



# Agenda

**Council Meeting to be held Thursday 23 April 2020**

**Commencing at 5.30pm**

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# A g e n d a

**1. DECLARATION OF OPENING / ACKNOWLEDGMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS**

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

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**7. DECLARATIONS OF INTEREST**

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

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

**8.1 26 March 2020 Ordinary Council Meeting**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 March 2020 be confirmed as a true and correct record.

**8.2 9 April 2020 Special Council Meeting**

That the Minutes of the Special Council Meeting of the Shire of Nannup held via electronic meeting room on 9 April 2020 be confirmed as a true and correct record.

**9. MINUTES OF COUNCIL COMMITTEES**

Nil.

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****11. REPORTS BY MEMBERS ATTENDING COMMITTEES****12. REPORTS OF OFFICERS**

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12.3	Monthly Accounts for Payment – March 2020	20

- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
  - 13.1 OFFICERS**
  - 13.2 ELECTED MEMBERS**
- 14. MEETING CLOSED TO THE PUBLIC**  
(Confidential Items)
  - 14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
  - 14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**
- 15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 17. CLOSURE OF MEETING**

# **CEO DEPARTMENT**

AGENDA NUMBER:	12.1
SUBJECT:	Local Planning Policy No. 3 – Sea Containers: Submitted for final adoption
LOCATION/ADDRESS:	Applies throughout the district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM9
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 April 2020
PREVIOUS MEETING	28 January 2020
REFERENCE:	
ATTACHMENT:	12.1.1 - Recommended final adoption version of Local Planning Policy No. 3 Sea Containers  12.1.2 - Submissions

## **BACKGROUND:**

The purpose of this report is to inform Council of the public consultation outcomes and to seek Council's final adoption of *Local Planning Policy No. 3 – Sea Containers*. The recommended adopted version of the policy is set out in Attachment 12.1.1 and incorporates minor amendments from the version that was publicly advertised. Recommended amendments are outlined in “highlight” or “strikeout”.

At the Council Meeting of 23 January 2020, the Council passed the following motion at minute No 20005:

“That Council:

1. Support the public release of draft *Local Planning Policy 3 - Sea Containers* outlined in Attachment 12.2.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of six weeks.
2. Reconsider draft *Local Planning Policy 3 - Sea Containers* following the close of the public submission period and determine whether or not to adopt the policy with or without modification, or to not proceed with the policy.”

In accordance with the Council resolution, the Shire administration consulted extensively for a 6 week period by writing to and inviting comments from relevant stakeholders and government agencies, placing public notices in local papers on

multiple occasions, placing details on the Shire website and having information available at the Shire office.

The Shire received two submissions on the draft policy which are outlined in Attachment 12.1.2. One submission raises a minor point of clarification, while the other submission essentially suggests that the Council ‘set aside’ the appearance, design and impacts of sea containers on streetscape. The matters raised in the submissions are considered in the “Comment” section.

The Shire does not have a Local Planning Policy on sea containers. The local government has recognised the need to develop a sea containers policy to provide increased guidance to the Council, the Shire administration, landowners and applicants and assist in more consistent decision making from the local government.

The lack of a sea containers policy means there is limited guidance for the community or applicants as to what uses of sea containers are supported or not supported. There is also an associated lack of guidance for the local government in determining Development Applications. Currently, there are some generic clauses in the *Shire of Nannup Local Planning Scheme No. 3* relating to matters such as amenity.

## **COMMENT:**

### 1. Overview

It is suggested that Council is now in a position to finally adopt *Local Planning Policy No. 3 – Sea Containers* as set out in Attachment 12.1.1. This is slightly amended from the advertised draft version. Considering the extensive consultation that occurred on the draft policy, which resulted in two submissions, it can only be assumed that there is overall community acceptance of the policy.

The recommended final adoption version of Local Planning Policy 3 seeks to balance the provision of legitimate and appropriate sea containers, while minimising the adverse impacts of sea containers on the amenity of a locality. It is recognised that households and businesses have varying needs for storage and associated uses however inappropriately located and/or adapted sea containers can create amenity and other impacts.

The Policy sets out that no development approval or Building Permit are required, subject to conditions:

- for temporary storage of one (1) sea container on a lot in all zones for up to three (3) months;
- for multiple sea containers, on lots zoned Industry, Agriculture, Agriculture Priority 1 and Agriculture Priority 2 zones, for up to 3 months; and
- to store building materials while construction of an approved dwelling, approved commercial building, or other approved building is being carried out on the property, in all zones.

A Development Application is required for permanent sea containers for storage purposes and for sea containers used for habitation purposes (permanent or temporary).

The number of permanent sea container/s per property is at the discretion of the local government.

## 2. *Matters raised through the submissions*

The two submissions are outlined in Attachment 12.1.2. The recommended final version incorporates some of the matters raised in the submissions.

Mr Goldsmith raised the issue of whether or not sea containers which are connected to a power supply should still be considered temporary. The recommended final policy has been amended to reflect that a powered or ‘powered up’ sea container will be considered a permanent structure thereby requiring a Development Application.

Mr George essentially suggests that the Council ‘set aside’ the appearance, design and impacts of sea containers on streetscape given this is a subjective or non-planning matter. The submission supports sea containers for various reasons including strength, efficiency and affordability.

Mr George raises issues with the draft policy including the requirement for permanent sea container structures to have their exterior surfaces painted, reclad or treated in such a way as to make them visually more compatible with the surrounding environment. While a structure that is constructed from sea containers may be considered appropriate in some areas, an industrial-style structure (unless integrated with other building forms) may not be considered compatible with its surroundings in, for example, a Heritage Area or Landscape Values Area.

Design, appearance, built form and heritage considerations are key planning considerations as set in the *Planning and Development (Local Planning Schemes) Regulations 2015*, various State Planning Policies, the *Shire of Nannup Local Planning Scheme No. 3* and in the *Shire of Nannup Local Planning Strategy*.

The final policy does not require permanent sea container structures to have their external faces painted, reclad or otherwise treated but gives the local government the ability to require such treatments where it is considered appropriate such as within the Nannup townsite or adjacent to tourist routes, where the structure cannot be otherwise screened. A merit assessment will be applied that takes account of the site’s context and the design approach proposed by the landowner or designer.

It is suggested the final policy adopts a positive but balanced approach that is mindful of the landscape, amenity and heritage values of Nannup and the district.

## **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Nannup Local Planning Scheme No. 3.*

### **POLICY IMPLICATIONS:**

Local planning policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Development Applications.

The draft policy has been subject to community and stakeholder consultation.

### **FINANCIAL IMPLICATIONS:**

The Shire met the cost of advertising the draft planning policy, including placing notices in local papers.

### **STRATEGIC IMPLICATIONS:**

The policy, if adopted, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness. A finalised Sea Containers Policy is expected to have minimal economic impacts given various sea containers do not require development approval or a Building Permit. Further, the Policy seeks to balance household and business requirements subject to suitably addressing amenity and associated considerations.

### **RECOMMENDATION:**

That Council:

1. Grant final adoption to *Local Planning Policy 3 – Sea Containers* as set out in Attachment 12.1.1.
2. Thank submitters for making a submission.

### **VOTING REQUIREMENTS:**

Simple Majority.

AGENDA NUMBER:	12.2
SUBJECT:	Development Application – Proposed microbrewery
LOCATION/ADDRESS:	Lot 692 (#1) Warren Road, Nannup
NAME OF APPLICANT:	Sphile Pty Ltd
FILE REFERENCE:	A430
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 April 2020
PREVIOUS MEETING REFERENCE:	27 February 2020
ATTACHMENT:	12.2.1 - Location map 12.2.2 - Original plans and information from applicant 12.2.3 – Submissions 12.2.4 - Modified plans from applicant (provided post Council's meeting on 27 February 2020) and applicant's response to submissions 12.2.5 - Planning framework: extracts from key documents

## BACKGROUND:

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

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

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

### *Consultation*

The Shire administration undertook extensive consultation through inviting public comment on the Development Application for a period of 42 days by writing to

landowners and known occupiers within 150m of the site (32 stakeholders), the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage, placing details on the Shire website and having details available at the Shire office.

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

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

#### *Clarification of recommended conditions & revised plans*

In accordance with established practice, the Shire administration liaised with the applicant following the receipt of submissions. The applicant in turn provided their response to the issues raised and three suggestions for a revised design for the proposed extension to the existing building.

At its meeting of 27<sup>th</sup> February 2020, Council considered the application based on the information provided by the applicant and the revised plans. The decision was made by Council to lay the application on the table pending further investigation into opening hours and liquor licencing implications, and a review of the proposed design by the applicant in consultation with the Shire administration.

The Shire administration has sought clarification with the Department of Local Government, Sport and Cultural Industries (DLGSC) in regards to how opening hours imposed by Council as a condition of development approval would work with trading hours approved in a liquor licence. The advice received from the DLGSC is that a change to the existing liquor licence or an application for a new liquor licence would require the applicant to obtain a Section 40 Certificate from the Shire in which any conditions of development approval would be stated and considered by the DLGSC in the granting of a licence. Accordingly, there are no legal impediments in the Council imposing a development condition relating to opening hours as requested by the applicant which are different to those of the former Nannup Bridge Café (which has now closed permanently).

The applicant has been working with the Shire administration to revise the design for the microbrewery and has provided a new set of plans for Council's consideration.

**The revised plans replace the original plans. The revised plans, set out in Attachment 12.2.4 (received after the Council meeting on 27 February 2020), are the plans being assessed in this report by the Shire administration and the Council.**

## *Planning framework*

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

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

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

“5.2.1 Flood Risk Land

5.2.1.1 Notwithstanding any other provision of the Scheme.

- (a) the local government shall not grant approval to the carrying out of any development on land (or portion(s) thereof) that is shown on the Scheme Map as being flood risk land or where land abuts the Blackwood River unless an assessment has been made of:
  - (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
  - (ii) the safety of the proposed development in time of flood; and
  - (iii) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.”

Clause 5.2.1.4 of LPS3 also states:

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

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

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

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

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

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

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

**COMMENT:**

*A) Overview*

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is generally consistent with LPS3, strategies and policies. It is accordingly recommended that Council conditionally approve the Development Application (based on the revised plans outlined in Attachment 12.2.4) given:

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

*B) Key issues*

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

### Flood risk

As outlined above, the site is entirely within the flood plain with the existing development constructed below the required minimum floor level to protect against flooding. The proposed new development will also be below the minimum floor level by approximately 1.5 metres. The revised plans have a similar footprint and risk of flooding compared to the original plans.

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

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

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

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

### Heritage

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

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

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

### Design

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

As outlined in Attachment 12.2.4, it is highlighted that the applicant has provided a revised set of plans which now incorporate the proposed ablutions block into the existing vacant commercial building rather than the construction of a new building along Grange Road. Minor changes are proposed to be made to the façade of the existing building and the enclosed beer garden will feature a new verandah along Grange Road to extend

the two existing verandahs. The feature windows are proposed to be bifold timber framed as noted on the drawings.

It is suggested the revised plans suitably address design considerations raised by Council on 27 February 2020. This includes a design which is more sympathetic to the site's context and surrounding heritage values, especially for the Grange Road elevation, compared to previous designs.

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

### Parking

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

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

Most of the new buildings do not in themselves generate additional parking requirements e.g. ablutions, storage and bicycle parking. It is acknowledged there will be additional locations for patrons to be seated including under the new verandahs and in the undercover beer garden.

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

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

The Council has various options on car parking including:

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

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

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

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

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

#### Noise and amenity

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

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

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

#### Servicing

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

#### Economic competition and impacts on existing businesses

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

#### C) Conclusion and options

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

### **STATUTORY ENVIRONMENT:**

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

### **POLICY IMPLICATIONS:**

Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *State Planning Policy 3.4 Natural Hazards and Disasters* and *State Planning Policy 3.5 Historic Heritage Conservation*.

### **FINANCIAL IMPLICATIONS:**

Nil.

### **STRATEGIC IMPLICATIONS:**

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

### **RECOMMENDATION:**

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

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation set out in Attachment 12.2.4 or as otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. Engineering certification is provided for the building, to the satisfaction of the local government prior to the issue of a Building Permit, that the new building has been designed to take account of potential forces of flood water.
4. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
5. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation of the development to the satisfaction of the local government.
6. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the local government prior to occupation of the development.
7. The provision of one double crossover to Grange Road, with the crossover being designed, constructed (sealed or paved) and drained at the landowner's cost to the satisfaction of the local government prior to occupation of the development.
8. The development is connected to the reticulated water system prior to occupation of the development.
9. The development is connected to the reticulated sewerage system prior to occupation of the development.
10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles) with colours to be agreed by the local government.
11. The windows facing Grange Road are to be timber-framed (not aluminium).
12. The building is painted or clad in colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct and to the satisfaction of the local government prior to occupation of the development. A schedule of all

materials to be used on the external surfaces of the building shall be submitted to the satisfaction of the local government prior to the issue of a Building Permit.

13. No external signage is to be erected without the prior approval of the local government.
14. Rubbish bin and recycling storage areas are to be located, designed and constructed to the satisfaction of the local government prior to occupation of the development.
15. The provision of a detailed floor plan, including the kitchen fit out, to the satisfaction of the local government prior to occupation.
16. The applicant is to maintain appropriate public liability insurance for the use of the Grange Road reserve for alfresco dining, along with existing and new verandahs in the Grange Road reserve.
17. The use of the site must not adversely affect the amenity of the locality by reason of noise.
18. The landowner is to submit and gain local government approval for a Management Plan, prior to commencement of the microbrewery use, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality. The approved management details shall be implemented on an ongoing basis to the satisfaction of the local government.
19. The hours of operation shall be limited as follows with no trading on Good Friday, Christmas Day and before 12:00pm on ANZAC Day, unless a variation is approved in writing by the local government:
  - 10:30am to 8:30pm, Monday - Thursday;
  - 10:00am to 10:00pm, Friday and Saturday; and
  - 10:00am to 8:30pm Sunday.
20. The landowner enters a Deed, to the satisfaction of the local government, which is finalised prior to occupation of the development relating to flood risks and which indemnifies the local government. The costs of preparing and executing the Deed are at the landowner's cost.
21. The landowner meets the costs of adding a notification (section 70A or a memorial) to the Certificate of Title setting out that the property is at risk of flooding, to satisfaction of the local government, prior to occupation.
22. The provision of bike racks and bike parking to the satisfaction of the local government prior to occupation.
23. The landowner enters a Memorandum of Understanding with the local government, to the satisfaction of the local government prior to the issue of a Building Permit, to address risks, maintenance and associated matters with verandahs being in the Grange Road reserve.

### **Advice**

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) The applicant/landowner is advised that the approved development must comply with all relevant provisions of the *Building Act 2011* and the *Building Code of Australia*.
- C) In relation to Conditions 4 and 5, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.
- D) In relation to Condition 9, evidence is provided to the local government and DWER that brewery waste (trade waste) can be disposed into the reticulated sewerage system.
- E) In relation to Condition 18, the Management Plan is to:
  - i. address the responsibility for clients'/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - ii. outline the approach to maximise the safety and security of clients and visitors; and
  - iii. seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing trespass by clients onto adjoining private property. As part of this, to review boundary fencing and upgrade as required.
- F) The landowner should maintain appropriate insurances at all times relating to damage from flooding.
- 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*, *Environmental Protection (Noise) Regulations 1997*, *Health (Laundries and Bathrooms) Regulations*, *Sewage (Lighting, Ventilation and Construction) Regulations 1971* and the Shire of Nannup Health Local Laws.
- H) The Blackwood River Flood Study shows that the entire lot is affected by flooding during major river flows with the 1 in 100 AEP flood level estimated to be 68.18 metres AHD. The Department of Water and Environmental Regulation advises that the proposed floor level of the new buildings of 67.19 metres AHD will provide approximately 1 in 40 year AEP flood protection.
- I) 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".
- J) To reduce flood damages, all electrical installations should be located as high as practical and suitably installed.

- K) The property is entirely located in an area which has been declared as bushfire prone by the Fire and Emergency Services Commissioner. The applicant is advised to prepare and implement an Emergency Management and Evacuation Plan prior to occupation.
- L) The applicant is advised that this approval does not permit the external colours of the building to be changed. Any future changes to the external colours are to be consistent with the guidelines contained in Local Planning Policy LPP8 Nannup Main Street Heritage Area and are to be approved by the Shire.
- M) The applicant/operator is encouraged to promote sustainable transport options including walking, riding, carpooling and community transport.
- N) 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.

#### **VOTING REQUIREMENTS:**

Simple Majority.

# **CORPORATE & COMMUNITY SERVICES**

AGENDA NUMBER:	12.3
SUBJECT:	Monthly Accounts for Payment - March 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	17 April 2020
ATTACHMENT:	12.3.1 – Accounts for Payment – March 2020

## **BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 March to 31 March 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 two corporate credit cards in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

<b>Municipal Account</b>		
Accounts paid by EFT	12407-12488	172,074.17
Accounts paid by cheque	20449-20451	4,372.67
Accounts paid by Direct Debit	10680.1-10693.14	55,208.21
<i>Sub Total Municipal Account</i>		<b>\$231,655.05</b>
<b>Trust Account</b>		
Accounts paid by EFT	12450,12451,12406	2,907.70
Transfer to Muni Admin fees		46.50
<i>Sub Total Trust Account</i>		<b>\$2,954.20</b>
<b>Total Payments</b>		<b>\$234,609.25</b>

### **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 \$234,609.25 1 March 2020 to 31 March 2020 in the attached schedule(s) be endorsed.

### **VOTING REQUIREMENTS:**

Simple Majority.

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

**13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC**

(Confidential Items)

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

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

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

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

**17. CLOSURE OF MEETING**



## Attachments

Item	Attach	Title
<b>8.1</b>		March 2020 Ordinary Council Meeting Minutes
<b>8.2</b>		April 2020 Special Council Meeting Minutes
<b>12.1</b>	1	Recommended final adoption version of Local Planning Policy No. 3 Sea Containers
	2	Submissions
<b>12.2</b>	1	Location map
	2	Original plans and information from applicant
	3	Submissions
	4	Modified plans from applicant (provided post Council's meeting on 27 February 2020) and applicant's response to submissions
	5	Planning framework: extracts from key documents
<b>12.3</b>	1	Accounts for Payment – March 2020