



AGENDA

SPECIAL MEETING OF COUNCIL

11th March 2021
Commencing at 4:30pm

Council Chambers
Yougenup Road, Gnowangerup WA 6335

[COUNCIL'S VISION](#)

Shire of Gnowangerup

NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

A Special Meeting of the Shire of Gnowangerup will be held on Thursday 11th March 2021, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 4:30pm.



Signed: _____

Bob Jarvis
CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

- (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and*
- (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Gnowangerup for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Gnowangerup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Gnowangerup during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Gnowangerup.

The Shire of Gnowangerup advises that anyone who has any application lodged with the Shire of Gnowangerup shall obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Gnowangerup in respect of the application.

These minutes are not a verbatim record but include the contents pursuant to Regulation 11 of Local Government (Administration) Regulations 1996.

Signed:  _____

Bob Jarvis
CHIEF EXECUTIVE OFFICER



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The **type** of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The **nature** of my interest is (5) _____

The **extent** of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)..

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

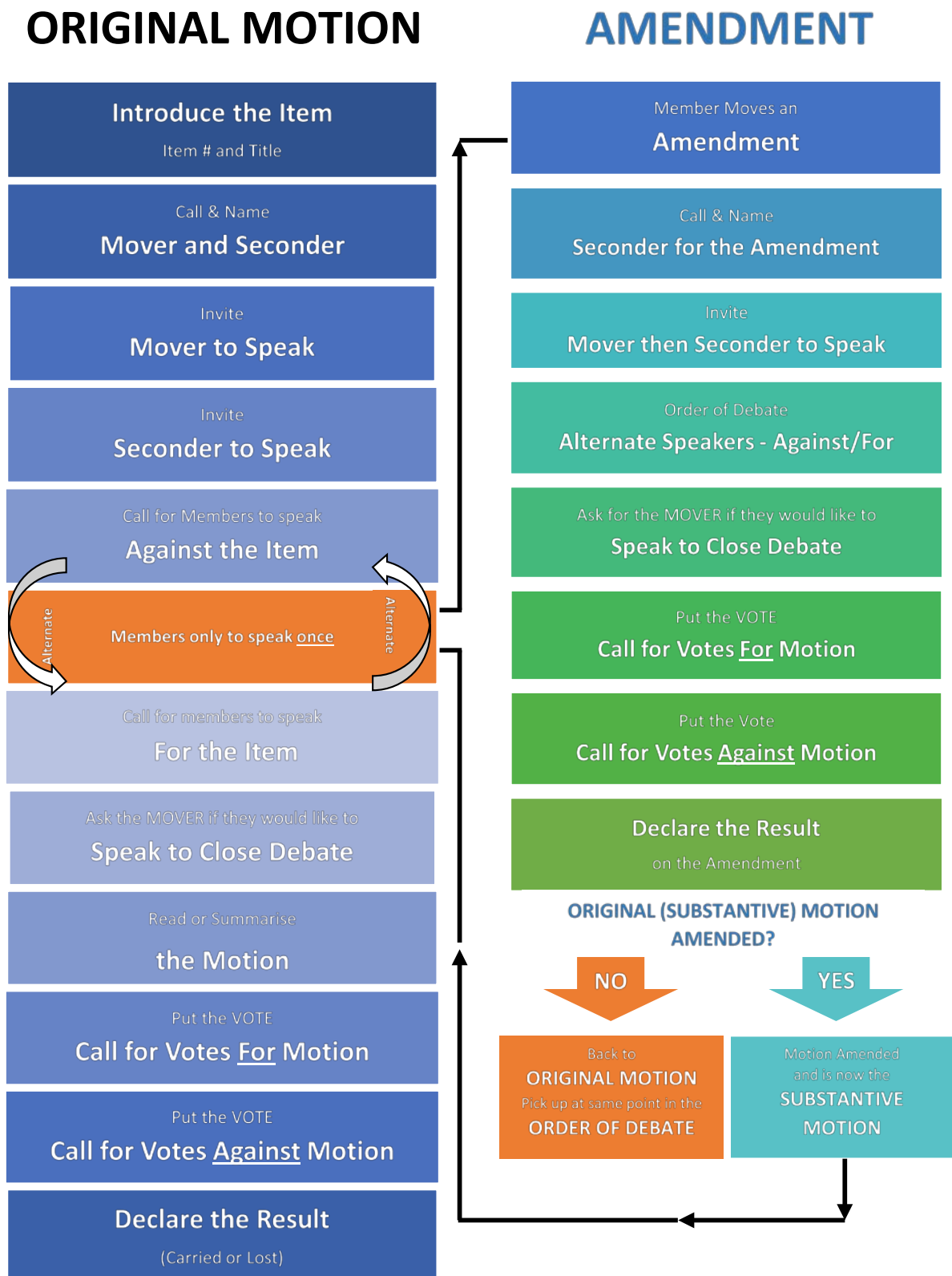
DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

Process of Motions



Slight clarification of wording of motion: A minor amendment of the motion can be done at any time through the President with the approval of the Mover and the Secnder. The Minor amendment must be minuted.

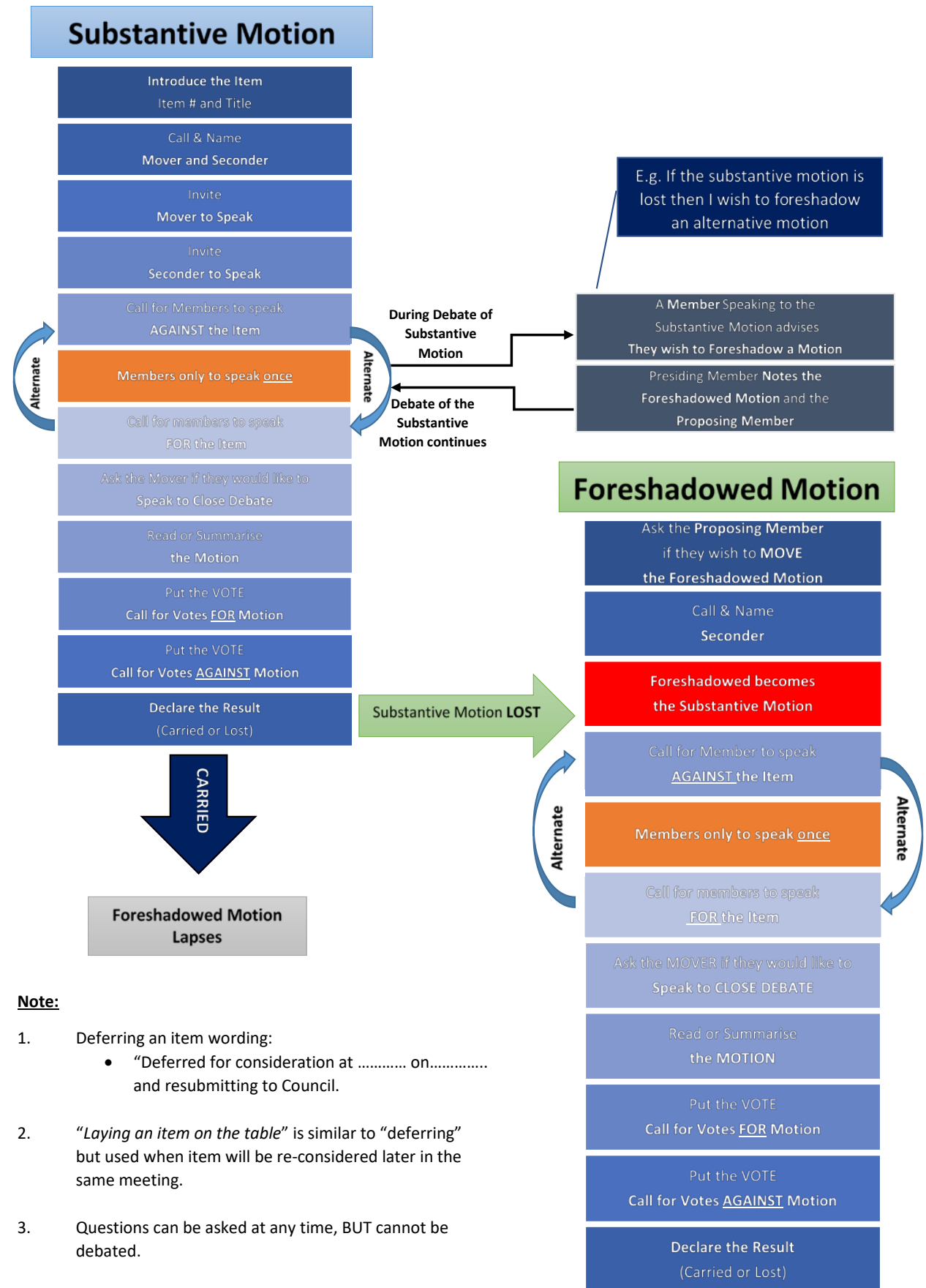


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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Fiona Gaze welcomed Councillors, staff and visitors and opened the meeting at _____pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

3.1 ATTENDANCE

3.2 APOLOGIES

Bob Jarvis CEO

3.3 APPROVED LEAVE OF ABSENCE

4. APPLICATION FOR LEAVE OF ABSENCE

5. RESPONSE TO QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF PREVIOUS MEETING MINUTES

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

Nil

12. STRATEGY AND GOVERNANCE

The DCEO advises that Agenda Item 12.1 was presented to Council at the Ordinary Meeting of Council on 17th February 2021 and Special Meeting of Council on 25th February 2021.

At the Ordinary Council Meeting on 17th February 2021 the item was deferred and resubmitted for consideration at the Special Council Meeting on 25th February 2021 to enable staff to clarify the quoting requirements for this item.

The item was also deferred at the Special Council Meeting on 25th February 2021 as a quorum was not achieved for voting on this item.

12.1 AUSPAN NEW FACTORY AND OFFICE - REQUEST FOR MINIMUM DEVELOPMENT APPLICATION FEE

Location:	No. 41 (Lot 102) Quinn Street, Gnowangerup
Proponent:	Steve Richardson on behalf of AUSPAN
File Ref:	A6358
Date of Report:	5 th February 2021/9 th March 2021
Business Unit:	Strategy & Governance
Officer:	Phil Shephard - Planning Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Development Application covering letter.
- AUSPAN approved/stamped plans.

PURPOSE OF THE REPORT

To consider the request from AUSPAN to minimise the development application fee required to be paid for processing their new factory and office application.

BACKGROUND

The AUSPAN proposal was originally approved in December 2012 and they have been progressing with that approval since then. That approval lapsed on 20th December 2014 and they have recently submitted a new Development Application and plans for the factory and office and this has recently been approved, under delegated authority (see attached AUSPAN approved/stamped plans).

COMMENTS

The new proposal differs from that originally approved in 2012 with the buildings now to be relocated towards the rear of the site (see aerial image below), although the overall development and details are similar to that originally approved.

The cost of the proposed development is stated as \$2m and AUSPAN have nominated December 2021 for completion of the development. The application fee for a \$2m development is \$5,555 as set out in the *Planning and Development Regulations 2009* and Schedule of Fees and Charges 2020-2021 unless it is waived by Council.



Original building position shown in black outline with new building position in red outline (Image Landgate Map Viewer Plus)

AUSPAN (see attached Development Application covering letter) request the Council minimise the development application fee for the reasons set out in the correspondence.

Many of the original conditions are transferable to the new proposal and no readvertising of the proposal (as originally occurred) was considered necessary in this instance. Staff have expended approximately 10-hours on processing and approving the application and some reduction of the application fee is supported given the reduced workload involved this time.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil.

LEGAL AND STATUTORY REQUIREMENTS

Planning and Development Regulations 2009 - The Regulations allow, and set limits on, the planning fees that can be charged by a local government administering its planning scheme and r.52 allow the Council to waive or refund fees as follows:

52. Local government may waive or refund fee

A local government may waive or refund, in whole or in part, payment of a fee for a planning service.

POLICY IMPLICATIONS

There are no Local Planning Policies that apply to this report.

IMPACT ON CAPACITY

Nil.

RISK MANAGEMENT CONSIDERATIONS

Strategic Risk Category	Financial
Consequence Rating	Insignificant
Likelihood Rating	Unlikely
Acceptance Rating	Low
Risk Acceptance Criteria	Acceptable. Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring

FINANCIAL IMPLICATIONS

The reduction of the application fee, if approved, will reduce the income into Planning Applications/Approval Fees accordingly.

STRATEGIC IMPLICATIONS

The report impacts on the following item in the Strategic Community Plan 2017 – 2027 as follows:

Strategic Focus	Built Environment and Infrastructure
Goals:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	<ul style="list-style-type: none"> Appropriate planning and development
Strategy 3.1.2	Provide planning and development advice on land developments.
Strategy 3.1.3	Ensure quality, consistent and responsive development and building assessment approval processes.

Strategic Focus	Governance and Organisation
Goals:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> Strategic governance and leadership
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

1 Not support a reduced application fee

The Local Government can choose to not support the proposal. If this was supported, the applicants would be required to pay the fee of \$5,555.

2 *Support a reduced application fee*

The Local Government can choose to support the proposal and proceed to waive the fee, in whole or part.

3 *Defer the proposal*

The Local Government may elect to defer the matter for a period and seek additional information or comment, if deemed necessary, before proceeding to make a decision.

CONCLUSION

The new AUSPAN proposal required less time than the original proposal required for processing and approving the application and administration support their request for consideration of a reduction of the application fee.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

0321. That Council:

- In accordance with r.52 of the *Planning and Development Regulations 2009* waive **(to be determined)** % of the required development application fee for the new AUSPAN factory and office development at No. 41 (Lot 102) Quinn Street, Gnowangerup.
- Acknowledges that the new AUSPAN proposal required less time than the original proposal required for processing because of the work already done by staff when processing the first application.

28.1.2021

Shire of Gnowangerup
RE: AUSPAN Factory & Offices Development.
Att: Phil Shephard

Dear Phil,

Further to our discussions AUSPAN is looking to proceed with the proposed construction of a new factory & office facility at 41 Quinn St, Gnowangerup.

This development has been on the cards for quite some time now and the property was purchased, subdivided, rezoned, cleared, fenced & had an electrical upgrade previously in preparation for this development.

As a local family business that was founded in Gnowangerup in 2009, we are committed to supporting the local economy & community of Gnowangerup by establishing a purpose-built head office and manufacturing facility here, to consolidate current operations onto one property and also to support future growth.

AUSPAN currently employs a team of 50+ staff and over 30 of these positions have been created in Gnowangerup. The continued growth of AUSPAN, especially in the fabrication side of the business will naturally create future employment for locals and potentially attract further families to town.

The proposed factory will allow AUSPAN to continue its growth path and offer the ability to more than double current fabrication throughput.

To this end the directors of AUSPAN have committed to our team that we will have the new facility built and ready for moving into by the end of 2021.

We understand that this property is close to a residential area and we confirm that the following design considerations have been included to minimise impact on residential properties:

- ▶ All main building works to be set back 35M+ from Corbett Street.
- ▶ To minimise noise the building wall facing Corbett Street will be acoustically insulated and to have no door openings in it other than what is required to meet BCA requirements.
- ▶ Landscaping buffer including large trees to be planted and maintained along the Corbett Street boundary.

As this development was previously approved in 2012, we would appreciate your consideration of a minimised fee to reapprove the development.

We would appreciate if this Development Application can be considered and approved as soon as possible to enable the progression of this facility for AUSPAN and for the Town of Gnowangerup.

Please feel free to contact me anytime to discuss or clarify anything regarding this proposal. Thankyou.

Best Regards
Steve Richardson.

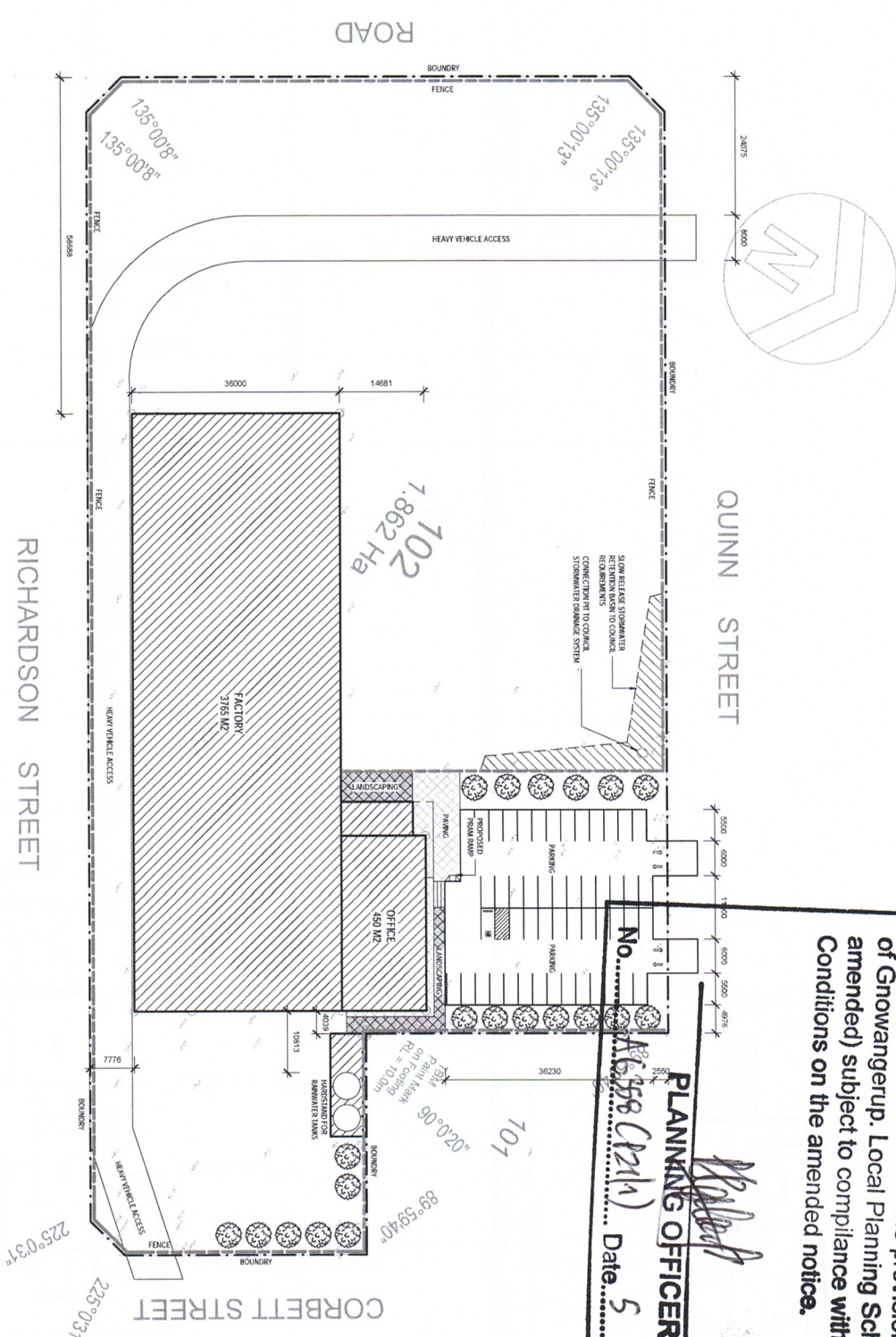
SHIRE OF GNOWANGERUP PLANNING APPROVAL

Is hereby granted under the provisions of the Shire of Gnowangerup. Local Planning Scheme No 2 (as amended) subject to compliance with the Conditions on the amended notice.

PLANNING OFFICER

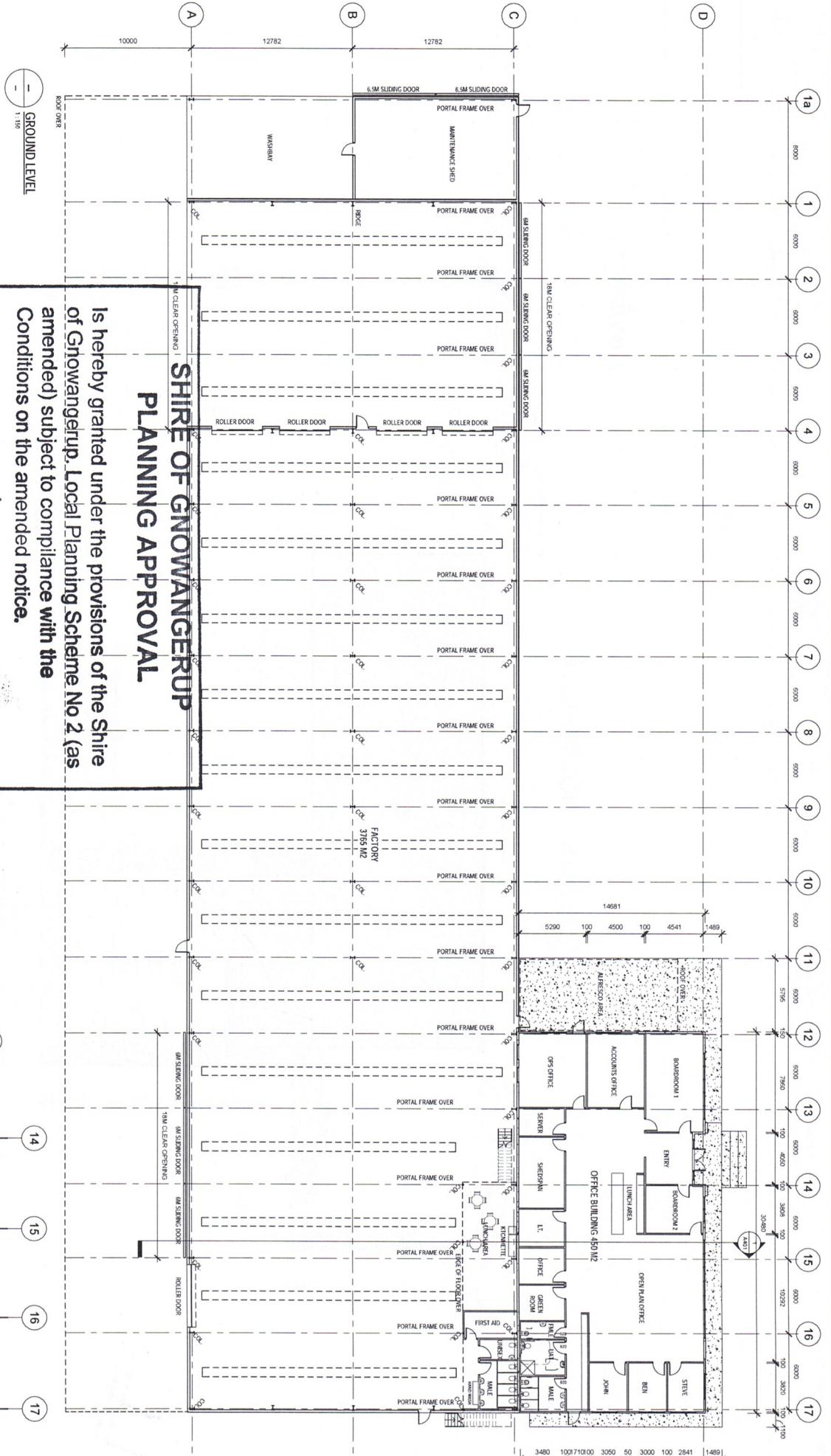
[Signature]

No. **16/558 (CP21)** Date **5/2/2021**



SITE PLAN
1:400

<p>DATE: 11/03/2021</p> <p>PROJECT: AUSPAN FACTORY</p> <p>CLIENT: AUSPAN</p> <p>PROJECT NUMBER: 140</p> <p>DRAWING NUMBER: A101</p> <p>REVISION: B</p>		<p>ARCHITECTURAL</p> <p>PROJECT TITLE: OFFICE AND FACTORY</p> <p>PROJECT ADDRESS: 23 CORBETT STREET, GNOWANGERUP</p>	<p>SCALE: 1:400 A1</p> <p>DATE: 11/03/2021</p> <p>DESIGNED BY: [Name]</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p>	<p>PROJECT NUMBER: 140</p> <p>DRAWING NUMBER: A101</p> <p>REVISION: B</p>
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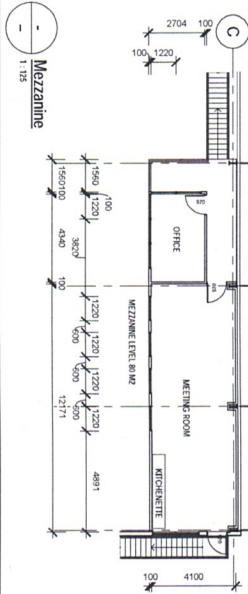


**SHIRE OF GNOWANGERUP
PLANNING APPROVAL**

Is hereby granted under the provisions of the Shire of Gnowangerup, Local Planning Scheme No 2 (as amended) subject to compliance with the Conditions on the amended notice.

PLANNING OFFICER

No. *A 6358 (P211)* Date *5/12/2021*



PROJECT: OFFICE AND FACTORY		DRAWING TITLE: FLOOR PLAN		PROJECT NUMBER: 140	
PROJECT: 23 CORRETT STREET, GNOWANGERUP		DRAWING NUMBER: A201		REVISION: A	
ARCHITECTURAL		DATE: 14/01/2021		DRAWN BY: [Name]	
AUSPAN ARCHITECTS		CHECKED BY: [Name]		DATE: 14/01/2021	
100 WILSON ST, PERTH WA 6000		PHONE: (08) 9447 1111		WWW.AUSPANARCHITECTS.COM.AU	

12.2 ONGERUP COMMUNITY DEVELOPMENT INC. – REQUEST TO RE-FINANCE LOAN TO 30th JUNE 2021

Proponent: Graeme Savage, President OCD Inc.
File Ref:
Date of Report: 6th March 2021
Business Unit: Strategy and Governance
Officer: Ian Graham, Deputy CEO
Disclosure of Interest: Nil

ATTACHMENTS

- Email dated 6th March 2021 from Graeme Savage, President, Ongerup Community Development Inc.

PURPOSE OF THE REPORT

For Council to consider approval of a request from Ongerup Community Development Inc. (OCD Inc.) to re-finance the existing self-supporting loan of \$340,000 to fund cash flow requirements for the construction of two houses under the GSHI (BBRF) project in Ongerup.

COMMENTS

The OCD Inc. constructed two houses in Ongerup under the GSHI (BBRF) project. The total budget cost of the two houses was \$920,000.

OCD Inc. were originally under the belief that the project funding from the Building Better Regions Fund would be on an as needs basis; however they now understand that it is on a reimbursement basis. The OCD Inc. were required to fund 50% of the project cost. They were prepared to fund 25% in cash and were planning to borrow the other 25%. Due to the reimbursement basis of the grant funding and delays in obtaining finance for 25%, the OCD Inc. did not have sufficient cash flow to fund the project.

In July 2020, the OCD Inc. made a request to Council for a short-term (6 month) loan to fund cash flow for the project. This was approved by Council at the July 2020 meeting:

Moved: Cr S Hmeljak

Seconded: Cr C Thomas

0720.73 That Council:

1. Approves the request from Ongerup Community Development Inc. (OCD Inc.) for a short-term self-supporting loan of up to \$340,000 on the following terms and conditions:

- **The loan is for a maximum term of six (6) months, with interest and all other associated fees and costs to be fully funded by OCD Inc.,**
- **The loan is to be drawn down no earlier than 1st September 2020 and fully repaid by no later than 28th February 2021,**

- The OCD Inc. provides evidence to the Shire of holding the 25% cash component of the project funding (expended and/or unexpended),
- A Loan Deed between the Shire of Gnowangerup and OCD Inc. is prepared, with any variation to the Deed required in the future by OCD Inc. to be agreed to by Council, and
- The Shire is able to raise funding for the loan from the Western Australian Treasury Corporation and/or the Shires' bank.

2. Authorises the CEO to seek funding for the loan from the Western Australian Treasury Corporation and/or the Shires' bank.

CARRIED BY ABSOLUTE MAJORITY:7/0

The funds were advanced to the OCD Inc. on the 16th September 2020, with full repayment due to the Shire on 16th March 2021.

As at the date of writing this item, the OCD Inc. has advised that they have not received the milestone payment from the BBRF funds are therefore unable to repay the loan to the Shire on the due date of 16th March 2021. The OCD Inc. wish to request that Council consider re-financing the existing loan of \$340,000 for the period 17th March 2021 to 30th June 2021, on the same terms and conditions as per the existing loan agreement.

CONSULTATION

Nil

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995 s6.20 and 6.21

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil - the proposed loan will be self-supporting and fully funded by OCD Inc.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: Quality Built Form

Objective: Facilitate and integrate housing options, local services, employment and recreational spaces.

Strategic Objective: Facilitate diverse, inclusive, housing options.

RISK MANAGEMENT CONSIDERATIONS:

Risk Profile: Not meeting Community expectations.

Results in reputational impacts.

Risks associated with lending including default on repayment by OCD Inc.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should Council not support the request, possible implications would include severe financial hardship for the OCD Inc.

CONCLUSION

As Council has a commitment to supporting community development within the Shire, it is recommended to support the proponents' request.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

0321. That Council:

- 1. Approves the request from Ongerup Community Development Inc. (OCD Inc.) to re-finance the existing self-supporting loan of \$340,000 on the following terms and conditions:**
 - The loan is for the period 17th March 2021 to 30th June 2021, with interest and all other associated fees and costs to be fully funded by OCD Inc., as per the existing loan agreement.
 - The loan is to be drawn down no earlier than 17th March 2021 and fully repaid by no later than 30th June 2021 (early repayment is permitted),
 - The existing Loan Deed between the Shire of Gnowangerup and OCD Inc. is amended to include the period 17th March 2021 to 30th June 2021, with any variation to the Deed required in the future by OCD Inc. to be agreed to by Council, and
 - The Shire is able to raise funding for the loan from the Western Australian Treasury Corporation and/or the Shires' bank if required.
- 2. Authorises the CEO to seek funding for the loan from the Western Australian Treasury Corporation and/or the Shires' bank if required, to ensure there is no impact on the 30th June 2021 budget surplus.**

From: Graeme Savage <Graeme@ongeruptyres.com.au>
Sent: Saturday, 6 March 2021 11:51 AM
To: Ian Graham <Ian.Graham@gnowangerup.wa.gov.au>
Subject: RE: ICR927 - RE: BBRF Milestone payment.

Hi Ian

Thank you for your reply.

The Ongerup Community Development Group would like to request that Council refinance our loan to cover the building costs for the GSHI Project.

Unfortunately, I am unable to say when we will be able to repay the loan other than it will be as soon as the GSHI releases the funds owned to us.

To date I have had no clear indication when this payment will be made. If this is still the case when this request is considered by council then I would be happy to have a repayment date of June 30. (Surely the BBRF will want this project wrapped up by the end of the Financial year?)

The Ongerup Community Development Group is prepared to pay any interest, administration or finance costs that Council may incur as a result of this loan.

Yours Sincerely

Graeme Savage
President
Ongerup Community Development Group

13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

Nil

14. INFRASTRUCTURE AND ASSET MANAGEMENT

Nil

15. STATUTORY COMPLIANCE

Nil

16. FINANCE

Nil

17. CONFIDENTIAL ITEMS

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on the 24th March 2021.

21. CLOSURE

The Shire President thanked Council and staff for their time and declared the meeting closed at _____ pm.