



Ordinary Council Meeting

12 August 2020

ADDENDUMS

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ADDENDUM

11.1.1 WHITE ELEPHANT CAFE - VARIATION AND EXTENSION TO SUB LEASE

LOCATION/ADDRESS	Lot 503 Mitchell Drive, Gnarabup
APPLICANT/LANDOWNER	The White Elephant Beach Cafe
FILE REFERENCE	RES/41545
REPORT AUTHOR	Lauren Bidesi, Senior Legal Officer
AUTHORISING OFFICER	Ian McLeod, Manager Legal and Governance

This Addendum provides a revised officer recommendation.

- 2. d) – the following has been omitted '+3%'
- 2. f) - Additional wording has been added: 'and future detailed site plans to be provided'
- 2. g) – the year '2005' has been replaced with '2025'

REVISED RECOMMENDATION

That Council:

1. Notes any submissions received as a result of advertising pursuant to s.3.58 of the *Local Government Act*.
2. Subject to Minister Approval from the Head Lease and Sub lease, extend and vary the Sub lease to The Elephant (WA) Pty Ltd located at Lot 503 Mitchell Drive, Gnarabup, on the following terms:
 - a) Lease term to include the remainder of the current term (5 years) and include an Option of 8 years and 4 months and a second Option of 2 years;
 - b) Rent at the commencement of the variation and extension of Sub Lease based at market rental value 'as if complete' less Lessee's improvements of the land at \$57,000 per annum;
 - c) Lessee responsible for erosion mitigation and the Shire not responsible for any damage or loss caused by coastal erosion;
 - d) Rent review for the remainder of the Term and Options to be based on CPI + ~~3%~~;
 - e) Plan of premises amended pursuant to Plan 2;
 - f) Lessee invests \$410,000 in upgrading The White Elephant Beach Café pursuant to planning approval and future detailed site plans to be provided for Alternations & Additions to the White Elephant Café at Reserve 41545 (Lot 503) Mitchell Drive, Prevelly; and
 - g) That the option to renew in ~~2005~~ 2025 is subject to the completion of works to the value of \$410,000 or re-negotiation of an increased rent.

ADDENDUM

11.2.1 ADDITIONS AND ALTERATIONS AT THE WHITE ELEPHANT CAFE

LOCATION/ADDRESS	Reserve 41545 (Lot 503) Mitchell Drive, Prevelly
APPLICANT/LANDOWNER	The White Elephant Beach Cafe
FILE REFERENCE	PTY/11020 & RES/41545
REPORT AUTHOR	Lucy Gouws, Acting Coordinator Statutory Planning
AUTHORISING OFFICER	Nick Logan, Director of Sustainable Development & Infrastructure Services

This addendum provides amended conditions (4 and 5) to be applied in the event that Council approves the proposal.

The revised conditions are (additions underlined):

4. Pedestrian access through the site must be maintained at all times, unless an event permit has been issued by the Shire which expressly permits the obstruction of the Site. Pedestrian access through the site and to and from the beach is to be clearly demarcated for the benefit of the general public.
5. The Applicant is limited to 5 events per year where the event requires exclusive use of the licence area or any non-leased portion of the reserve. Such events shall require a separate event permit to be issued by the Shire's Environmental Health Unit. Use of the site for event purposes is not to commence before 2pm.

REASON

To provide greater protection for the community's ongoing use and enjoy of the space.

REVISED RECOMMENDATION

That Council grant planning approval for Alternations & Additions to the White Elephant Café at Reserve 41545 (Lot 503) Mitchell Drive, Prevelly, subject to the following conditions:

CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P8 received at the Shire on the 23 June 2020, P9 received on the 30 June 2020 and P10 received on the 23 July 2020
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. The number of patrons at the Café shall not exceed 138 at any one time.
4. Pedestrian access through the site must be maintained at all times, unless an event permit has been issued by the Shire which expressly permits the obstruction of the Site. Pedestrian access through the site and to and from the beach is to be clearly demarcated for the benefit of the general public.
5. The Applicant is limited to 5 events per year where the event requires exclusive use of the licence area or any non-leased portion of the reserve. Such events shall require a separate event permit to be issued by the Shire's Environmental Health Unit. Use of the site for event purposes is not to commence before 2pm.

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6. The Applicant shall take appropriate measures to ensure that patrons of the development, including those queuing to use the development do not obstruct public access through the Site and the public access to the changing rooms / public toilets
7. Pruning or clearing of vegetation without prior written approval from the Shire is prohibited.
8. The development and use of the reserve is subject to the Shire entering into a lease agreement with the proponent.
9. A rubbish enclosure area shall be provided, adequate to service the development in accordance with the Shire of Augusta Margaret River Health Local Laws 1999. The rubbish enclosure shall continue to be managed to the satisfaction of the Local Government.
10. During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
11. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system which is to be installed prior to occupation in accordance with the Shire of Augusta Margaret River Standards & Specifications.
12. Prior to lodging a building permit a Construction Management Plan being prepared to the specifications of the Shire and submitted for the approval of the Shire prior to the issue of a building permit.
13. Any external fan, air conditioner or similar equipment shall be installed and located so that there is no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
14. The existing grease trap being replaced with a system of a suitable size to accommodate the expected usage as determined by the Local Government. Details are to be provided together with the application for a Building Permit.

ADVICE

- a) The proposed activity must comply with the Food Act 2008 and the Food Standards Australia New Zealand Code.
- b) Prior to the construction and fit out of the approved food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the Local Government for assessment.
- c) Any approved food premises using deep fryers and/or rotisseries is required to install a grease trap – to a size specified by Local Government. The food business is to send to the Local Government evidence of having the grease trap emptied every six weeks.
- d) The Construction Management Plan to include but not limited to the following:
 - a. Preparation and Implementation of a Traffic Management Plan
 - b. Pre start meeting with Shire Officers;
 - c. Protection of existing infrastructure;
 - d. Protection of vegetation;
 - e. Working in Shire reserves;
 - f. Ensuring proper approvals have been obtained;
 - g. Access points to building site;
 - h. Materials lay down;
 - i. Haulage routes;
 - j. Construction workers parking;
 - k. Fencing of building sites;
 - l. Scaffolding and protection works;
 - m. Litter and building rubbish control;
 - n. Stormwater, sedimentation and erosion control;
 - o. Dust control;
 - p. Working hours;

- q. Construction noise;
- r. Minimum facilities to be provided;
- s. Storage of goods;
- t. Insurances for construction related use of public areas;
- u. Infrastructure development bond.

ADDENDUM

11.3.4 CREATIVE CULTURE PLAN 2020-25

LOCATION/ADDRESS	Shire of Augusta Margaret River
APPLICANT/LANDOWNER	Shire of Augusta Margaret River
FILE REFERENCE	CSV/169
REPORT AUTHOR	Jason Cleary, Coordinator Community Planning and Development
AUTHORISING OFFICER	James Shepherd, Director Corporate and Community Services

This Addendum provides a final review of Community Feedback:

The 4 comments received were reviewed in line with the current document and the goals and objectives of the plan. None of the proposed comments below required any changes to the current version of the plan.

The development of the plan and review of the draft result in the following Your Say visit statistics for online review.

Total Visits – 330
Total Contributions - 13
Contributions on final review – 4 (see below)

	Do you agree with the vision and focus areas of the Draft Creative Culture Plan 2020-25?	Please tell us more	Are there any actions that you disagree with, or actions you feel are missing?&nbsp;	Do you have any other feedback on this plan, or on how the Shire can best support the community in this area?&nbsp;
1	No	The Council should not involve the ratepayers in compulsory arts funding		
2	Yes		No	No
3	No	Very little information about how words like "support", "consultation", "interactive" and "inclusive" are actually going to flow through to people. Our town is dying from high rents, high rates and shire vanity projects in the time of coronavirus. The number one issue must be to support our most vulnerable employees, business owners and get our town back on track. I do like the tack the report has taken, but it needs to be backed up with more HOW not WHY.	'- needs more of an explicit link between how this is going to help working class people in this town. - a major barrier to small businesses in this town is ridiculously high rents and rates. No one is going to open an art gallery if they can't afford the rent, no matter how many words like "diversity" and	'- rate free 12 months for anyone who want to open art gallery/cultural centre/approved business etc in town. - greenlighting more mixed development, smaller shops etc. - reduced red tape for businesses in town (like having to pay a fee to have an advertising sign out the front of

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			"inclusion" the shire wants to use.	your shop). - More liberal opening hours for shops in CBD. - slower speed limits around town
4	<p>Unsure</p> <p>'Firstly, let me commend the Shire on this initiative and the work it is doing for the cultural sector of the region. My comments are not designed to detract from the Shire's independent focus on arts and culture. This focus is sorely needed to make the arts and more broadly, culture, an integral part of daily life for everyone. It is this aspect of your draft policy which prompts me to write.</p> <p>What are the means by which we achieve the integration of the culture of the region and the daily lives of the people who live here and those who visit?</p> <p>It is clear that the people who live here and those who visit AMR do so for a multitude of reasons. It is my contention that most of these 'reasons' amount to one thing overall... to increase one's personal sense of 'wellbeing', through whichever means, and either for the short term as a holiday visit or for the longer term, as a permanent resident.</p> <p>Those attributes that the Shire possess which offer a sense of 'wellbeing' are already cited in your policy paper. They include the natural environment in all its manifestations: rural landscapes, scenic forests, national parks, caves, coastal scenery, beaches; the associated events this physical environment offers such as world class surf, mountain biking, hiking, camping etc. Equally, the experience of the food and wine culture: the beautiful vineyards, the world class restaurants and the wines themselves. And of course, the many independently organised arts and cultural activities that now take place within the Shire, such as the Readers and Writers Festival, Open Studios, and the programs on offer at HEART.</p> <p>There are less prominent groups which are part of the fabric of the region and which offer a sense of wellbeing too. These include wellbeing industry itself: ranging from, acupuncture, naturopathy and massage to tai chi, qigong, yoga and more, and the multitude of therapies on offer: healing and relaxation retreats, skin and body treatments, alternative therapies etc.</p> <p>The contribution of groups who volunteer in the Community like the Men's Shed and Lions and the Community Pantry, the Historical Society to name just a few - all of them contribute to an increased sense of wellbeing, either for those who make use of the services and facilities or for those who undertake them.</p> <p>The question is how do the arts feature in all of these organisations? I am suggesting a change of emphasis. Instead of independent silos of policy, funding and operation, why not have an holistic approach to all of these stakeholder groups which acknowledges the particular strengths of the entire community and how the arts might partner with and be integrated into their daily operations?</p> <p>Let me offer some examples. The benefits from the following events are similar for all participants.</p> <p>A mountain biking event is planned. Families and individual riders are expected. A forest sculpture project for all ages and for the local community is organised to partner with the event in order to:</p> <ul style="list-style-type: none"> - employ sculptors and associated artists to organise and facilitate - use community volunteers to gather items for participants and supervise use of equipment - increase community participation in an arts event - increase participation in the mountain biking event - increase visitor numbers to the Shire <p>Benefits</p> <ul style="list-style-type: none"> - increased participation in the mountain biking event as a result of the added supervised activities for children and other family members - employment of artists 			

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	<ul style="list-style-type: none">- community involvement and participation <p>Funding sources</p> <ul style="list-style-type: none">- ticket sales- Shire- Event organisers <p>Vineyard event</p> <p>Wellbeing expo with local providers including yoga/tai chi, massage, acupuncture</p> <p>Gourmet food and wine tasting</p> <p>Collage and found objects art project</p> <p>Benefits</p> <ul style="list-style-type: none">- Employing local artists- Marketing and Sales to vineyard/restaurant- Marketing and Sales to Wellbeing expo participants- Community participation <p>Funding</p> <p>ticket sales</p> <p>Shire</p> <p>Expo participants</p> <ul style="list-style-type: none">- Painting exhibition at the HEART from Open Studios artists who supervise painting workshops in situ- Sand sculpture event at the Margaret River Pro surfing competition- Visiting musicians conducting master classes and workshops in conjunction with performances- Visiting artist residencies resulting in solo and community exhibitions <p>In short, the idea is to value add the arts to each element of an event within the Shire or to value add the arts to an arts event itself. In this way it facilitates and promotes the existing attributes of the Shire, engages in collaboration and partnership with both business and community and promotes the important sense of wellbeing through participation for both visitors and locals alike.</p>
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