\$43,500)</b>	<b>6 (\$3,660,800)</b>



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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for July 2021 as per Attachment 12.1.1.

AGENDA NUMBER & SUBJECT:	12.2 - Statement of Financial Activity – 30 June 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Kim Dolzadelli – Manager Corporate and Community Services
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate and Community Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	16 August 2021
ATTACHMENT:	12.2.1 – Statement of Financial Activity for the period ending 30 June 2021

#### **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.

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:**

As at 30 June 2021, the Shire's closing position presents a Closing Surplus Position of \$2.078m which has come about due to a combination of factors such as the Advanced Payment of Financial Assistance Grants (portion for 2021/22 received 8 June 2021), uncompleted Capital Projects (Carried Forward into the adopted 2021/22 Budget) and operation Savings.

Reporting on Material Variances can be found on Page 4 of Attachment 12.2.1.

#### **STATUTORY ENVIRONMENT:**

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council receives the statutory Statement of Financial Activity for the period ending 30 June 2021, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

AGENDA NUMBER & SUBJECT:	12.3 – Monthly Accounts for Payment – July 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	17 August 2021
ATTACHMENTS:	12.3.1 – Accounts for Payment July 2021

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 July to 31 July 2021 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 three 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	13773 to 13848	565,622.42
Accounts paid by cheque	20518	110.00
Accounts paid by Direct Debit	11183.1 to 11219.13	47,124.02
<i>Sub Total Municipal Account</i>		<u>\$612,856.44</u>

**Trust Account**

Accounts paid by EFT	13841, 13842	988.31
<i>Sub Total Trust Account</i>		<u>988.31</u>
<b>Total Payments</b>		<u><u>\$613,844.75</u></u>

**STATUTORY ENVIRONMENT:**

LG (Financial Management) Regulation 13

**POLICY IMPLICATIONS:**

None.

**FINANCIAL IMPLICATIONS:**

As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:**

None.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal and Trust Account fund totalling \$613,844.75 1 July 2021 to 31 July 2021 in the attached schedule(s) be endorsed.

AGENDA NUMBER & SUBJECT:	12.4 - Development Application for a Camping Ground (3 x Glamping Tent Sites with ensuite) and a laundry
LOCATION/ADDRESS:	Lot 88 on DP96616 (No. 9844) Vasse Highway, Peerabeelup
NAME OF APPLICANT:	BH Fowler Pty Ltd
FILE REFERENCE:	A1581
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 August 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.4.1 - Location map 12.4.2 - Original plans and information from applicant 12.4.3 - Submissions 12.4.4 - Modified plans from applicant and applicant's response to submissions 12.4.5 - Planning framework: extracts from key documents

## **BACKGROUND:**

BH Fowler Pty Ltd (Brett Fowler & Wenke Maehler) have lodged a Development Application for a camping ground comprising 3 glamping tent sites with ensuite plus a laundry, to be located at Lot 88 (No. 9844) Vasse Highway, Peerabeelup as shown in Attachment 12.4.1.

The site is located approximately 40 kilometres south of the Nannup townsite and is 16.3 hectares in area, largely cleared, and contains a dwelling, six chalets, shed and an established avocado orchard. The site is bordered by the Donnelly River to the south, reserve land managed by Department of Biodiversity, Conservation and Attractions (DBCA) to the west and private property to the east. The property currently operates as Stargazers Cottage Accommodation & Farm and has been operating as short-term holiday accommodation under various names since around 1992.

Attachment 12.4.2 outlines the original details provided by the applicant, which were the plans subject to public consultation. This includes a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) prepared by Bushfire West Pty Ltd. The original plans proposed a nature-based caravan park comprising 12 sites, each with an ensuite, and a separate laundry facility.

### Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 8 adjoining/nearby landowners, Department of Fire and Emergency Services (DFES), DBCA, Department of Health, Main Roads

WA, and Nannup Chamber of Commerce and Industry, 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 12.4.3. In summary:

- The submission from Mr & Mrs Johnson had no objections to the proposal while the submission from DBCA had no objections but suggested changes to the Bushfire Management Plan.
- The submission from Mr Pearce raised issues with maintaining the biosecurity of neighbouring properties, personal privacy and general amenity, and the increased risk to traffic due to vehicles entering and exiting the property.
- The submission from DFES does not support the proposal due to non-compliance with the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.
- The submission from Main Roads also does not support the proposal due to concerns regarding the available sight lines from the entry and exit points to the property and the increased traffic that will be generated by the development.

In relation to the Main Roads WA submission, the Council on 28<sup>th</sup> January 2021 resolved at minute number 21006 as follows relating to speed zoning in Peerabeelup:

***“That Council direct the Chief Executive Officer to liaise with the Peerabeelup community to develop a submission from the Shire of Nannup to Main Roads WA requesting a speed limit reduction for a 4km section of road from 90km/hr to 70km/hr within the Peerabeelup locality. This speed reduction is in alignment with the Shire of Nannup’s strategic tourism development within the Shire.”***

#### Revised plans

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant in turn has provided their response to the issues raised and has modified the proposal as shown in Attachment 12.4.4. In summary, the modified proposal is for a camping ground comprising 3 glamping tent sites only, each with an ensuite building, and a separate laundry facility. No caravan sites are proposed.

**The revised plans replace the original plans. The revised plans, set out in Attachment 12.4.4 are the plans being assessed in this report by the Shire administration and the Council.**

#### Planning framework

The property is zoned “Agriculture” in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). Other key planning documents related to the proposal include the draft *Local Planning Scheme No.4* (LPS4), *Local Planning Policy LPP12 Tourist Accommodation in Rural Areas*, and *Local Planning Policy LPP13 Car Parking and Vehicular Access*.

“Camping ground” is an “A” use in the Agriculture Zone as set out in the LPS3 Zoning Table meaning the Council has the legal power under LPS3 to approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions. Camping ground is also an “A” use in the Rural Zone in draft LPS4.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)*, *Guidelines for Planning in Bushfire Prone Areas* and the *Shire of Nannup Local Planning Strategy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed use would be considered a “vulnerable land use”. This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

Attachment 12.4.5 sets out the relevant planning framework which are extracts from LPS3, Draft LPS4, Local Planning Strategy, LPP12 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 considered to be generally consistent with LPS3, strategies and policies.

It is recommended that Council conditionally approve the Development Application (based on the revised plans outlined in Attachment 12.4.4) given:

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, supporting job creation and supports tourism;
- it is a modest increase in development and traffic compared to the scale of the approved and existing development;
- no clearing of native vegetation is proposed;
- there are expected to be manageable environmental impacts given the land is cleared and wastewater disposal is required to comply with Shire and Department of Health requirements;



- there are no objections from other Shire officers/units;
- the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas*; and
- development conditions can assist to control the use and management of the development.

#### B) Key issues

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

##### Bushfire & Emergency Management

Tourist development is a vulnerable land use and there are times when there will be approximately 40 visitors on the property. There are significant risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. It is recommended that the BMP and BEEP are updated by Bushfire West Pty Ltd prior to the development commencing to address the comments made by DBCA and DFES.

##### Vehicle access and safety

Vasse Highway is a major road under the control of Main Roads WA. The current crossover to the property is unsealed.

The main issue raised by Main Roads WA relates to vehicle sight distances when viewed from the crossover along with the safety of road users through turning traffic.

In response to the Main Roads WA submission, the applicant has deleted the proposal for caravan sites and the resulting use of vehicles pulling caravans entering and leaving the property.

The proposed revised development will not substantially increase traffic volumes and impacts in the immediate area. The proposed 3 glamping sites are a modest increase in development and traffic compared to the scale of the approved and existing development. However, the officer recommendation includes a condition requiring the applicant to drain and seal the crossover to the property to a length of 10 metres to provide a safer vehicle entry and exit point.

##### Servicing

The development is not connected to a reticulated sewerage system and therefore the proposed effluent disposal systems will need to be located and designed to minimise off-site environmental impacts.

As there is also no reticulated water supply, the applicant will need to ensure a potable water supply is available at all times in accordance with Australian drinking water standards.

### On-going Management

The responsibility for appropriate on-going management rests with the operator/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise and trespass, to adjoining/nearby properties. Various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan.

### *C) Conclusion*

Based on the above and the information provided by the applicant, it is recommended that Council approve the Development Application 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 Schemes) Regulations 2015, LPS3 and draft LPS4.*

Subject to the Council's decision, the applicant separately needs to obtain a Building Permit, On-site Wastewater Approval, and meet additional requirements.

### **POLICY IMPLICATIONS:**

Local Planning Policies are 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 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 *SPP 3.7 Planning in Bushfire Prone Areas*.

### **FINANCIAL IMPLICATIONS:**

Nil.

### **STRATEGIC IMPLICATIONS:**

The proposed camping ground (3 glamping sites plus ensuites) plus a laundry is consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the

Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2017-2027*.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council approve the Development Application for a camping ground comprising 3 glamping tent sites with ensuites plus a laundry, at Lot 88 on Deposited Plan 96616 (No. 9844) Vasse Highway, Peerabeelup, 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 is to be carried out in accordance with the plans and documentation set out in Attachment 12.4.4, 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. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period. In this regard, the owner/caretaker is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government. The register shall be made available for perusal by Shire officers on demand.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the development.
5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
6. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
7. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this,

measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.

8. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
9. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
10. The crossover between the front property boundary and Vasse Highway is designed, sealed to a minimum length of 10 metres and drained at the applicant's cost to the satisfaction of the local government and Main Roads WA prior to commencement of the development.

#### **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 4, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- C) In relation to Conditions 6 and 7, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 8, 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 guest and visitors including to the adjacent Donnelly River;
  - (iii) seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks; and
  - (iv) acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated.
- E) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.

- F) The applicant is advised that the approved development must comply with the *Caravan Park and Camping Ground Regulations 1995*, including the requirement to obtain an annual licence for the camping ground, and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- G) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- H) 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.
- I) 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.
- J) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the applicant may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

AGENDA NUMBER & SUBJECT:	12.5 - Development Application for a Cellar Door, Café, Micro-Distillery, Reception Centres & Chalets
LOCATION/ADDRESS:	Lot 159 on DP246150 (No. 9883) Vasse Highway, Peerabeelup
NAME OF APPLICANT:	Ampersand Estates Pty Ltd
FILE REFERENCE:	A1481
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 August 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.5.1 - Location map 12.5.2 - Original information from applicant 12.5.3 - Submissions 12.5.4 - Modified plans from the applicant and applicant's response to submissions 12.5.5 - Planning framework: extracts from key documents 12.5.6 - Environmental Noise Impact Assessment

### **BACKGROUND:**

The Shire has received a Development Application from the owners of Lot 159 (No. 9883) Vasse Highway, Peerabeelup for a cellar door, café, micro-distillery, two reception centres and three chalets.

The site, shown in Attachment 12.5.1, is located approximately 40 kilometres south of the Nannup townsite. The site is 16.1 hectares in area, largely cleared, and contains a former cellar door, barn, shearing shed, three dwellings and established grape vines. The site is bordered by the Donnelly River to the north, reserve land managed by Department of Biodiversity, Conservation and Attractions (DBCA) to the south and private property (also owned by the applicant) to the east which is 40.49 hectares. The property was formerly known as Donnelly River Wines which ceased operating in mid-2020.

Details of the original proposal are outlined in Attachment 12.5.2. In summary, the applicant proposes a change of use of the existing buildings on the property to a cellar door, café, micro-distillery, reception centres and three chalets. No additional buildings are proposed for the site as all proposed uses can occur in the existing buildings subject to renovation.

### Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 12 adjoining/nearby landowners, Department of Fire and Emergency Services (DFES), DBCA, Department of Health, Department of Water and Environmental Regulation (DWER), Main Roads WA, and Nannup Chamber of Commerce and Industry, along with placing details on the Shire website.

The Shire received four submissions on the Development Application, which are set out in Attachment 12.5.3. The submission from DBCA raised no issues but commented on the proximity of the development to the adjoining Beedelup State Forest and nearby agricultural land. The remaining three submissions raised concerns regarding the development as follows:

The submission from DWER raised concerns with the applicant's right to draw water and the separation distance from the wastewater systems of the proposed development to both groundwater and the Donnelly River. The right to draw water is a licensing requirement and not a planning consideration while the separation distances will be dealt with as part of the on-site waste water application.

The submission from DFES does not support the proposal due to non-compliance with the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

The submission from Main Roads also does not support the proposal due to concerns regarding the available sight lines from the entry and exit points to the property and the increased traffic that will be generated by the development.

### Revised plans

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant in turn has provided their response to the issues raised and has modified the proposal as shown in Attachment 12.5.4.

**The revised site plan replaces the original site plan. The revised site plan, set out in Attachment 12.5.4 and stamped 18 August 2021 is the site plan being assessed in this report by the Shire administration and the Council. All other plans in the original submission remain unchanged except where they refer to the vehicle entry and exit points.**

Included in the applicant response are comments from Ecosystem Solutions which address the issues raised by DFES. Ecosystem Solutions are updating the submitted Bushfire Management Plan (BMP) and the Bushfire Emergency Evacuation Plan (BEEP) as indicated in their comments and the updated plans will be provided to the Shire for review either prior to or shortly following Council's determination of the application.

### Planning framework

The property is zoned “Agriculture” in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). “Café”, “reception centre” and “chalet” are all “A” uses in the Agriculture Zone as set out in the LPS3 Zoning Table. “Cellar Door” and “micro-distillery” are both uses which are not specifically listed in the Zoning Table therefore Clause 3.4.2 of LPS3 applies as follows:

- 3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:
- a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
  - b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application for development approval; or
  - c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

The Council has the legal power under LPS3 to approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7), *State Planning Policy 5.4 Road and Rail Noise* (SPP54.), *Guidelines for Planning in Bushfire Prone Areas*, *Draft Shire of Nannup Local Planning Scheme No. 4* (LPS) and *Shire of Nannup Local Planning Strategy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

Draft LPS4 sets out that proposed uses can be considered on land zoned “Rural”. This includes brewery “A” use, holiday accommodation “A” use and reception centre “A” use.

The *Guidelines for Planning in Bushfire Prone Areas* outline that all of the proposed uses would be considered a “vulnerable land use”. This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

Attachment 12.5.5 sets out the relevant planning framework which are extracts from LPS3, Draft LPS4, Shire of Nannup Local Planning Strategy, LPP12 and LPP13.



The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

**COMMENT:**

*D) Overview*

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

It is recommended that Council conditionally approve the Development Application given:

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, supporting job creation and supports tourism;
- the extent of previously approved development;
- no clearing of native vegetation is proposed;
- there are expected to be manageable environmental impacts given the land is cleared and wastewater disposal is required to comply with Shire and Department of Health requirements;
- there are no objections from other Shire officers/units;
- the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas* and Ecosystem Solutions are prepared to update and sign off the BMP and BEEP; and
- development conditions can assist to control the use and management of the development.

*E) Key issues*

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

Bushfire & Emergency Management

Tourist development is a vulnerable land use and there are times when there will be a large number of visitors on the property. There are significant risks to day visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, based on the advice from Ecosystem Solutions and subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. It is recommended that the BMP and BEEP are updated by Ecosystem Solutions, along with associated undertaking of works prior to the development commencing. This includes gating the current main access and adding signage that it is available for emergency use only.

### Vehicle access and safety

Vasse Highway is a major road under the control of Main Roads WA. The current crossover to the property is unsealed.

The main issue raised by Main Roads WA relates to vehicle sight distances when viewed from the crossover along with the safety of road users through turning traffic.

In response to the Main Roads WA submission, the applicant has agreed to close the existing crossover (which will only be available for emergency use only) and to construct a new crossover on the southern boundary (see site plan stamped 18 August 2021 in Attachment 12.5.4).

The proposed development will increase traffic volumes and impacts in the immediate area including in relation to former development on the property.

The officer recommendation includes a condition requiring the applicant to drain and seal the new crossover to the property to a minimum length of 10 metres to provide a safer vehicle entry and exit point.

### Parking

Currently, there are no formally constructed car parking bays on the site however there is a gravel parking area adjacent to the proposed cellar door and there are informal spaces servicing the existing buildings.

The car parking requirements for the proposed development are expected to be greater than compared to previous operations and the applicant has proposed the following increase in car parking which is consistent with the requirements of Schedule 6 of LPS3:

Cellar door & Cafe	8 parking bays
Micro-distillery	4 parking bays
Reception centre (Wooden Barn)	25 parking bays
Reception centre (Amphitheatre)	25 parking bays
Chalet (Settlers House)	2 parking bays
Chalet (Homestead Residence)	2 parking bays
Chalet (House on the Hill)	2 parking bays

Shire of Nannup Local Planning Policy *LPP13 Car Parking and Vehicular Access* includes a requirement that parking bays and vehicle access be appropriately unsealed and drained by the applicant/landowner. The applicant/landowner is however required to effectively manage dust.

### Flood Risk

While there is no flood level data available for this section of the Donnelly River, the site is expected to be partially within the flood plain with some of the existing structures constructed below the required minimum floor level to protect against flooding.

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 DWER had no objections to the proposal based on flood risk and the proposed development does not propose the construction of new habitable buildings, it is suggested that the change of use of the existing buildings is acceptable.

Risks can be mitigated through obtaining an indemnification agreement with the applicant, and the applicant obtaining and holding necessary flood risk insurances.

#### Noise & Amenity

The proposal involves activities which have the potential to generate noise which may impact on nearby properties, in particular noise associated with ceremonies, music and dining patrons.

The applicant commissioned Herring Storer Acoustics to carry out an Environmental Noise Impact Assessment of noise emissions associated with the proposed development (Attachment 12.5.6) who determined that the noise levels associated with the proposal would comply with the relevant assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 for all operating periods.

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 not connected to a reticulated sewerage system and therefore the proposed effluent disposal systems will need to be located and designed to minimise off-site environmental impacts.

As there is also no reticulated water supply, the applicant will need to ensure a potable water supply is available at all times in accordance with Australian drinking water standards.

#### On-going Management

The responsibility for appropriate on-going management rests with the operator/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise, to adjoining/nearby properties. Various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan.

#### *F) Conclusion*

Based on the above and the information provided by the applicant, it is recommended that Council approve the Development Application 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 Schemes) Regulations 2015, LPS3 and draft LPS4.*

Subject to the Council's decision, the applicant separately needs to obtain a Building Permit, On-site Wastewater Approval, and meet additional requirements.

**POLICY IMPLICATIONS:**

Relevant Local Planning Policies include *LPP12 Tourist Accommodation in Rural Areas, LPP13 Car Parking and Vehicular Access, LPP20 – Developer and Subdivider Contributions and LPP21 Bushfire Management.*

Local Planning Policies are 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 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 *SPP 2 Environment and Natural Resources Policy, SPP 2.9 Water Resources, SPP 3.4 Natural Hazards and Disasters, SPP 3.7 Planning in Bushfire Prone Areas and SPP 5.4 Road and Rail Noise.*

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The application, if approved and implemented, will assist to support a more diversified economic base. The proposed development is consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2017-2027.*

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council approve the Development Application for a cellar door, café, micro-distillery, reception centre and 3 chalets at Lot 159 on Deposited Plan 246150 (No. 9883) Vasse Highway, Peerabeelup, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of three (3) 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 is to be carried out in accordance with the plans and specifications set out in Attachment 12.5.2 and the site plan set out in Attachment 12.5.4 stamped 18 August 2021, 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. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period. In this regard, the owner/caretaker is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government. The register shall be made available for perusal by Shire officers on demand.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the camping.
5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
6. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
7. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
8. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility

for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.

9. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
10. The crossover between the property and Vasse Highway is located (as per Attachment 12.5.4), designed, sealed to a minimum length of 10 metres and drained at the applicant's cost to the satisfaction of the local government and Main Roads WA prior to commencement of the development.
11. The reception centres (the Wooden Barn and the Amphitheatre) are limited to a maximum of one hundred (100) persons each under this approval.
12. The applicant is required to provide and permanently maintain disabled car parking in accordance with the requirements of the Building Code of Australia to the satisfaction of the local government. Detailed plans and specifications illustrating the means by which compliance with this condition is to be achieved are to be submitted to and approved by the local government in conjunction with the Building Permit application.
13. The vehicle accessways, 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.
14. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the Certificate of Title, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.
15. The applicant is to provide a letter, to the satisfaction of the local government, prior to occupation of the development acknowledging possible flood risks and which indemnifies 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 4, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.

- C) In relation to Conditions 6 and 7, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 8, the Management Plan is to:
- (v) address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - (vi) outline the approach to maximise the safety and security of guest and visitors including to the adjacent Donnelly River;
  - (vii) seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks; and
  - (viii) acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated.
- 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 landowner/applicant is required to maintain sight lines from the agreed crossover via verge vegetation clearing.
- G) In relation to Condition 10, the width of the crossover should be able to accommodate turning traffic including buses/coaches.
- H) In relation to Condition 13, the applicant is to effectively manage dust from vehicle accessways, manoeuvring areas and parking areas at all times.
- I) In relation to Condition 14, the notification is to state as follows:  
*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."*
- J) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*. This includes the use of amplified music.
- K) The applicant is advised that the approved development must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the *Health (Public Buildings) Regulations 1992*.

- L) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Food Act 2008* and the *Shire of Nannup Health Local Laws*.
- M) The Department of Water and Environmental Regulation advises that the property is located in the Donnelly River surface water area as proclaimed under the *Rights in Water and Irrigation (RIWI) Act 1914*. Whilst the taking of surface water for stock watering and domestic uses is exempt from licencing under the RIWI Act, the taking of water for commercial and tourism purposes is not, therefore the applicant will need to apply for a 5C licence to take surface water.
- N) 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”.
- O) 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.
- P) The applicant is encouraged to advise neighbours in the area when events are being held in the reception centre.
- Q) The applicant is advised that the property, in particular the Settlers Cottage, may be impacted by road noise. *State Planning Policy 5.4 Road and Rail Noise* and the associated Guidelines provide advice on mitigation measures and the applicant may consider advising patrons pre-booking especially for overnight accommodation.
- R) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the applicant may wish to take professional advice to determine whether such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.



AGENDA NUMBER & SUBJECT:	12.6 - Rates Discount - Prize Draw –Strategic Community Plan Survey Participation
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	RAT 9
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 August 2021
ATTACHMENTS:	Nil.

**BACKGROUND:**

The Shire of Nannup offered a Rates Discount Prize for any participant that completed the Nannup Strategic Plan Review survey earlier this year.

**COMMENT:**

There were 94 respondents in total, 77 respondents left their name and details making them eligible to go into the prize draw.

The process for preparing the prize draw was to place each name into a folded piece of paper which will then be drawn from a hat by the Shire President at the Council meeting.

The Shire of Nannup and Councillors would like to extend their appreciation to all that participated in the survey and having their say into the future of Nannup.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Rates Discount Prize - \$250 – to be applied against the 2021/22 Annual Rates Notice of the winner.

**STRATEGIC IMPLICATIONS:****VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council;

- a. Endorse and congratulate \_\_\_\_\_ for being the prize winner of \$250 rates discount to be applied against the 2021/22 annual rates notice and;
- b. Extend their appreciation to everyone who took part in the survey and having their say into the future of Nannup.

AGENDA NUMBER & SUBJECT:	12.7 – Resignation from Council – Cr Vincent Corlett
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 18
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 August 2021
ATTACHMENTS:	Nil

**BACKGROUND:**

The Chief Executive Officer on the Tuesday 3<sup>rd</sup> August 2021 received notification of Cr Corlett’s resignation from the Shire of Nannup Council.

**COMMENT:**

Cr Corlett’s resignation is mid-term and creates an extraordinary vacancy.

Per the Local Government Act 1995, the extraordinary vacancy will be held over and included within the 2021 election process.

The vacancy to be filled as part of the election will be a 2-year term.

Please note that this item is to make Councillors and the public aware of the resignation, there is no statutory obligation involved.

**STATUTORY ENVIRONMENT:**Resignation of an Elected Member

*Local Government Act 1995 Section 2.31 (2)*

*Local Government Act 1995 Section 2.32 (b)*

Postponement of election to allow consolidation

*Local Government Act 1995 Section 4.16(2)(3)*

*Local Government Act 1995 Section 4.17(1)*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil – minimal – additional costs for filling the vacancy will be included within the 2021 election.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council note the resignation of Cr Corlett from the Shire of Nannup Council effective from 3<sup>rd</sup> August 2021.

AGENDA NUMBER & SUBJECT:	12.8 – Reconciliation Action Plan (RAP)
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 29H
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 August 2021
ATTACHMENTS:	Nil

### **BACKGROUND:**

At the Ordinary Meeting of Council held on the 27 May 2021 endorsed the following Motion

*“COUNCIL RESOLUTION 21054*

*MOVED: CR STEVENSON*

*SECONDED: CR MELLEMA*

*For the Shire of Nannup to appropriately and respectfully recognise the traditional custodianship of the land on which the Shire of Nannup is situated and contribute to reconciliation internally and within the community that:*

- 1. The Shire of Nannup develop and adopt a “RESPECT” Reconciliation Action Plan (RAP) utilising Reconciliation Australia’s RAP Framework.*
- 2. Based on the CEO’s advice, an appropriate funding allocation for the development and implementation of the “RESPECT” RAP be included in the budget considerations for the 2021 – 2022 financial year.*
- 3. The CEO provide a report to the August 2021 Council meeting on the recommended process and timeline for the development of the “RESPECT” RAP, including process for identification of key stakeholders.*

*CARRIED (1/6)*

*Cr Dean voted against the motion”*

The development and adoption of a Reconciliation Action Plan (RAP) will assist the Shire of Nannup to appropriately and respectfully recognise the traditional custodianship of the land on which the Shire of Nannup is situated and contribute to reconciliation both internally and within the community.

The RAP will provide a strategic and structured framework for Councillors and Officers of the Shire to work within and enhance the work the Council and Shire undertakes. The RAP will

build on the work and actions already undertaken by the Shire including the Acknowledgment of Country, support for the Reconciliation Pathway and inclusion of interpretive signage reflecting our Aboriginal history and continuing culture.

Reconciliation Australia describe a Reconciliation Action Plan (RAP) as:

“... a strategic document that supports an organisation’s business plan. It includes practical actions that will drive an organisation’s contribution to reconciliation both internally and in the communities in which it operates.

The RAP Program contributes to advancing the five dimensions of reconciliation by supporting organisations to develop respectful relationships and create meaningful opportunities with Aboriginal and Torres Strait Islander peoples.”

(<https://www.reconciliation.org.au/reconciliation-action-plans/>).

The RAP Framework includes four RAP types (Reflect, Innovate, Stretch, Elevate) designed to suit organisations at different stages of the reconciliation process. Each type outlines the elements required to build strong relationships, respect and opportunities within the organisation and community. The development of a “Reflect” RAP will provide a base level for the Shire to work from and identify actions for future RAPs.

A “Reflect” RAP

*“... clearly sets out the steps you should take to prepare your organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows your organisation to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on your vision for reconciliation and exploring your sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable”*

(<https://www.reconciliation.org.au/reconciliation-action-plans/>)

#### **COMMENT:**

The Economic and Community Development Officer (ECDO) met with the City of Busselton Cultural Officer on Friday 16 July to achieve background information and discuss the REFLECT RAP process and Aboriginal engagement protocol as the City has been through the process previously.

A Respect RAP clearly sets out the steps you should take to prepare an organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows an organisation to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on a vision for reconciliation and exploring the sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable.

## Get Started

The first step is to lodge an expression of interest via an intake portal on the Reconciliation Action Plan website.

Completing an expression of interest will give you access to information about the RAP development process and help you decide if a RAP is a good fit for your organisation.

## Registration

When an organisation has determined that a RAP is right for the organisation, and ready to begin drafting, a registration process needs to be completed.

After registering and paying the RAP development fee, the organisation will receive templates and resources that will help begin the drafting of the RAP.

The development fee for the Shire of Nannup would be \$750 + GST. The Development Fee covers;

Access to templates and guides for drafting and developing your RAP.

- RAP Officer support
  - Provides feedback on the draft RAP, ensuring it meets the RAP program standards and is strategically aligned to the organisation's core business.
  - Assists with the organisation's RAP development as needed.
  - Guides the RAP towards full endorsement.
- RAP accreditation
  - Endorsement from Reconciliation Australia gives your organisation the relevant RAP logo\* so you can publicly promote your RAP and commitment to reconciliation.
- Recognition and promotion as a member of the RAP network
  - The RAP will be featured on Reconciliation Australia's website alongside all endorsed RAPs.
  - The organisation will be included in Reconciliation Australia's RAP network events.

## Submission

Once drafted, the RAP will need to be submitted to Reconciliation Australia through the submission portal.

This will start the review and development process, where feedback is received from your RAP Officer at Reconciliation Australia. Dependent on the feedback, further amendment may be required.

This is to determine if a RAP is right for the organisation and offers templates and resources to enable the drafting of the RAP. An organisation needs to purchase the template in order to commence drafting a RAP.

Speaking with other local governments, the RAP process for their organisations has taken a number of year, with some being up to 5 years. It's estimated that the Shire of Nannup RAP would take approximately 2 years to complete.

Stakeholder engagement initially would be the South West Aboriginal Land and Sea Council who will connect the Shire to the elders of the Nannup area, from there we will identify whom else needs consultation.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

A \$5,000 funding allocation has been included within the 2021/22 annual budget to commence the process.

**STRATEGIC IMPLICATIONS:**

Our Community - We are a unique town that role models sustainability and taking the time to celebrate our heritage and festivals.

Our Community Leadership –

- 5.1 Listen to listen and partner with our community leaders and all our diverse groups and
- 5.2 Working Together to have united community groups working together”

Our Council Leadership - A listening leadership that provides for and represents all.



**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION**

That Council;

- a. endorse Officers to register and commence the process of developing the RAP, and;
- b. pay the RAP development fee payable to Reconciliation Australia, and;
- c. acknowledge that the timeline to finalise a RAP for the Shire of Nannup will take approximately 2 years.

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

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**14. MEETING MAY BE CLOSED:**

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

AGENDA NUMBER & SUBJECT:	14.1 - Assignment of Leased premises at 248 Grange Road, Nannup WA from Nannup Occasional Childcare Association Inc to Regional Early Education Development Inc (REED)
LOCATION/ADDRESS:	32 Grange Road, Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Legal 156
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 August 2021

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC:****15. CLOSURE OF MEETING:**

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## Attachments

Item #	Attach	Title
<b>5.1</b>		Ordinary Council Meeting Minutes – 22 July 2021
<b>5.2</b>		Special Council Meeting Minutes – 10 August 2021
<b>5.3</b>		Local Drug Action Group Committee Minutes – 14 July 2021
<b>12.1</b>	1	Register of Delegated Development Approvals
<b>12.2</b>	1	Statement of Financial Activity for the period ending 30 June 2021
<b>12.3</b>	1	Accounts for Payment July 2021
<b>12.4</b>	1	Location map
	2	Original plans and information from applicant
	3	Submissions
	4	Modified plans from applicant and applicant's response to submissions
	5	Planning framework: extracts from key documents
<b>12.5</b>	1	Location map
	2	Original information from applicant
	3	Submissions
	4	Modified plans from the applicant and applicant's response to submissions
	5	Planning framework: extracts from key documents
	6	Environmental Noise Impact Assessment