



MINUTES

COUNCIL MEETING

11 MAY 2017

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chambers, Manjimup, Thursday, 11 May 2017.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

2. ANNOUNCEMENTS BY THE PRESIDENT:

- Written to the Minister for Regional Development Honourable Alannah MacTeirnan and invited her to Manjimup and she will be here for the Truffle Kerfuffle and has agreed to meet with Council and farmers to discuss the Tomato Potato Psyllid issue. The Minister will also meet with the Shire to discuss the Revitalisation Project.
- The Shire President and Chief Executive Officer met with the Minister's Chief of Staff and Senior Policy Officer on Tuesday.
- Pemberton Unearthed was a great success, Councillor DeCampo along with the judges chose an acquisition from the Sculptures in the Vines, which was made by Lesley Barrett. Apple, Apple Core and Pear was made of thousands of nails.
- The Pemberton Photographic event occurred at the Manjimup Gallery, Councillors Winfield and Herbert attended.
- The Targa Rally will be here 21 and 22 May.
- The Truffle Kerfuffle will held on 24 and 25 June.
- Ron Pumphrey from the Department of Lands will be here on 25 May 2017 to discuss a number of matters including the Pemberton Mill site.
- From the Federal Budget brought down yesterday the Indexation of Local Government Grants Commission has been restored and there is the possibility of an early payment.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)
 Cr D Bavich
 Cr W De Campo
 Cr V Herbert
 Cr D Jenkins
 Cr C Logan
 Cr G Munro

Cr D Tapley
Cr R Taylor
Cr C Winfield

Staff

Mr Andrew Campbell (Chief Executive Officer)
Mr Greg Lockwood (Director Business)
Ms Gail Ipsen Cutts (Director Community Services)
Mr Brian Robinson (Director Development & Regulation)
Mr Michael Leers (Director Works & Services)
Ms Gaye BurrIDGE (Corporate Administration Officer)

Gallery

Brad Allen
Isaac Allen
Gail Allen
Gordon Smith
Sam Karamfiles
Andrew Blee
Penny Wood
Kim Nguyen
Ngan Huynh

Media

Cecelia Allen

3.1 Apologies:
Council Lynn Daubney is an apology for this meeting.

3.2 Leave Of Absence: Nil

4. DECLARATIONS OF INTEREST:

The Chief Executive Officer advised that he has received Financial Interest Declarations from Councillors Taylor and Winfield and Impartiality Interest Declarations from Councillors Jenkins and Herbert.

Cr Taylor declared a Financial Interest in Item 9.10.1 as Warren Electrical Service is the electrical contractor and Item 9.5.1 as the proponent supplies fuel to his business.

Cr Winfield declared a Financial Interest in Item 9.16.1 and 9.16.3 as his wife consults to Shire on these projects.

Cr Herbert declared an Impartiality Interest in Item 9.16.3 as a family member operates a business in the town centre.

Cr Jenkins declared an Impartiality Interest in Item 9.5.6 as her sister owns a caravan park in nearby Peaceful Bay.

5. PUBLIC QUESTION TIME:

- 5.1 Response to public questions taken on notice: Nil
 5.2 Public Question Time

5.2.1 Andrew Blee – Summerstar – Item 9.5.6 Unauthorised Clearing of Land – Lot 303 Rest Point.

Mr Blee addressed Council referencing from the attached.

ATTACHMENT: 5.2.1(1)

Question from Cr DeCampo: Which staff did you speak to?

Mr Blee didn't have their names.

5.2.2 Gordon Smith – Item 9.5.2 Proposed Chalets at Lot 1 (32) Dean Street Pemberton.

Mr Smith read from a prepared statement which is attached.

ATTACHMENT: 5.2.2(1)

5.2.3 Sam Karamfiles – 9.9.2 – Proposed Adoption of the Manjimup Trail Bike Trails Hub Feasibility Study.

- A pat on the back for the Trail Bike Hub Study, along with Cr Winfield and staff.
- Totally family oriented from tiny tots on Peewee 50 to the adventurers riding all the way to Walpole off road.
- Has the potential to bring a lot of money into the region. The older riders appreciate comfort after riding all day.
- A similar sized town in the USA has an annual income of \$45m primarily from trail bike riders.

6. PRESENTATIONS:

6.1 Petitions: Nil

6.2 Presentations:

6.2.1 A Citizenship ceremony was held for Ms Ngan Huynh and Ms Dung Nguyen. The Shire President congratulated them on behalf of Councillors and Staff.

6.3 Deputations: Nil

6.4 Delegates' reports: Nil

6.5 Conference reports: Nil

7. CONFIRMATION OF MINUTES:

MOVED: Bavich, D SECONDED: Logan, C

27002

That the Minutes of the Ordinary Meeting of the Council held on 20 April 2017 be confirmed.

CARRIED: 10/0

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil

9. COUNCIL OFFICERS' REPORTS:

9.1.1	Council Elections 21 October 2017- Consideration of "Postal" versus "In Person" Election
9.1.2	Review of Councillor Attendance Fees, Allowances and Expenses for 2017/18
9.2.1	Proposed Endorsement to Release Strategic Community Plan for Public Comment
9.3.1	Proposed Windy Harbour Lease Transfer - Site 278
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9.1.1 Council Elections 21 October 2017- Consideration of Postal versus - In Person - Election

PROPONENT	Shire of Manjimup
OWNER:	N/A
LOCATION / ADDRESS:	N/A
WARD:	All
ZONE:	All
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160487
LEGISLATION:	Local Government Act 1995
AUTHOR:	Andrew Campbell
DATE OF REPORT:	12/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The next Council Election is to be held on Saturday 21 October 2017 whereby the following six Councillor vacancies arise:

Ward	Current sitting member
Central	Cr Omodei
Central	Cr Logan
East	Cr Winfield
West	Cr DeCampo
Coastal	Cr Munro
South	Cr Tapley

The Local Government Act 1995 makes provision for Council to appoint the Western Australian Electoral Commissioner ("WAEC") to conduct "postal" elections on behalf of Council in lieu of voting "in person". A decision to appoint the WAEC must be made before 30 July 2017.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Council has historically supported "in person" elections despite multiple previous recommendations from the Shire administration to shift to "postal voting" for ordinary elections to increase voter participation levels. The last election held in the Shire of Manjimup was an "in person" ordinary election held for one contested Ward (Central) in 2015. The arguments for and against essentially come down to voter participation levels, financial cost to the organisation and the desire for personal contact by candidates with electors at elections.

Whilst there are additional significant staff human resource costs absorbed into existing budgets and the voter participation is very likely to be less in an "in person" election, it could be argued that people who have the most interest in local representation through candidates and Council will still cast a vote via the various mechanisms prior to, or on election day, and these are the people

the organisation should strongly value and listen to. Conversely an argument could be put that a number of people who choose to vote in an “in person” election only do so because of concerns about the organisation and elected representation or allegiances to a candidate, and therefore a higher elector turnout via a WAEC “postal” election is more truly representative and worth the additional cost.

Postal voting

Process

Under the WAEC “postal” system, a package containing information about postal voting, the candidates’ profiles, a ballot paper and reply paid envelope is sent out to all eligible electors ahead of polling day who then complete the ballot paper and return it either by mail or hand delivery.

Postal voting has the advantage, particularly for disabled and elderly voters and those without access to transport, of providing the candidates profiles to every elector who can then cast an informed vote in their own home and arrange for its delivery. (Note: Postal voting papers for an “in person” election conducted by the Shire are still available upon request within timeframes but this should not be confused with a “postal” election conducted by WAEC where every relevant electors receive a postal vote).

Voter participation

In the 2015 local government elections, 59% of Local Government organisations in Western Australia chose to use the WAEC “postal” election method (82 LG’s in 2015; 64 LG’s in 2013; 74 LG’s in 2011) with “postal” elections now reversing previous trends by significantly increasing in popularity as the preferred option to conduct elections. The State average for “postal” election voting returns in 2015 was 27.5%. 75% of Local Government in the South West Zone of WALGA (SWALGA) currently use the “postal” election system with an average participation rate of 32.8% in 2015 as indicated below:

City/Shire	Postal Voting Y/N	2013 voter participation level	2015 voter participation level
Augusta Margaret River	Y	42.15%	40.4%
Bridgetown-Greenbushes	Y	43.02%	39.9%
Bunbury	Y	37.93%	30.0%
Busselton	Y	31.18%	34.1%
Capel	Y	Uncontested	24.3%
Collie	Y	Uncontested	34.1%
Dardanup	Y	29.09%	26.2%
Donnybrook-Balingup	Y	43.09%	42.8%
Harvey	Y	Uncontested	23.7%
Boyup Brook	N	Not Available	Not Available
Manjimup	N	19.8%	16.3%
Nannup	N	Not Available	Not Available

The 2015 election in the Central Ward in the Shire of Manjimup resulted in a 16.3% elector turnout for three positions contested by five candidates. This is half of the average of elector turnout for the SWALGA Local Governments using “postal” elections.

Cost

The WAEC have estimated that it would cost \$33,278 (ex GST) to conduct a “postal” election on the following basis:

- 6300 electors;
- Response rate of 40%;
- 6 vacancies;
- Count to be conducted at the Shire of Manjimup offices (ie. no building hire charges applicable);
- Appointment of a local (non-Shire) Returning Officer; and
- Australia Post Priority Service for ballot return.

The quote excludes:

- Non statutory advertising;
- Any legal expense incurred by WAEC in the Court of Disputed Returns (only if required);
- One Local Government staff member to work on Polling Day.

To be clear to Councillors, WAEC’s estimation is based on a maximum scenario meaning that there would be a contested election in each of the five Wards and a return rate of 40% would be achieved. Whilst election history would show it is unlikely that there would be five contested Ward elections, early indications suggest that there is very significant interest from prospective candidates for the 2017 election, however the final outcome is an unknown until nominations close.

The WAEC estimate effectively is the maximum amount the Shire of Manjimup would pay for WAEC to conduct the 2017 Local Government ordinary election however if final candidacy nominations follow previous trends the final cost is more likely to be in the order of \$16,000 (ex GST) to \$26,000 (ex GST), however Council should budget for the maximum scenario regardless.

In Person voting**Process**

An “in person” election requires eligible electors to attend a polling place generally on the day of the election, although there is provision for early voting or postal voting.

In person elections have the advantage that potential candidates can discuss their attitude / position on various matters with those participating voters who present at the polling place on the day.

Voter Participation

Voter participation for Shire of Manjimup elections varies depending on the respective Ward however in the last decade, with the exception of the Coastal Ward, participation levels are consistently much lower than those achieved through WAEC “postal” elections in other Local Government districts.

Ward	Election	Participation Level
Central	2015 Ordinary election	16.3%
	2013 Ordinary election	19.8%
	2011 Not contested	n/a
	2010 Extraordinary election	9.3%
	2009 Ordinary election	17.4%
	2007 Extraordinary election	13.3%
	2005 Ordinary election	16.3%
	2001 Ordinary election	17.5%
	2000 Extraordinary election	9.2%
Coastal	2015 No vacancy	n/a
	2014 Extraordinary election	53.7%
	2013 Not contested	n/a
	2011 No vacancies	n/a
	2009 Ordinary election	60.8%
	2007 Ordinary election	52.2%
	2001 Ordinary election	70.5%
West	2015 Not contested	n/a
	2013 Not contested	n/a
	2011 Ordinary election	24.1%
	2009 Ordinary election	26.7%
	2007 Ordinary election	25.4%
	2001 Ordinary election	44.3%
	1999 Ordinary election	30.8%
North	2015 Not contested	n/a
	2013 No vacancy	n/a
	2011 Not contested	n/a
	2007 Not contested	n/a
	2003 Ordinary election	20.9%
East	2015 No vacancy	n/a
	2013 Not contested	n/a
	2011 No vacancy	n/a
	2009 Not contested	n/a
	2005 Not contested	n/a
	2001 Ordinary election	22.9%
South	Not contested for some time	n/a

Costs

The cost of previous “in person” elections are summarised in the table below:

Year	Cost (ex GST)
2015 ordinary (1 contested ward)	\$4,819
2014 extraordinary (1 contested ward)	\$5,637
2013 ordinary (1 contested ward)	\$6,674
2011 ordinary (1 contested ward)	\$6,338
2009 ordinary (3 contested wards)	\$12,227

The actual cost of conducting an “in person” election based on previous history is distorted in that it does not show the absorbed cost to the organisation of the significant staff resources required (and funded by normal budget) in the lead up to conducting an election. It is estimated that the absorbed costs in a significant election to the organisation could be upward of \$10,000 in administration costs for multiple staff associated with election

matters such as preparation, fielding election queries, conducting early voting including postal voting administration, and electoral officer training and guidance.

To be truly comparative with the WAEC estimate for a “postal voting” election, the following table indicates the anticipated cost of conducting a maximum cost scenario “in person” election based on a contested election in all five wards, six vacancies and five polling points:

Item	Cost (ex GST)
Advertising, hire and stationery	\$4,800
Polling day staff wages (likely 12 – 14 hour day, 2 electoral officer per polling booth)	\$5,000
Administration (absorbed costs)	\$10,000
Sundry costs	\$500
TOTAL	\$20,300

Conclusion

The information presented above indicates that “postal” election results in a significantly higher voter participation than “in person” voting however a “postal” election is typically more expensive. It is estimated that under the “maximum scenario” the WAEC option could be approximately 40% (\$13,000) more expensive but also could generate up 15 to 20% (630 electors) greater elector turnout which would be much more representative.

Ultimately it is for Council to decide on the method of voting however it is considered that WAEC “postal” election will realise the most representative method of conducting an election and this is the option recommended to Council.

STATUTORY ENVIRONMENT:

The Local Government Act 1995 provides the statutory mechanism to conduct Local Government elections.

POLICY / STRATEGIC IMPLICATIONS:

Currently there is some concern that if all of the six vacancies are contested in every Ward in an “in person” election the number of experienced electoral officers required to control polling booths may be beyond the means of the Shire of Manjimup. This is potentially exacerbated by staff involvement with the Revitalisation of Manjimup’s Town Centre project and a major contested election will stretch organisation resources very thin.

FINANCIAL IMPLICATIONS:

The estimated maximum cost for WAEC “postal” election is \$33,278 (ex GST) compared to \$20,300 (ex GST) for “in person” voting under if all five wards and six vacancies are contested

SUSTAINABILITY:

Environmental: Nil

Economic: “In person” voting is considered to be slightly more economical than WAEC “postal voting”.

Social: WAEC “postal” election is widely proven to result in greater voter participation levels.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1) Declare, in accordance with s.4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required; and
- 2) Determine, in accordance with s.4.61(2) of the Local Government Act 1995, that the method of conducting the 2017 ordinary election will be as a postal election.

COUNCIL RESOLUTION:

MOVED: DeCampo, W SECONDED: Winfield, C

That the Shire of Manjimup conduct “In Person” Local Government elections in October 2017.

MOTION LOST 4/6

FOR

Cr W DeCampo
Cr V Herbert
Cr G Munro
Cr C Winfield

AGAINST

Cr D Bavich
Cr D Jenkins
Cr C Logan
Cr P Omodei
Cr D Tapley
Cr R Taylor

MOVED: Bavich, D SECONDED: Logan, C

27003

That Council:

- 1) Declare, in accordance with s.4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required; and
- 2) Determine, in accordance with s.4.61(2) of the Local Government Act 1995, that the method of conducting the 2017 ordinary election will be as a postal election.

MOTION CARRIED 6/4

FOR

Cr D Bavich
Cr D Jenkins
Cr C Logan
Cr P Omodei
Cr D Tapley
Cr R Taylor

AGAINST

Cr W DeCampo
Cr V Herbert
Cr G Munro
Cr C Winfield

ATTACHMENT APPENDIX

9.1.2 Review of Councillor Attendance Fees, Allowances and Expenses for 2017/18

PROPONENT	Shire of Manjimup
WARD:	Whole of Shire
ZONE:	All
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160562
LEGISLATION:	Local Government Act 1995 Local Government (Administration) Regulations 1996 Salaries and Allowances Act 1975
AUTHOR:	Andrew Campbell
DATE OF REPORT:	27 April 2017
DECLARATION OF INTEREST:	The Chief Executive Officer's Total Reward Package is calculated from the range provided in the statutory Salaries and Allowances Determination

BACKGROUND:

The Local Government Act 1995 and Local Government (Administration) Regulations 1996 provide for Councillors to receive certain payments, and sets minimum and maximum amounts which can be paid.

Fees, Allowances and Expenses available include:

- Meeting attendance Fees (or alternatively annual attendance Fees);
- Local Government allowance for the President and Deputy President;
- Information Technology and Communication allowance;
- Travel and Accommodation expense allowance;
- Travel reimbursement;
- Telecommunications reimbursement;
- Child care reimbursement; and
- Other prescribed reimbursements approved by Council.

In 2013, the Salary and Allowances Tribunal ("SAT") were empowered to annually determine payments for Fees, Allowances and Expenses to Councillors. SAT recently undertook the annual review with the determination made on 11 April 2017 effective from 1 July 2017. A copy of the determination is attached.

ATTACHMENT: 9.1.2(1)

To guide Council, adopted Council Policy *1.1.2 Councillor Meeting Fees* applies and a copy of the existing policy is appended.

APPENDIX: 9.1.2(A)

The purpose of this report is to determine the Councillor Fees, Allowances and Expenses to be paid in the 2017/18 financial year.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The difficulty with the SAT Fees, Allowances and Expense determinations is that some are based on a range of possible payments and as such, Councillors are sometimes required to make their own decision within the applicable range. The recent SAT determination for 2017/18 has made **no change** to the range from 2016/17 justified by the following comment “in light of the serious economic conditions facing Western Australia at this time”.

Irrespective of the above and even though Council Policy provides guidance to the midpoint for Councillor Fees and Allowances, it is open to Council to make any determination within the allocated range for a Band 3 Local Government.

With the increasing complexity of the Shire of Manjimup district and operations it could be justifiable to make a future submission to the Salaries and Allowances Tribunal to consider increasing the Shire of Manjimup from Band 3 to a Band 2 Local Government to demonstrate the true regional nature and complexity of the Local Government district. This approach would provide additional recognition to the organisation and district as it continues quite rapid transformational undertakings in becoming a significant regional centre.

It is also considered quite possible that the Salaries and Allowances Tribunal could reject any claim for an increase in Band from the Shire of Manjimup on the basis that there is sufficient capacity within Band 3 for both Councillor Fees and Allowances and Chief Executive Officer Total Reward Package increments. However this may be offset with a strong non-financial argument based on recognition of the Shire of Manjimup being a complex, vast and rapidly developing regional centre. The non-financial basis to the argument is adequately supported by Council's past actions of maintaining moderate increases to Councillor Fees and Allowances and the Chief Executive Officer Total Reward Package around the midpoint in the existing Band allocation.

Recent discussions by the Chief Executive Officer with a Salaries and Allowances Tribunal member suggested that given everything happening in the Shire of Manjimup, the timing was very good for the organisation to test this during the next Salaries and Allowances Tribunal Determination scheduled for release in April 2018 in preparation for the 2018/19 financial year.

Examples of Band 2 and Band 3 country Local Government organisations include:

BAND 2	BAND 3
Ashburton	Bridgetown- Greenbushes
Augusta-Margaret River	Capel
Broome	Chittering
Carnarvon	Collie

Derby-West Kimberley	Coolgardie
East Pilbara	Dalwallinu
Esperance	Dandaragan
Harvey	Dardanup
Northam	Denmark
Wyndham-East Kimberley	Donnybrook-Balingup
	Exmouth
	Gingin
	Halls Creek
	Irwin
	Katanning
	Kojonup
	Laverton
	Leonora
	Manjimup
	Meekatharra
	Merredin
	Moora
	Murray
	Narrogin
	Plantagenet
	Ravensthorpe
	Toodyay
	Waroona
	Yilgarn
	York

In comparing the above Local Government allocations within the table above, Councillors should not only consider the Shire of Manjimup against the Band 2 Local Governments but also compare whether the organisation should be grouped with the Local Governments in Band 3 as there appears to be significant discrepancies from a comparative perspective.

It also needs to be clearly identified that both Councillor Fees and Allowances, and the Chief Executive Officer's Total Reward Package are determined within the Band range provided by the Salaries and Allowances Determination each year however there is no compulsion for Council to make any increase from year to year as long as the decision is within the allotted Band range. By changing from a Band 3 to Band 2 if the Salaries and Allowances Tribunal determine the change warranted, there would likely be modest individual increases for Councillors and Shire President in Fees and Allowances however the existing Chief Executive Officer Total Reward Package would already be within the lower end of the Band 2 range and may remain unaffected.

Details of the Band system including the Bands allocated to respective Local Governments can be found within the attached 2017/18 Salaries and Allowances Determination.

FEES

(a) Attendance Fees

Attendance Fees are an automatic right with Councillors entitled to be paid an attendance fee under Section 5.98 for each meeting as follows:

	Council Meetings		Committee & Other Prescribed Meetings	
	Minimum	Maximum	Minimum	Maximum
Councillor	\$191	\$406	\$96	\$203
President	\$191	\$628	\$96	\$203

[Note: Prescribed meetings include WALGA Zone meetings, RRG meetings, a meeting attending at the request of a Minister or a meeting where the Council member is a delegate appointed by the Local Government].

An alternative, however, is available under section 5.99 of the *Local Government Act 1995* ('LG Act'), allowing Council to determine to pay an annual attendance fee in lieu of a fee for each individual meeting attended. The permissible range of annual Fees is:

	Minimum	Maximum
Councillor	\$7,612	\$16,205
President	\$7,612	\$25,091

Recommendation:

Since the introduction of the statutory determination, Council has elected to pay an annual attendance fee at the midpoint of the permitted SAT range, rather than individual meeting Fees, as reflected in Council Policy. This arrangement is clear and has worked well, without any concerns being raised. In accordance with Council Policy it is recommended payment of an annual attendance fee in lieu of individual meeting Fees continue. It is recommended the annual attendance Fee for the Shire President is \$16,352 and Councillors is \$11,909.

ALLOWANCES

(b) President's and Deputy President's Local Government Allowance

Section 5.98, of the Local Government Act, entitles the President to receive an additional annual "Local Government Allowance" to compensate for the additional workload for leadership, statutory function, ceremonial and civic duties.

Section 5.98A, of the Local Government Act provides Council with discretion to pay an additional annual "Local Government Allowance" to the Deputy President of 25% of that payable to the President, as determined by absolute majority.

An alternative to the prescribed limits however is available under the Local Government Act 1995 allowing Council to determine to pay local government Allowances based on the prior year's operating revenue.

The maximum amount payable, for the President, shall not exceed the lesser of the maximum annual prescribed allowance, or 0.2% of the local government's operating revenue. Council Policy recommends against the use of the operating method calculation due to significant fluctuation in grant revenue. In maximum percentage payable to the Deputy President, as determined by the Salaries and Allowances Tribunal, is 25%. The permitted local government Allowances are as follows:

	SAT Minimum	SAT Maximum	Operating Revenue maximum
Councillor	n/a	n/a	n/a
Deputy President	\$254	\$9,148	\$22,050
President	\$1,015	\$36,591	\$36,591

[Note 2016/17 budgeted operating revenue was \$65,173,730 so 0.2% equated to \$130,347].

Recommendation:

Consistent with Council Policy and practice the applicable Allowances are recommended as follows:

- President: 50% of allowable maximum (being the lower of the two) - \$18,803; and
- Deputy President: 25% of President allowance - \$4,701.

(c) Information Communication and Technology Annual Allowance

An ICT annual allowance may be paid in lieu of reimbursement for telephone, facsimile and other communication expenses (such as call charges) as follows:

	Minimum	Maximum
Councillor	\$500	\$3,500
President	\$500	\$3,500

Recommendation:

The maximum ICT allowance range has not been increased by the Salaries and Allowances Tribunal. Council Policy indicates payment to 50% of the range and this is the recommendation to Council being \$2,000 for both the Shire President and Councillors.

(d) Travel and Accommodation Annual Allowance

Regulation 34AB allows Council to determine to pay an annual travel and accommodation allowance rather than actual reimbursement as follows:

	Minimum	Maximum
Councillor	\$0	\$50
President	\$0	\$50

Recommendation:

The travel and accommodation allowance is not realistic for large land area Local Government Authorities, with Councillors based up to, in the order of, 120km away from the Council Chamber. Accordingly, the adoption of an allowance, in lieu of reimbursements, is not supported and it is recommended reimbursement in accordance with actual costs in the case of approved accommodation and travel costs in line with the applicable rate in the Local Government Industry Award 2010.

REIMBURSABLE EXPENSES**(e) Rental charges for one telephone and one facsimile machine (Regulation 31(1)(a))**

Reimbursement of actual cost incurred for rental of one phone and one fax.

Recommendation:

It is recommended that an annual ICT Allowance be paid in lieu of reimbursements for telephone and facsimile (as above).

(f) Child Care Reimbursement (Regulation 31(1)(b))

Reimbursement of child care fees incurred is an automatic right for the actual amount paid to a maximum of \$25 per hour.

Recommendation:

It is recommended that allowable Child Care expenses be reimbursed to the amount allowable of \$25 per hour as incurred.

(g) Travel costs for attendance at Council or committee meetings (Regulation 31(1)(b))

Actual cost for travel from the members place of residence or work to the meeting and back is eligible for reimbursement in accordance with the Local Government Officers (Western Australia) Interim Award 2011.

Recommendation:

Council Policy 1.1.2 provides guidance for reimbursement of allowable travel. Although entitled, many Councillors do not lodge claims for reimbursement of allowable travel. It is recommended that approved travel expenses continue to be reimbursed to the amount allowable as incurred.

(h) Other prescribed costs approved by Council (Regulation 32(1))

In addition to the above expenses for which reimbursement can apply, the Council can approve reimbursement for other specific expenses within the provisions of Regulation 32.

The following table provides a historical comparison of Fees and Allowances previously paid and those now proposed for 2016/17.

	2013/14 Actual Allowances	2014/15 Actual Allowances	2015/16 Actual Allowances	2016/17 Actual Allowances	2017/18 Budget
Shire President					
Annual Attendance Fee	\$15,750	\$16,110	\$16,110	\$16,352	\$16,352
Annual Local Govt Allow	\$18,000	\$18,525	\$18,525	\$18,803	\$18,803
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$1,750	\$1,802	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$35,500	\$36,437	\$36,635	\$37,155	\$37,155
Deputy President					
Annual Attendance Fee	\$11,500	\$11,733	\$11,733	\$11,909	\$11,909
Annual Local Govt Allow	\$4,500	\$4,631	\$4,631	\$4,701	\$4,701
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$1,750	\$1,802	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$17,750	\$18,166	\$18,364	\$18,610	\$18,610
Councillor					
Annual Attendance Fee	\$11,500	\$11,733	\$11,733	\$11,909	\$11,909
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$1,750	\$1,802	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$13,250	\$13,535	\$13,733	\$13,909	\$13,909

STATUTORY ENVIRONMENT:

Part 5 Division 8 of the *Local Government Act*.

Local Government (Administration) Regulations 1996.

Salaries and Allowances Act 1975.

POLICY / STRATEGIC IMPLICATIONS:

The setting of Councillor Fees and Allowances is a sensitive matter for the Council to consider, on an annual basis. A policy position is considered beneficial in such circumstances.

Individual Council's will make their own decisions as to where they should sit within the prescribed Bands. Setting Fees and Allowances lower than the midpoint within the range in the Shire of Manjimup would be inappropriate given current circumstances.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The adjustments proposed result in no increase over 2016/17:

	2016/17	2017/18	Increase (decrease)
	\$		\$
Annual Attendance Fee (Councillors)	119,090	119,090	0
Annual Attendance Fee (President)	16,352	16,352	0
Local Government Allowance (Deputy President)	4,701	4,701	0
Local Government Allowance (President)	18,803	18,803	0
ICT Allowance (All)	22,000	22,000	0
Travel Allowance (All)	0	0	0

Total increase	180,946	180,946	0
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The above does not include allowable reimbursements (mainly motor vehicle travel).

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: It is important that Councillors receive reasonable remuneration in order to attract and retain suitable candidates.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- A) In respect of the 2017/18 financial year:**
- 1. Pay all Councillors an Annual Attendance Fee, in lieu of meeting Fees, \$11,909 for Councillors and \$16,352 for the Shire President;**
 - 2. Pay the Shire President a Local Government Allowance of \$18,803;**
 - 3. Pay the Deputy Shire President a Local Government Allowance of \$4,701;**
 - 4. Pay all Councillors an ICT Allowance of \$2,000;**
 - 5. Not pay Councillors an annual Travel and Accommodation Allowance;**
 - 6. Require all approved claims for Child Care be paid, to the extent permissible, on a reimbursement basis as incurred.**
 - 7. Require all approved claims for travel and accommodation be paid, to the extent permissible, on a reimbursement basis as incurred;**
 - 8. Require all Attendance Fees, Allowances and Expenses be paid in equal monthly instalments in arrears in accordance with Council Policy; and**
- B) Authorise the Chief Executive Officer to make a submission to the Salaries and Allowances Tribunal for the 2018/19 Determination requesting that the Shire of Manjimup be increased from a Band 3 Local Government to a Band 2 Local Government including the following comparative factors in the Shire of Manjimup:**
- being a developing regional centre;**
 - four significant towns and multiple settlements;**
 - strategic planning, including risk management;**
 - population dispersion;**
 - infrastructure development and asset management;**
 - significant social/economic/environmental issues;**
 - significant demand to service and support non-resident needs;**

- diversity of services;
- community involvement and advocacy;
- operational and managerial requirements;
- capacity to pay; and
- total expenditure.

MOVED: Jenkins, D SECONDED: Taylor, R

That Council:

A) In respect of the 2017/18 financial year:

- 1. Pay all Councillors an Annual Attendance Fee, in lieu of meeting Fees, \$12,504 for Councillors and \$17,169 for the Shire President;**
- 2. Pay the Shire President a Local Government Allowance of \$18,803;**
- 3. Pay the Deputy Shire President a Local Government Allowance of \$4,701;**
- 4. Pay all Councillors an ICT Allowance of \$2,000;**
- 5. Not pay Councillors an annual Travel and Accommodation Allowance;**
- 6. Require all approved claims for Child Care be paid, to the extent permissible, on a reimbursement basis as incurred.**
- 7. Require all approved claims for travel and accommodation be paid, to the extent permissible, on a reimbursement basis as incurred;**
- 8. Require all Attendance Fees, Allowances and Expenses be paid in equal monthly instalments in arrears in accordance with Council Policy; and**

B) Authorise the Chief Executive Officer to make a submission to the Salaries and Allowances Tribunal for the 2018/19 Determination requesting that the Shire of Manjimup be increased from a Band 3 Local Government to a Band 2 Local Government including the following comparative factors in the Shire of Manjimup:

- being a developing regional centre;
- four significant towns and multiple settlements;
- strategic planning, including risk management;
- population dispersion;
- infrastructure development and asset management;
- significant social/economic/environmental issues;
- significant demand to service and support non-resident needs;
- diversity of services;
- community involvement and advocacy;
- operational and managerial requirements;
- capacity to pay; and
- total expenditure.

MOTION LOST 4/6

FOR

Cr D Bavich
 Cr D Jenkins
 Cr C Logan
 Cr R Taylor

AGAINST

Cr W DeCampo
 Cr V Herbert
 Cr G Munro
 Cr P Omodei
 Cr D Tapley
 Cr C Winfield

COUNCIL RESOLUTION:

MOVED: DeCampo, W SECONDED: Herbert, V

27004

That Council:

A) In respect of the 2017/18 financial year:

- 1. Pay all Councillors an Annual Attendance Fee, in lieu of meeting Fees, \$11,909 for Councillors and \$16,352 for the Shire President;**
- 2. Pay the Shire President a Local Government Allowance of \$18,803;**
- 3. Pay the Deputy Shire President a Local Government Allowance of \$4,701;**
- 4. Pay all Councillors an ICT Allowance of \$2,000;**
- 5. Not pay Councillors an annual Travel and Accommodation Allowance;**
- 6. Require all approved claims for Child Care be paid, to the extent permissible, on a reimbursement basis as incurred.**
- 7. Require all approved claims for travel and accommodation be paid, to the extent permissible, on a reimbursement basis as incurred;**
- 8. Require all Attendance Fees, Allowances and Expenses be paid in equal monthly instalments in arrears in accordance with Council Policy; and**

B) Authorise the Chief Executive Officer to make a submission to the Salaries and Allowances Tribunal for the 2018/19 Determination requesting that the Shire of Manjimup be increased from a Band 3 Local Government to a Band 2 Local Government including the following comparative factors in the Shire of Manjimup:

- being a developing regional centre;**
- four significant towns and multiple settlements;**
- strategic planning, including risk management;**
- population dispersion;**
- infrastructure development and asset management;**
- significant social/economic/environmental issues;**
- significant demand to service and support non-resident needs;**
- diversity of services;**
- community involvement and advocacy;**
- operational and managerial requirements;**
- capacity to pay; and**

- **total expenditure.**

MOTION CARRIED 7/3

FOR

Cr D Bavich
Cr W DeCampo
Cr V Herbert
Cr G Munro
Cr P Omodei
Cr D Tapley
Cr C Winfield

AGAINST

Cr D Jenkins
Cr C Logan
Cr R Taylor

9.2.1 Proposed Endorsement to Release Strategic Community Plan for Public Comment

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160051
LEGISLATION:	Local Government Act 1995
AUTHOR:	Hsien Harper
DATE OF REPORT:	27/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In accordance with the Local Government Act 1995 the Shire of Manjimup is required to undertake a major review of its Strategic Community Plan by 30 June 2017.

The existing Strategic Community Plan has been thoroughly reviewed and updated to ensure it is current and responsive to new developments and opportunities.

TABLED

The purpose of this report is to seek Council approval to release the draft *Strategic Community Plan 2017-2027* for public comment.

PUBLIC CONSULTATION UNDERTAKEN:

A number of consultations have been undertaken in the review and development of the draft Plan. The following activities were undertaken, with participation numbers totalling 736 across the shire.

Activity	Date	Participants
Pemberton Combined Associations Workshop	Friday, 17 February 2017	29
MSHS Student Council Discussion	Tuesday, 21 February 2017	10
Pemberton Community Café	Tuesday, 21 February 2017	19
Northcliffe Community Café	Wednesday, 22 February 2017	18
Quinninup Community Workshop	Wednesday, 22 February 2017	8
Walpole Community Café	Thursday, 23 February 2017	15
Manjimup Community Café	Tuesday, 28 February 2017	11
Community Survey 2017	1 February - 28 February 2017	618
Late survey submissions	After 3 March 2017	6
Other written submissions	1 February - 28 February 2017	2
TOTAL COMMUNITY PARTICIPATION		736

618 surveys were collected as part of the consultation. 71% of the surveys were received online via a link to the Shire's website.

Receipt Method	Surveys	%
Online	436	71%
Paper copy	182	29%
Total	618	100%

The following table shows the population distribution of the survey respondents. It is estimated 6% of the Shire's residents, of all ages, participated in the survey (population figures are based on the 2011 Census data).

Town	Pop	% of Total Pop	Ward	Surveys	% of Survey Total	% Var
Manjimup 6258	6,309	60.6%	Central, North & East	360	58.3%	-2.4%
Pemberton 6260	1,542	14.8%	West	89	14.4%	-0.4%
Northcliffe 6262	770	7.4%	Coastal	59	9.5%	2.1%
Walpole 6398	566	5.4%	South	77	12.5%	7.0%
Other Ratepayers	1,222	11.7%	Does not live in Shire	25	4.0%	-7.7%
			Did not specify	8	1.3%	1.3%
TOTALS	10,409	100%		618	100%	

6258 Wards	Actual	% of Total
Central	238	38.5%
North	41	6.6%
East	81	13.1%
TOTAL	360	58.3%

The findings of the survey are considered statistically valid.

COMMENT (Includes Options):

The draft Plan has been revised and updated to better meet standards set by the Department of Local Government and Communities' *Integrated Planning and Reporting Advisory Standards 2016*, and incorporates five strategic themes:

1. Our Natural Environment
2. Our Prosperity
3. Our Community

- 4. Our Infrastructure
- 5. Our Local Government

The last theme, 'Our Local Government' replaces the theme's previous title, 'Our Civic Leaders', as it better captures the full scope of the theme.

Extensive consultation and research was undertaken to develop the draft Plan but it is advisable to seek comment from the public before the Plan is considered for formal adoption.

STATUTORY ENVIRONMENT:

All local governments are required to plan for the future of their district under Local Government Act 1995. The Local Government (Administration) Regulations outline the minimum requirements to achieve this.

POLICY / STRATEGIC IMPLICATIONS:

This draft Plan, once finalised and adopted by Council, will replace the *Strategic Community Plan 2015 – 2025* as one of the Shire's key integrated-planning documents.

ORGANISATIONAL RISK MANAGEMENT:

Failure to seek comment from the public may result in Council adopting a strategic plan that does not meet the priorities and aspirations of the community.

FINANCIAL IMPLICATIONS:

The costs associated with undertaking the review of the Plan and the public consultation process are already approved in the current Shire budget. No further funds are requested for this process. The costs to advertise the public comment period are covered by existing operational budgets.

Any new Strategic Community Plan finally adopted by Council, will make recommendations on future priorities for funding. These priorities will inform Council when reviewing its Corporate Business Plan and when it determines its annual budget.

It's anticipated that community involvement, partnerships, external grants and alternative funding sources will play a significant role in delivering a number of strategies contained in the final Plan.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The public comment process will provide a meaningful opportunity for our community to participate in setting the strategic direction of Council.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the release of the draft Shire of Manjimup Strategic Community Plan 2017-2027, as tabled, for a public comment period of 21 days.

COUNCIL RESOLUTION:

MOVED: Bavich, D

SECONDED: Munro, G

27005

That Council endorse the release of the draft Shire of Manjimup Strategic Community Plan 2017-2027, as tabled, for a public comment period of 21 days.

CARRIED: 10/0

9.3.1 Proposed Windy Harbour Lease Transfer - Site 278

PROPONENT	Barrie Drake
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Site 278 Evans Loop, Windy Harbour
WARD:	Coastal
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F170156
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	21 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages" with the power to lease, subject to the consent of the Minister for Lands. Since 2001 Council has been granting 20 year leases for designated lease sites.

This agenda is to seek consent from Council to transfer the lease over Site 278 from the Estate of the Late Lorna Drake to her son Barrie Drake as executor of the will.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

In accordance with Policy 3.4.2 a general condition assessment for each lease site is to be undertaken once every five years and work orders issued where required. A general condition assessment for Site 278 was undertaken in 2016 with it being in an overall satisfactory condition and no work orders issued.

Evidence has been provided that Barrie Miles Drake is the executor of the will. An application to transfer the lease into his name with the remaining lease term, due to expire 23 March 2025, will be completed to enable him to proceed with the winding up of the estate in accordance with the terms of the will. Any subsequent transfer will require approval from Council.

STATUTORY ENVIRONMENT:

The Department of Local Government has previously advised that Windy Harbour leases are considered residential and therefore exempt from s3.58 (Disposing of Property) of the Local Government Act 1995 under s30(2)(g) of the Local Government (Functions and General) Regulations 1996.

The Department of Local Government has also advised that a transfer/assignment of an existing lease does not constitute a 'disposition of property' from the Local Government's point of view.

Each lease and any subsequent transfers must receive the approval of the Minister for Lands in accordance with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The lease transfer and granting a new 20 year term is in accord with Council Policy 3.4.2 Windy Harbour Leases.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Transferees are required to pay the cost of lodging applications relating to deceased estates at Landgate.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council consent to the transfer of the lease over Site 278 Windy Harbour from the Estate of the Late Lorna Vivian Drake to Barrie Miles Drake as executor of the will; subject to approval from the Minister for Lands.

COUNCIL RESOLUTION:

MOVED: Munro, G

SECONDED: Taylor, R

27006

That Council consent to the transfer of the lease over Site 278 Windy Harbour from the Estate of the Late Lorna Vivian Drake to Barrie Miles Drake as executor of the will; subject to approval from the Minister for Lands.

CARRIED: 10/0

9.3.2 Proposed Windy Harbour Lease Transfer - Site 112

PROPONENT	Coralie Cockram
OWNER	Richard Cockram and Brenton Cockram
LOCATION / ADDRESS:	Crown (Management Order to Shire) Site 112 Windy Harbour Rd, Windy Harbour
WARD:	Coastal
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F160923
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	21 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages" with the power to lease, subject to the consent of the Minister for Lands. Since 2001 Council has been granting 20 year leases for designated lease sites.

A 20 year lease over Site 112 to Richard McEwan Cockram and Coralie Cockram commenced 24 April 2008. A survivorship application was completed in September 2016 to transfer the lease solely to Coralie Cockram, who has now requested to transfer the lease to her son Richard James Cockram and grandson Brenton Cockram.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

In accordance with Policy 3.4.2 a general condition assessment for each lease site is to be undertaken once every five years and work orders issued where required. A general condition assessment for Site 112 was undertaken in 2016 with it being in an overall satisfactory condition and no work orders issued.

The current lease to expire April 2028 has 11 years remaining. A full 20 year lease term has been requested. The proposed commencement date for the new lease is 1 June 2017.

STATUTORY ENVIRONMENT:

The Department of Local Government has previously advised that Windy Harbour leases are considered residential and therefore exempt from s3.58

(Disposing of Property) of the Local Government Act 1995 under s30(2)(g) of the Local Government (Functions and General) Regulations 1996.

The Department of Local Government has also advised that a transfer/assignment of an existing lease does not constitute a 'disposition of property' from the Local Government's point of view.

Each lease and any subsequent transfers must receive the approval of the Minister for Lands in accordance with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The lease transfer and granting a new 20 year term is in accord with Council Policy 3.4.2 Windy Harbour Leases.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Leaseholders are required to pay Council's lease preparation fee to offset the administration costs of preparing and lodging each lease, lease surrender or lease transfer.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Terminate, by mutual consent, the lease over Site 112 Windy Harbour between the Shire of Manjimup and Coralie Cockram; and
2. Approve a 20 year lease over Site 112 Windy Harbour between the Shire of Manjimup and Richard James Cockram and Brenton Richard McEwan Cockram as tenants in common, subject to approval from the Minister for Lands.

COUNCIL RESOLUTION:

MOVED: Munro, G

SECONDED: Tapley, D

27007

That Council:

1. Terminate, by mutual consent, the lease over Site 112 Windy Harbour between the Shire of Manjimup and Coralie Cockram; and

- 2. Approve a 20 year lease over Site 112 Windy Harbour between the Shire of Manjimup and Richard James Cockram and Brenton Richard McEwan Cockram as tenants in common, subject to approval from the Minister for Lands.**

CARRIED: 10/0

9.3.3 Proposed Windy Harbour Lease Transfer - Site 130

PROPONENT	Gary Shearer and Kerrie Shearer
OWNER	Peter Gwynne and Nicole Sinclair
LOCATION / ADDRESS:	Crown (Management Order to Shire) Site 130 Windy Harbour Road, Windy Harbour
WARD:	Coastal
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F160943
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	28 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages" with the power to lease, subject to the consent of the Minister for Lands. Since 2001 Council has been granting 20 year leases for designated lease sites.

Gary Shearer and Kerrie Shearer have a 20 year lease over Site 130, which commenced 26 September 2002. At the meeting of 20 April 2017 Council approved transfer of the lease for a proposed sale, however the proposed buyer has since terminated the contract for sale due to not being satisfied with the lease not being able to provide for future freehold.

A new contract for sale is now in place for the lease of Site 130 to be sold to Peter Gwynne and Nicole Sinclair.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

In accordance with Policy 3.4.2 a general condition assessment for each lease site is to be undertaken once every five years and work orders issued where required. A general condition assessment for Site 130 was undertaken in September 2015 with it being in a good overall condition with no work orders issued.

At the meeting of 26 May 2016 Council approved a request to transfer the lease for Site 130 from Gary Shearer and Kerrie Shearer as joint tenants to Kerrie Shearer as sole tenant. However this transfer has not occurred and the request is now superseded by the contract for sale. Kerrie Shearer has

provided evidence that she holds enduring power of attorney to sign on behalf of Gary Shearer.

The current lease to expire September 2022 has five years and six months remaining. A full 20 year lease term has been requested for the purchasers in the contract conditions.

STATUTORY ENVIRONMENT:

The Department of Local Government has previously advised that Windy Harbour leases are considered residential and therefore exempt from s3.58 (Disposing of Property) of the Local Government Act 1995 under s30(2)(g) of the Local Government (Functions and General) Regulations 1996.

The Department of Local Government has also advised that a transfer/assignment of an existing lease does not constitute a 'disposition of property' from the Local Government's point of view.

Each lease and any subsequent transfers must receive the approval of the Minister for Lands in accordance with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The lease transfer and granting a new 20 year term is in accord with Council Policy 3.4.2 Windy Harbour Leases.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Leaseholders are required to pay Council's lease preparation fee to offset the administration costs of preparing and lodging each lease, lease surrender or lease transfer.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Terminate, by mutual consent, the lease over Site 130 Windy Harbour between the Shire of Manjimup and Gary Charles Shearer and Kerrie Shearer; and**
2. **Approve a 20 year lease over Site 130 Windy Harbour between the Shire of Manjimup and Peter James Gwynne and Nicole Marie**

Sinclair as joint tenants, subject to approval of the Minister for Lands.

COUNCIL RESOLUTION:

MOVED: Munro, G SECONDED: Tapley, D

27008

That Council:

- 1. Terminate, by mutual consent, the lease over Site 130 Windy Harbour between the Shire of Manjimup and Gary Charles Shearer and Kerrie Shearer; and**
- 2. Approve a 20 year lease over Site 130 Windy Harbour between the Shire of Manjimup and Peter James Gwynne and Nicole Marie Sinclair as joint tenants, subject to approval of the Minister for Lands.**

CARRIED: 10/0

9.3.4 Proposed Windy Harbour Lease Transfer - Site 517

PROPONENT	Brendan Barnsby and Julie Hamilton Domenico Guadagnino and Jeremy Guadagnino
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Site 517 Windy Harbour Road, Windy Harbour
WARD:	Coastal
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F161051
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Barness
DATE OF REPORT:	28 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages" with the power to lease, subject to the consent of the Minister for Lands. Since 2001 Council has been granting 20 year leases for designated lease sites.

Brendan Barnsby and Julie Hamilton have a 20 year lease over Site 517, being a vacant lease site purchased from the Shire of Manjimup. The lease commenced 23 May 2016. They have now entered a contract for sale of the lease to Domenico Guadagnino and Jeremy Guadagnino.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The lease contains conditions that a dwelling is to be constructed within five years or it can be repurchased by the Shire of Manjimup for the original purchase price in 2016 of \$83,000. The current contract for sale in place is also for \$83,000. Planning approval has been granted to the existing leaseholders for a dwelling, but not a building permit. The purchasers may submit new planning and building applications.

A new full 20 year lease term has been requested for the purchasers in the contract conditions. Granting a new lease will reset the five years for construction of a dwelling. It is recommended to approve this request.

STATUTORY ENVIRONMENT:

The Department of Local Government has previously advised that Windy Harbour leases are considered residential and therefore exempt from s3.58

(Disposing of Property) of the Local Government Act 1995 under s30(2)(g) of the Local Government (Functions and General) Regulations 1996.

The Department of Local Government has also advised that a transfer/assignment of an existing lease does not constitute a 'disposition of property' from the Local Government's point of view.

Each lease and any subsequent transfers must receive the approval of the Minister for Lands in accordance with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The lease transfer and granting a new 20 year term is in accord with Council Policy 3.4.2 Windy Harbour Leases.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Leaseholders are required to pay Council's lease preparation fee to offset the administration costs of preparing and lodging each lease, lease surrender or lease transfer.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Terminate, by mutual consent, the lease over Site 517 Windy Harbour between the Shire of Manjimup and Brendan James Barnsby and Julie Anne Hamilton; and**
2. **Approve a 20 year lease over Site 517 Windy Harbour between the Shire of Manjimup and Domenico Guadagnino and Jeremy Domenico Guadagnino as tenants in common of equal shares, subject to:**
 - a) **approval of the Minister for Lands; and**
 - b) **an approved dwelling is to be constructed within five years.**

COUNCIL RESOLUTION:

MOVED: Munro, G

SECONDED: Logan, C

27009

That Council:

- 1. Terminate, by mutual consent, the lease over Site 517 Windy Harbour between the Shire of Manjimup and Brendan James Barnsby and Julie Anne Hamilton; and**
- 2. Approve a 20 year lease over Site 517 Windy Harbour between the Shire of Manjimup and Domenico Guadagnino and Jeremy Domenico Guadagnino as tenants in common of equal shares, subject to:**
 - a) approval of the Minister for Lands; and**
 - b) an approved dwelling is to be constructed within five years.**

CARRIED: 10/0

ATTACHMENT**9.3.5 Proposed Lease - Portion of Reserve 14584 Little Athletics**

PROPONENT	Lower South West Little Athletics Centre Inc
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Reserve 14584 Lot 838 Rutherford St, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Business
FILE REFERENCE:	F160771
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	24 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup holds the Management Order for Reserve 14584 for the purpose of Community Recreation Centre with the power to lease, subject to the prior approval of the Minister for Lands. The Reserve contains the Indoor Sports Stadium, Skate Park, Imperials' club rooms, oval and the old Infant Health Centre building.

Council leased a portion of Reserve 14584 to West Australia Little Athletics Inc for the location of a storage shipping container on behalf of the Lower South West Little Athletics group who at that time were not incorporated. The lease commenced 20 October 2011 for a term of five years which expired 19 October 2016, with a renewal option of a further five year term.

The lease has not yet been used for a shipping container. The Lower South West Little Athletics Centre are now incorporated and it has been requested to transfer the lease to them with the intention to proceed with a shipping container.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

West Australia Little Athletics Inc have advised they no longer wish to hold the lease as the Lower South West Little Athletics Centre Inc are now incorporated. As the initial five year term of the lease has expired and the renewal option was not formally exercised it is recommended to grant a new lease.

Little Athletics use the oval regularly during their season of September to March each year and for security and accessibility would benefit from a shipping container. Although five years has lapsed without them proceeding

with the proposal, they have now submitted applications for planning and building approvals, which are on hold pending the new lease.

The location for the shipping container is near the Imperials clubroom and the water tanks as shown on the attached lease plan.

ATTACHMENT: 9.3.5(1)

STATUTORY ENVIRONMENT:

Section 3.58 of the Local Government Act 1995 deals with the requirements for leasing Council land; however Section 30(b) of the Local Government (Functions and General) Regulations 1996 exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The lease for Little Athletics complies with this exemption.

Approval from the Minister for Lands is required under Section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The lease is in accord with Property Leasing Policy 4.2.8.

The shipping container will need to meet the requirements of Local Planning Policy 6.1.3 Domestic Outbuildings.

The Shire of Manjimup Sport and Recreation Strategic Plan outlines a need to encourage youth participation and support changes in the sporting and recreational pursuits of the community, including assisting with accessibility and facilities provision.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Community associations are to be responsible for Council's \$340 lease preparation fee for each lease. As this is replacing the existing lease, it is recommended in this instance they are responsible for the cost of registration of the lease at Landgate (\$182), with the remainder to be waived, although this will not cover Shire administration costs.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Little Athletics provides many social benefits to its participants and promotes an active and healthy lifestyle.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Acknowledge termination, by mutual consent, of the lease between the Shire of Manjimup and West Australian Little Athletics Inc; and**
- 2. Lease the portion of Reserve 14584 shown in Attachment 9.3.5(1) to Lower South West Little Athletics Centre Inc, for the location of a storage container, for a period of five years with a renewal option of five years, at a rental of \$10 per annum payable on demand; subject to:**
 - a) adherence to Local Planning Policy 6.1.3 for the shipping container;**
 - b) Lower South West Little Athletics Centre Inc being responsible for the lease registration costs; and**
 - c) approval from the Minister for Lands.**

COUNCIL RESOLUTION:

MOVED: Taylor, R SECONDED: Logan, C

27010

That Council:

- 1. Acknowledge termination, by mutual consent, of the lease between the Shire of Manjimup and West Australian Little Athletics Inc; and**
- 2. Lease the portion of Reserve 14584 shown in Attachment 9.3.5(1) to Lower South West Little Athletics Centre Inc, for the location of a storage container, for a period of five years with a renewal option of five years, at a rental of \$10 per annum payable on demand; subject to:**
 - a) adherence to Local Planning Policy 6.1.3 for the shipping container;**
 - b) Lower South West Little Athletics Centre Inc being responsible for the lease registration costs; and**
 - c) approval from the Minister for Lands.**

CARRIED: 10/0

ATTACHMENT

9.3.6 Council Financial Payments March 2017

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F1600967
LEGISLATION:	Local Government (Financial Management) Regulations 1996
AUTHOR:	Kaylee Blee
DATE OF REPORT:	27 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

It is a statutory requirement for a list of payments from the Municipal and Trust Funds to be presented to Council and included in the Minutes.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The accounts for payment totalling \$1,922,668.62 for the month of March 2017 are itemised in the attachment and in the Corporate Card Statement listed below.

ATTACHMENT: 9.3.6(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 11 May 2017.

Fund	Vouchers	Amount
Municipal	89849 - 89994	\$241,037.06
Trust Fund	3046 - 3058	\$5,425.00
Total Cheques for Month of March 2017		\$246,461.06

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 11 May 2017

Fund	Batch	Amount
Municipal	245 - 254	\$1,671,328.58
Total EFT for Month of March 2017		\$1,671,328.58

Corporate Credit Card March 2017 – Municipal Account

20074.751.57	Broadwater Resort 1x night Accommodation T. Ridley to meet with Bush Fire Risk Management	\$190.00
20215.356.58	iSubscribe Pty Ltd 12 Month subscription to Mollie Makes – MJP Library	\$151.78
20215.356.58	iSubscribe Pty Ltd 12 Month subscription to Mollie Makes – Walpole Library	\$151.78
Various	Westnet Internet Services 1/3/17 – 1/4/17	\$309.75
20049.197.57	Patricia Ann Keegan (Bello Torta) SMT Meeting Refreshments	\$106.10
20031.198.52	Junction Grill Burswood	\$64.15
20033.197.57	Evening meal DB & CFB – Finance Conference	\$20.00
20031.198.52	The Merrywell Burswood DB Meal – Finance Conference	\$26.40
20031.198.52	Crown Promenade Perth 2x Nights' Accommodation/Breakfast DB & CFB – Finance Conference	\$1,055.60
20215.355.57	Booktopia Pty Ltd	\$46.45
20037.197.57	Game of Thrones for MJP Library Private purchase (F. Bullock) Recoup Receipt #137796	\$16.95
66.4999.7300.57	Adobe Creative Cloud Creative cloud monthly subscription - Corporate Admin Officer	\$52.10
85.4200.1061.57	STK*Shutterstock.com 365 day images on demand – 5 standard Licences for MRAC Advertising/Marketing	\$50.47
66.4999.2032.57	Pemberton General Store Jasper Jones premier – Various drinks	\$30.50
66.4999.2032.57	DSAK (Mitre 10 & Retravisio)	\$150.96
66.4999.2032.57	Jasper Jones premier – 4x Power Boards Alexandra Walker Northcliffe	\$80.00
66.4999.2032.57	Jasper Jones premier – 11x Sandwiches Volunteers lunch	\$73.42
66.4999.2032.57	Pemberton IGA Jasper Jones premier –Bottled Water	\$69.08
66.4999.2032.57	Pemberton IGA Jasper Jones premier –Bottled Water	\$69.08
66.4999.2032.57	Pemberton General Store Jasper Jones premier – Extension cord	\$52.50

66.4999.2032.57	Woolworths Jasper Jones premier – Cleaning items and chocolates	\$86.54
20148.213.52	Verandah Hotel Northbridge 1x night accomm. MGR HACC & HACC A.C	\$340.00
20148.213.52	Verandah Hotel Northbridge Meals for MGR HACC & HACC A.C	\$64.35
20219.29.52	EB *Social Enterprise Richmond Registration DCS - Social enterprise in SW	\$37.57
85.4200.1061.57	STK*Shutterstock.com 25 images for MRAC Advertising/Marketing	\$235.87
85.4220.7328.57	WEX Australia Pty Ltd	\$120.04
85.4220.312.57	Various Groceries for MRAC Café Lil,	\$26.00
85.4200.6349.57	Stationary & Cleaning Products	\$17.90
20387.279.57	Tickets.com Pty Ltd Maggie Dent Children & Grief Training - CDO	\$25.50
20221.546.57	Tupperware Quantum Replacement of damaged container – Aust Day	\$62.00
700.6207.7379.57	Quest Kings Park 2x Nights' Accom - S. Carstairs 23 & 24/2/17	\$375.55
20049.197.57	Patricia Ann Keegan (Bello Torta) Meeting refreshments – CEO & President	\$10.40
20047.81.52	Pan Pacific Perth Accomm & Parking CEO meeting with Brookfield Rail & Public Transport Authority	\$309.37
86.4999.6405.50	Adobe Creative Cloud CS7 Suite for PRO to design Docs	\$65.70
20047.81.52	Quest Kings Park 2x Nights Accom WALGA Training - PRO	\$284.20
TK192.6.57	Western Power Head Office Application for oversize load movement authorisation	\$120.00
Total Credit Card Payments		\$4,878.98
Total Payments for the month March 2017		\$1,922,668.62

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996, Regulations (12) and (13).

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

As Stated

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the accounts paid during March 2017 totalling \$1,922,668.62 as detailed in Corporate Card Statement and Attachment: 9.3.6(1).

COUNCIL RESOLUTION:

MOVED: Logan, C

SECONDED: Taylor, R

27011

That Council receive the accounts paid during March 2017 totalling \$1,922,668.62 as detailed in Corporate Card Statement and Attachment: 9.3.6(1).

CARRIED: 10/0

ATTACHMENT**9.3.7 Monthly Financial Activity Statement - March 2017**

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996
AUTHOR:	Greg Lockwood
DATE OF REPORT:	30 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Financial Management Regulations require monthly Financial Activity Statement reports to be prepared and presented to Council, containing the following information;

- ✓ Annual budget estimates;
- ✓ Estimates to end of month;
- ✓ Actual expenditure;
- ✓ Actual income;
- ✓ Material variances; and
- ✓ Net current assets.

The Financial Activity Statement report for the period to 31 March 2017 is attached. The report is summarised by Function/Activity with operating comments via department.

ATTACHMENT: 9.3.7(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 March 2017 is a projected deficit of \$10,459.

The \$10,459 deficit is a projection based on a conservative approach highlighting possible issues as they occur, which in most cases can be rectified or offset with under expenditure in other areas as the Shire progress through the financial year.

In brief the projected figures in most cases, assumes that the expenditure to 31 March 2017 continue at the same rate to 30 June 2017. Where an asterisks appears in the "Adj" column in the Management Reports, the formula

has been changed to reflect the irregular purchase, or seasonal nature of that particular account.

To the end of the March 2017 quarter, there have been no significant issues to report that are cause for concern, however a series of medium issues have arisen with budget implications. These medium level issues should be able to be offset in savings in others areas of the budget.

The projected deficit has been reduced significantly due to the late draw down of Loans from Western Australian Treasury Corporation (WATC) saving \$33,189. The 2016/17 budget allowed for one principal payment for loans 221, 223 and 224. The loan application process took 3 months to negotiate through, due mainly to a tightening of loan requirements within WATC application process.

Listed below are those items raised in previous Monthly Financial Activity Statements that still remain an issue at this point;

- Interest on Investments \$45,000 - The Shire's Investment Policy looks to secure funds in very low risk investments so earning acceptable interest in the current environment is very difficult. Maxi Interest accounts that two years ago would generate 2.5 to 3% interest are now generating 0.6%. To offset these reduced rates Officers opened up a series of "Notice Saver" (self-managed Term Deposits) accounts to try and improve the position but meeting budget will not be possible.
- Library Salaries \$34,000 – Library salaries have been put under pressure mainly due to the implementation and training for new library computer programs. Procedures were put in place to try and arrest the over spend but projection show a \$25,000 deficit. But since those processes were put in place two staff members have been on long term Carers/Sick leave requiring their positions to be covered by casuals.
- Storm Damage Works \$71,300 – The whole Shire was inundated in significant wind events late in the winter season. This saw many trees down over roads across the district requiring emergency removal and at significant cost to the Shire.
- Outstanding WANDRRA Claims \$750,000 – Staff are confident that the Shire will receive full funding for the claims, and given the process of payment has recently changed with Main Roads WA administering funding, payment of the outstanding claims is expected soon. Having said that, the delay in payments are having a direct affect on Interest revenue and will significantly affect Cash Flow at the 30 June 2017 if not paid.
- Manjimup Timber and Heritage Park Grounds Maintenance \$20,000 – The level of service required to maintain the park to a standard acceptable to park users has exceeded the adopted budget. The overspend can also be attributed to the final tidy up of minor jobs post park upgrade.

In summary, other than those items listed above there are no other major areas of concern that have come to light in the nine months after adopting the

2016/2017 budget, and with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2017.

STATUTORY ENVIRONMENT:

Section 6.8 Local Government Act and Financial Management Regulation 34.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Monthly Financial Activity Statement Report for March 2017 as per Attachment: 9.3.7 (1).

COUNCIL RESOLUTION:

MOVED: Logan, C

SECONDED: Herbert, V

27012

That Council receive the Monthly Financial Activity Statement Report for March 2017 as per Attachment: 9.3.7 (1).

CARRIED: 10/0

ATTACHMENT**9.3.8 Budget Review Adjustments - March 2017**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160191
LEGISLATION:	Section 6.8 Local Government Act 1995,
AUTHOR:	Greg Lockwood
DATE OF REPORT:	30 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following a review of the Monthly accounts to 31 March 2017 a budget adjustment sheet has been prepared to reflect variations to expenditure and revenue compared to that contemplated in the 2016/2017 Annual Budget.

ATTACHMENT: 9.3.8 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The March 2017 Monthly Financial Statement Report has been completed and is the subject of a separate agenda item providing a full explanation of “actual” compared to “budget” for the nine months of operation to 31 March 2017.

Adjustments required to the 2016/2017 adopted budget, already approved by Council by way of specific agenda items, are:

- Local Government Grants Scheme \$160,000 – Recognise grant for extension to Northcliffe Volunteer Fire Station for Northcliffe Volunteer Fire Station;
- Disposal of Ford Ranger 1020WA \$5,000 – Retaining of 1020WA for Fire Prevention activities;
- Pemberton Sports Club floor recoating \$1,500 – Increase budget to cover extra costs for project;
- Windy Harbour Entrance Road and Drainage \$158,018 – Increase budget to recognise extra costs associated with new entrance road;
- Wellness and Lifestyle Community Centre \$1,950,876 – Recognise addition grants received for project; and
- Rutherford Street Project \$108,500 – Increase budget to cover extra costs associated with sub base issues identified during construction.

Other adjustments required but not yet considered by Council are:

- Insurance Claim – Southern Arch \$59,119 – Recognise final decision on Southern Arch Tribute allowing for insurance claim to be lodged.

STATUTORY ENVIRONMENT:

Section 6.8 (1) of the Local Government Act 1995 requires that expenditure not be incurred for an additional purpose unless authorised by Council.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Details of the recommended budget adjustments are attached.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council adopts the March 2017 budget adjustment as contained in Attachment: 9.3.8(1).

COUNCIL RESOLUTION:

MOVED: Bavich, D

SECONDED: Logan, C

27013

That Council adopts the March 2017 budget adjustment as contained in Attachment: 9.3.8(1).

CARRIED: 10/0

Councillor Taylor declared a Financial Interest in this Item as the proponent supplies fuel to his business. Cr Taylor did not speak or vote on the matter and left the Chamber at 6.24pm.

ATTACHMENT

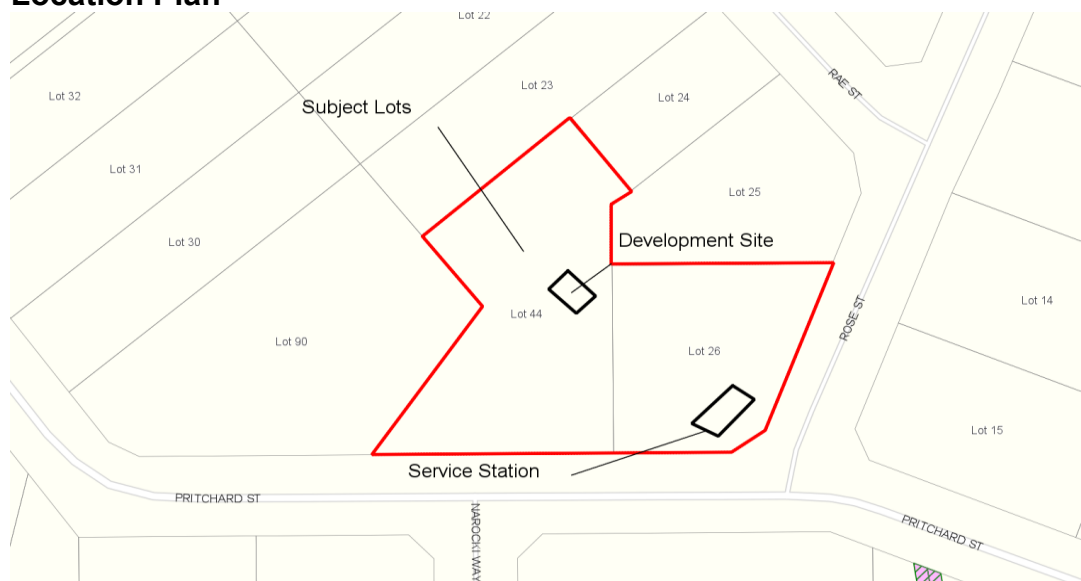
9.5.1 Request for Retrospective Planning Approval for Fuel Storage Tanks, Fuel Bowsers and Hardstand at Lot 44 Pritchard Street, Manjimup

PROPONENT	Baseland Pty Ltd
OWNER	Baseland Pty Ltd
LOCATION / ADDRESS:	Lot 44 Pritchard Street, Manjimup
WARD:	Central
ZONE:	Town Centre
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA 17/64, P51854, P51855
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jason Giadresco/Brian Robinson
DATE OF REPORT:	31 March 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Lot 44 Pritchard Street is a 3,083m² property located on the northern side of Pritchard Street. The property has traditionally been used in association with Lot 26 Rose Street to the east, as a service station and workshop. Development associated with the service station/workshop is primarily contained within Lot 26, although portion of the building encroaches into Lot 44.

Location Plan



In March 2017 it was brought to the attention of Shire employees that two above ground fuel storage tanks with associated fuel bowsers and a

hardstand were being installed on Lot 44, without the Shires prior planning approval.

Council is now requested to consider an application for retrospective approval. The application as received seeks the Shires retrospective approval for the following:

- A 68 kL self bunded above ground combustible fuel tank for Diesel Fuel;
- A 30 kL self bunded above ground flammable fuel tank for Unleaded Fuel;
- Two fuel bowzers, for the distribution of the two fuels; and
- An adjacent hard stand area, incorporating a triple-interceptor drainage system, constructed to prevent site contamination.

A new crossover to service the unapproved tanks is proposed to be constructed from Pritchard Street. The purpose of these fuel tanks is to support the existing fuel service operations on site. Site and Development Plans are attached.

ATTACHMENT: 9.5.1(1)

In addition to the above plans, the applicant has prepared a Compliance Report providing further detail on the unapproved works. A copy of this report is attached.

ATTACHMENT: 9.5.1(2)

As the application is retrospective in nature, Shire officers do not have the delegated authority to determine the application. Given this, Council is requested to determine the application.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised to all adjoining residential neighbours and the Department of Mines and Petroleum (DMP) in accordance with clause 9.6 of the Scheme for a 21-day period ending 25 April 2017. Three (3) submissions were received, two from adjoining landowners and the other from DMP. Copies of the submissions received are attached.

ATTACHMENT: 9.5.1(3)

All submissions received offered no objection to the proposal. The content of the DMP submission will be discussed in the Comment section of the report.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (LPS No 4) include the subject land within the Town Centre Zone. The purpose of this zone is *“to provide for the establishment and ongoing development of nodes of diverse commercial, professional, tourist, entertainment, residential and community activities to service the populations of the surrounding areas.”* A Service Station is identified as a “D” use within the Town Centre Zone. That is a use which is *“not permitted unless the local government has exercised its discretion by granting planning approval”*.

In order to provide more detailed guidance for development of the Town Centre Zone, Schedule 8 of LPS No 4 divides the Town Centre into four sub-

precincts. The subject land is included within Sub-Precinct 1D, where landowners are encouraged to develop commercial uses requiring larger lots that would generally be expected in a major rural service centre. The proposed use is consistent with this objective, To further assist Council in determining the application, the following comments are offered:

Unauthorised Existing Development

Clause 8.6 of LPS No 4 allows approval to be granted approval for a use or development already commenced or carried out regardless of date, provided the development complies with the requirements of the Scheme.

Site and Development Standards

The development of land in a Town Centre zoning must comply with the requirements of section 5.32.2 of the Scheme. As outlined in that section, development and site standards and other on-site standards are to be assessed on a case by case basis.

Setbacks

In accordance clause 5.32.2.3 of LPS No 4, *"In determining side and rear boundary setbacks, the local government shall take into account the need for landscaping, private open space, pedestrian linkages, car parking, servicing and unloading and open storage of goods and materials"*.

In this case, the storage tanks and bowzers have been installed toward the centre of the property with setbacks over 9 metres to the side boundaries. These setbacks are supported.

Impact on Residential Amenity

The location of residential properties to the north of the proposal need to be considered as the resultant use has potential to detrimentally impact on the amenity of these properties. The Environmental Protection Authority provides guidelines for the *Separation Distances between Industrial and Sensitive Land Uses* identifying generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses.

As identified within the guidelines, service station operations have the potential to impact on the amenity of area through flammable gas, noise, odours and risk. In order to minimise the potential of these impacts, the guidelines recommend a minimum buffer distance of 50m between the use and adjacent sensitive premises (dwellings) for a service station operating Monday-Saturday from 7am to 7pm.

Assessment of the current proposal indicates that there are two dwellings located approximately 45-50m from the proposed use. Given this, the adjacent landowners were consulted. As detailed in the Public Consultation section of this agenda item, both landowners have provided correspondence confirming that they have no objection to the proposal.

Shire officers are satisfied that the reduced separation distance will not impact on the amenity of the residential properties in the area. To ensure compliance, the hours of operation recommended by the guidance document will be included as a condition in the event Council approves the application.

Notwithstanding this, the operation of the fuel tanks will need to comply with the *Environmental 'Noise' Regulations 1997* on an ongoing basis. An advice note reflecting this will be included on any approval issued by Council.

Crossover/Driveway Construction

As shown on the submitted plans, the applicants are proposing to construct a formal crossover and driveway from Pritchard Street to the new refuelling facility. The proposed crossover and driveway have not been constructed at this stage.

It is however noted that within the applicants submitted compliance report shown at Attachment: 9.5.1 (2), that it is proposed vehicles will then circle the existing building in a clockwise motion. This will result in vehicles exiting the property to Rose Street. It is recommended that appropriate conditions be incorporated in any approval granted to reflect the location of the driveway to Rose Street and to require it to be constructed to a sealed standard as required by LPS No 4.

Landscaping

The Scheme provisions of the Town Centre Zone provide for the provision of landscaping of 5% of the site area to improve the visual aesthetic of the site. No landscaping has been depicted in the attached plan, therefore the author recommends Council include a condition of approval to provide compliance with the above requirement.

Fuel Tank Construction Compliance

DMP provided within its submission that the tanks will need to be constructed to Australian Standard 1940 (AS1940) *The Storage and Handling of Flammable and Combustible Liquids* and the landowner's Dangerous Goods Storage licence amended to reflect the development's increased fuel storage capacity. DMP notes that based on the information provided, there is no issue with the unapproved tanks meeting this requirement. However, to ensure compliance with AS 1940 and amending the businesses Dangerous Goods Storage licence is achieved, advice notes will be included on any approval issued by Council to ensure compliance.

A triple-interception drainage system has been constructed adjacent to the tanks to manage stormwater and ensure no pollutants caused by spillage leave the property. A condition ensuring that the system is constructed will be included on any approval issued by Council.

Amalgamation of Lots

During assessment of the proposal, it has been noted that the existing building on Lot 26 partially straddles the common boundary between Lots 44 and 26. Given this and the fact that Lot 44 must be used in conjunction with Lot 26 to ensure vehicles enter and leave the site in forward gear (as required by the Scheme), it is recommended that a condition be imposed to require Lots 44 and 26 to be amalgamated into a single title.

As an alternative, it may be suitable for the common boundary to be adjusted to ensure the existing building is wholly contained within Lot 26. Should this option be pursued, it will be necessary for reciprocal rights of access to be established across the new title of Lot 26, ensuring that vehicles entering Lot 44 from Pritchard Street will have right to exit to Rose Street.

Boundary Alignment

It is noted by Shire officers that the development plans indicate that sections of the surveyed northern boundaries with Lot 24 Rae Street and Lot 25 Rae Street do not reflect the existing fence lines between these properties and Lots 26 and 44 subject of this application.

The author advises that it is not Council's prerogative to enforce that fence lines are constructed along surveyed property boundaries between landowners. Although there is no issue between the landowners with this fencing arrangement at the present, and the location of the fencing does not impede the unapproved development, it is recommended that the applicant be encouraged to address this at the same time as the Subdivision/Amalgamation referred to above.

Conclusion

As the proposal is not expected to impact on the amenity of the area Shire officers recommend retrospective approval be granted subject to the conditions and advice contained within the officers recommendation.

STATUTORY ENVIRONMENT:

In accordance with clause 60 "Deemed to Apply" provisions of the Planning & Development (Local Planning Schemes) Regulations 2015:

"a person must not commence or carry out any works on, or use, land in the Scheme area unless-

- (a) The person has obtained the development approval of the local government under Part 8; or
- (b) The development is a type referred to in clause 61.

Clause 61 subsequently outlines circumstances where developments are effectively exempt from the need to obtain the local governments prior planning approval. As the type of development undertaken in this case are not exempt, the applicant should have obtained the Shires prior planning approval.

Failure to obtain the Shires prior planning approval is an offence under the Planning and Development Act 2005, for which serious penalties may be imposed through a successful prosecution.

To assist Council in determining if legal action should be commenced in this instance, the following advice is provided:

- a) The works undertaken came to the attention of Shire Officers following placement of above ground storage tanks without contact from the applicant/landowner;
- b) During inspection of the site, contractors on site were in the process of installing the petrol bowsers;
- c) Once Shire Officers were aware that the works had commenced, contact was made with the landowner to advise that prior approval was required and that works should cease immediately;
- d) Whilst initially the landowners held the view that they did not need to obtain approval, it was conveyed to them that the activity was considered development and that works on the site should cease immediately;
- e) The landowners contacted the Director of Development and Regulation seeking permission to complete the works. The landowners were advised against proceeding with the works.
- f) The landowners contacted the Shire President asking for permission to continue the works. After consulting the CEO, the Shire President informed the landowners that should not undertake any further work or land use other than that which is already approved.
- g) Subsequently, whilst the applicants lodged an application for approval, works continued on site to complete the installation.

Advice from the landowner indicates that the works continued to allow the system to be tested, for the works to be deemed completed and contractors paid.

In addition to the above points, it highlighted for Councillors attention that the submitted compliance report (refer attachment: 9.5.1(2)) contains a statement that one of the new above ground tanks was constructed to replace a previous non-compliant tank above ground tank on site. Research by Shire staff has confirmed that this statement is in fact false, as the previous landowner has advised that an above ground tank was never located on the property.

Conclusion

Whilst it is recommended that the application as submitted be approved, it is also recommended that Council proceed with legal action against the owners/applicants on the basis that:

- i. Works commenced on site without the prior planning consent of the Shire, establishing the use of service station on Lot 44, being a previously vacant parcel of land; and

- ii. Works on site continued despite the Shire Officers advising both verbally and in writing that the works should cease pending the Shires prior planning consent being obtained.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The requisite retrospective planning fee has been paid by the proponent.

Should Council resolve to proceed with action as recommended, a court order will be sought to ensure that Council's reasonable costs are recovered from the landowner. It is however likely that some expense will be incurred.

SUSTAINABILITY:

Environmental: The proposed development is not expected to detrimentally impact upon the surrounding environment.

Economic: Nil.

Social: The proposed development is expected to have minimal impact upon the amenity of the adjoining landowners as outlined in the Public Consultation and Comment sections above.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Authorise the Chief Executive Officer to commence legal action against the landowners of Lot 44 Pritchard Street for commencement of development without the Shires prior planning consent in accordance with section 218 of the Planning and Development Act 2005.
2. In accordance with Part 10 and clause 8.6 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to construct fuel tanks at the existing Service Station at Lot 44 Pritchard Street and Lot 26 Rose Street, Manjimup (TP57/2017) in accordance with the submitted plans and subject to the following conditions:
 - a) Prior to commencement of the use hereby permitted on site, the plans submitted with the application are to be revised to address the following matters to the satisfaction of the Chief Executive Officer:

- i. Provision of not less than 5% landscaping on the site, with specific focus on the properties frontage to Pritchard Street;
 - ii. Provision for continuation of the proposed internal driveway through Lot 26 Rose Street to ensure provision is made for all vehicles to enter and leave the site in forward gear.
- b) Prior to commencement of the use hereby approved, Lots 26 and 44 shall be amalgamated onto a single title in, or the existing boundary between Lots 26 and 44 shall be adjusted in order to ensure that:
 - i. The existing building on Lot 26 does not straddle the common boundary between Lots 26 and 44; and
 - ii. To ensure a right of access for vehicles entering Lot 44 from Pritchard Street may enter Lot 26 to leave the site via Rose Street.
- c) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted, with the application together with the modifications outlined in Point (a) above;
- d) The landscaping referred to in condition No a)(i), shall be installed to the satisfaction of the chief Executive Officer prior to commencement of the use hereby approved and shall thereafter be permanently maintained as landscaped areas by the owner/occupier of the premises to the satisfaction of the Shire of Manjimup;
- e) The operation of the fuel tanks shall be restricted to the hours of 7am to 7pm Mondays to Sundays;
- f) The vehicular crossover between Pritchard Street and the subject land is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup. The driveway is to be fenced to allow for a recessed area to adequately accommodate vehicles servicing the properties;
- g) The access driveway between the crossover on Pritchard Street, the approved fuel tanks and Rose Street is to be constructed to a sealed standard to the satisfaction of the Shire of Manjimup; and
- h) All waste materials and by-products of hardstand areas on the subject properties must be contained on site and directed to a suitable waste treatment facility (e.g. triple-interceptor) to the satisfaction of the Shire of Manjimup.

Advises the Applicant:

- a) The proposed operation is required to comply with the Environmental (Noise) Regulations 1997;

- b) The approved development is to comply with the requirements of the 'Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations, 1974.
- c) The proposed development is to comply with Australian Standard 1940 (AS1940) *The Storage and Handling of Flammable and Combustible Liquids*;
- d) To contact the Department of Mines and Petroleum to amend the requirements of the current Dangerous Goods Storage licence applicable to the land to allow for the use of the development; and
- e) That the realignment of surveyed property boundaries or fences is a matter to be resolved between freehold landowners. Council cannot effect the resolution of any boundary dispute.

COUNCIL RESOLUTION:

MOVED: DeCampo, W SECONDED: Jenkins, D

27014

That Council:

1. Authorise the Chief Executive Officer to commence legal action against the landowners of Lot 44 Pritchard Street for commencement of development without the Shires prior planning consent in accordance with section 218 of the Planning and Development Act 2005.
2. In accordance with Part 10 and clause 8.6 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to construct fuel tanks at the existing Service Station at Lot 44 Pritchard Street and Lot 26 Rose Street, Manjimup (TP57/2017) in accordance with the submitted plans and subject to the following conditions:
 - a) Prior to commencement of the use hereby permitted on site, the plans submitted with the application are to be revised to address the following matters to the satisfaction of the Chief Executive Officer:
 - i. Provision of not less than 5% landscaping on the site, with specific focus on the properties frontage to Pritchard Street;
 - ii. Provision for continuation of the proposed internal driveway through Lot 26 Rose Street to ensure provision is made for all vehicles to enter and leave the site in forward gear.

- b) Operation can commence subject to Lots 26 and 44 being amalgamated within 12 months of operation and Lots 26 and 44 shall be adjusted within 12 months of operation:
 - i. The existing building on Lot 26 does not straddle the common boundary between Lots 26 and 44; and
 - ii. To ensure a right of access for vehicles entering Lot 44 from Pritchard Street may enter Lot 26 to leave the site via Rose Street.
- c) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted, with the application together with the modifications outlined in Point (a) above;
- d) The landscaping referred to in condition No a)(i), shall be installed to the satisfaction of the chief Executive Officer prior to commencement of the use hereby approved and shall thereafter be permanently maintained as landscaped areas by the owner/occupier of the premises to the satisfaction of the Shire of Manjimup;
- e) The operation of the fuel tanks shall be restricted to the hours of 7am to 7pm Mondays to Sundays;
- f) The vehicular crossover between Pritchard Street and the subject land is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup. The driveway is to be fenced to allow for a recessed area to adequately accommodate vehicles servicing the properties;
- g) The access driveway between the crossover on Pritchard Street, the approved fuel tanks and Rose Street is to be constructed to a sealed standard to the satisfaction of the Shire of Manjimup; and
- h) All waste materials and by-products of hardstand areas on the subject properties must be contained on site and directed to a suitable waste treatment facility (e.g. triple-interceptor) to the satisfaction of the Shire of Manjimup.

Advises the Applicant:

- a) The proposed operation is required to comply with the Environmental (Noise) Regulations 1997;
- b) The approved development is to comply with the requirements of the 'Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations, 1974.
- c) The proposed development is to comply with Australian Standard 1940 (AS1940) *The Storage and Handling of Flammable and Combustible Liquids*;

- d) To contact the Department of Mines and Petroleum to amend the requirements of the current Dangerous Goods Storage licence applicable to the land to allow for the use of the development; and
- e) That the realignment of surveyed property boundaries or fences is a matter to be resolved between freehold landowners. Council cannot effect the resolution of any boundary dispute.

CARRIED: 9/0

Reasons:

- Business would cease operations tomorrow.
- Area has cheap fuel due to 24/7 availability.

Cr Taylor returned to Chamber at 6.32pm.

ATTACHMENT

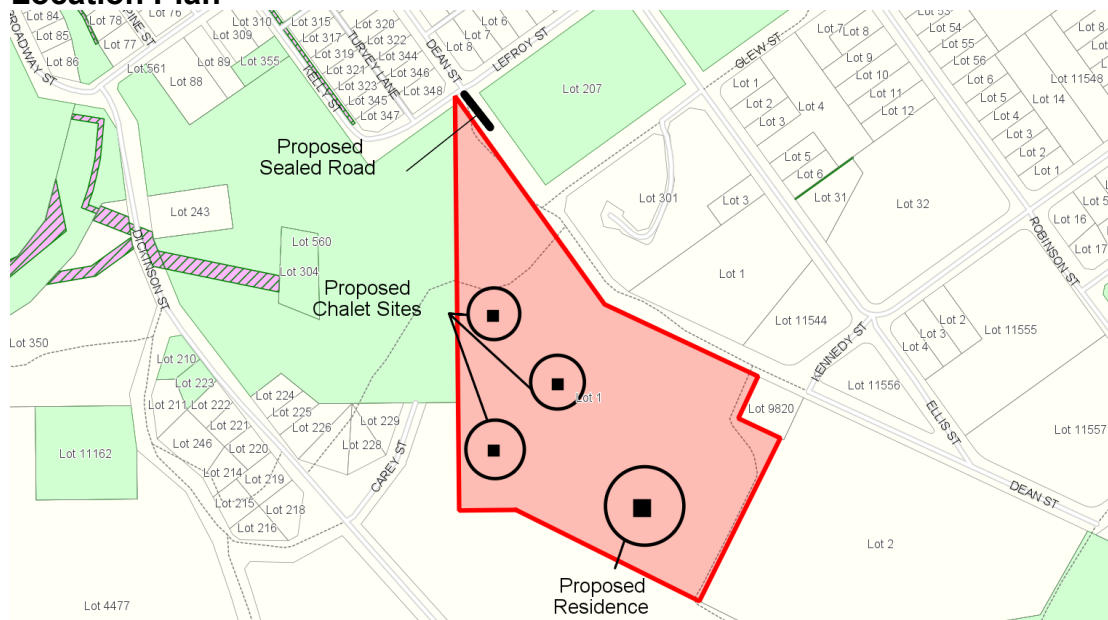
9.5.2 Proposed Chalets at Lot 1 (32) Dean Street, Pemberton

PROPONENT	BW & GR Allen
OWNER	BW & GR Allen
LOCATION / ADDRESS:	Lot 1 (32) Dean Street, Pemberton
WARD:	West
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA/16/164, P57244
LEGISLATION:	Planning and Development Act 2005, Shire of Manjimup Local Planning Scheme No.4.
AUTHOR:	Jason Giadresco
DATE OF REPORT:	26 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject site is a 7.1ha lot, located within the Pemberton town site. The property which currently vacant, slopes south to north and is located to the south of an unconstructed section of Dean Street. The property is accessed via Kennedy Street on the property's eastern side, and from the north via an unconstructed section of Dean Street from Lefroy Street.

Location Plan



The property is completely vegetated with native species, although some clearing has been undertaken to remove a waste water system connected to the adjoining Gloucester Motel, located at Lot 1 Ellis Street and allow for the installation of firebreaks on the property boundary.

An application for planning approval has been received for three chalets and a Dwelling. In accordance with the following details:

- The construction of three (3), two bedroom self-contained chalets along the western boundary of the property. The construction materials to be used are Colorbond ® steel and glass;
- The sealed construction of a part of Dean Street adjacent to Lefroy Street to provide vehicular access to the proposed development;
- The construction of a single dwelling near the south-eastern property boundary; and
- The clearance of native vegetation around each of the chalet sites and the single dwelling to accommodate suitable fire hazard reduction measures.

Location, Site and Development Plans are attached.

ATTACHMENT: 9.5.2(1)

The application is referred to Council for determination as 'Chalets' are considered an 'A' land use by Shire of Manjimup Local Planning Scheme No.4 (the Scheme).

PUBLIC CONSULTATION UNDERTAKEN:

The application as presented above has been advertised in accordance with clause 9.6 of the Scheme for a period of 14 days to adjoining landowners.

As a result, four (4) submissions objecting to the proposal were received from adjoining landowners and one submission each from the Department of Environment Regulation (DER) and Department of Parks and Wildlife (DPaW). The content of the submissions will be discussed where relevant under the headings of the Comment section below. The submissions are attached.

ATTACHMENT: 9.5.2(2)

It should be noted that whilst they were not included in the consultation process, one submission was received from a landowner the Brown's Road Rural Residential Area.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (LPS No 4) includes the land within the 'General Agriculture' zone. The objectives for the zone, include supporting appropriate non-rural uses where they are compatible with adjoining and nearby rural uses, particularly where environmental attributes, remnant vegetation and other environmental features restrict the use of the land for agricultural purposes.

In addition to the base zone, LPS No 4, also includes the land within Development Investigation Area No 20 (DIA No 20) and Pemberton Planning Precinct No 4.

To assist Council in its determination of the application the following comments are offered:

Land Use Acceptability

The requirements of DIA No 20 provide that the subject land has been identified for development as 'Low-Impact Tourist Development', and that existing vegetation to be protected as far as practicable with development being located close to the western boundary of the land and subject to the structure planning requirements of the Scheme at clause 6.5.

Two submissions opposing the proposal contend that Council should not be entertaining the proposal prior to a structure plan being approved by the Western Australian Planning Commission over the land comprising DIA No 20. One submission has stated that there is no underlying zoning for the property, which is incorrect.

In accordance with the General Agriculture zoning of the property, a Dwelling is a "P" use. That is a use which is permitted subject to compliance with identified development standards. Chalets are identified by LPS No 4 as an "A" use within the zone, being a use not permitted unless granted approval by the Shire after consultation in accordance with clause 9.6.

As the requirements of clause 9.6 have been met, Council may consider granting approval to both the proposed dwelling and chalets.

Development Investigation Area Requirements

Clause 6.5.3.1 of the Scheme provides that Development Investigation Areas require rezoning prior to approval of a structure plans. The rezoning proposal is to include a full evaluation and assessment, including any necessary environmental assessment. Clause 6.5.3.3 of LPs No 4 further details that prior to any subdivision or development within a Development Investigation Area, a Proposed Structure Plan shall be prepared and adopted in accordance with the structure planning requirements of clause 6.4.

Notwithstanding the above, 6.5.3.5 of LPS No 4 states that Council may approve a development, or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a rezoning and Structure Plan where, in its opinion, *"the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Development Investigation Area."*

In response to the criteria identified by clause 6.5.3.5, elected members are advised that the proposal:

- a) is consistent with the underlying zoning;
- b) considered to be minor in nature;

- c) will not adversely affect the future subdivision or development of the land.

It is also noted that the proposed chalets are considered to be Low-Impact development under LPS No 4, the development is being proposed in close proximity to the western boundary uses and that the majority of the existing vegetation is being protected as far as practical as recommended by the provisions relating to DIA No 20.

Planning Precinct Statement

The proposal is considered to satisfy the requirements of Pemberton Planning Precinct No 4. *Urban Centre* provided at Schedule 8 of the Scheme. Of particular note to Council, the statement provides that tourist accommodation should be integrated within this precinct where it is compatible with adjacent uses. It is noted by the author that the Gloucester Motel is located adjoining the site on Lot 1 Ellis Street, and two Council approved (2009 and 2017) Holiday House accommodations are located within the adjacent Wattlebird Grove strata subdivision. Given that a number of the adjacent land uses are tourist accommodation oriented, the author considers the proposal to meet the requirements of the statement.

Setbacks

The proposed dwelling and chalets are setback in accordance with Scheme requirements. All proposed structures are to be setback in excess of 30m to property boundaries as depicted on the attached plan.

However, the Scheme additionally requires where the land adjoins State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land, in the opinion of the local government the setback from the common boundary shall be 100 metres. A reduction of setbacks is permitted when it can be demonstrated that the topography, soil conditions, location or shape of the lot are such as to make adherence to the requirement impractical and the application is justified by the applicant. Given the provisions of DIA No20, it can be reasonably justified in that development is to be concentrated towards the western boundary and therefore within the 100m setback given by the Scheme. As the proposal meets the location of development given by DIA No20, as well as the requirements of the underlying 'General Agriculture' zoning it is considered that Council can permit the variation of the setback in this instance.

Vegetation Clearing

Three landowner submissions make reference to the perceived excessive clearance of vegetation on Lot 1 that the proposal will cause.

Two submissions state that the development does not meet the matters to be addressed as part of any rezoning or structure planning of DIA No20, that being the existing vegetation to be protected as far as practicable with development being located close to the western

boundary of the land, and the location of Chalet No 2 will impact on the amenity of the locality. The proposal locates the dwelling and 2 of the 3 Chalets within 40m of the existing western boundary of Lot 1. The other Chalet is located toward the centre of the property, adjacent to the site of the removal of the illegal leach drain system that formerly served the Gloucester Motel. Although this Chalet (Chalet No 2 on plan) is not located in the proximity of the western property of the boundary, the building protection zone does incorporate part of the existing cleared area caused as a result of the removal of the unapproved leach drain system and will still be located 60m of the Dean Street road reserve, with an additional 20m distance provided by an unconstructed section of the Dean Street road reserve. The internal vehicular access to the Chalets and dwelling will be largely along the properties firebreaks.

It is therefore considered by Shire officers that the proposed level of clearing for the development has been designed to minimise its impact on the properties existing native vegetation as far as practicable despite the location of Chalet No 2 within the centre of the property and meets the future land use expectation of the Development Investigation Area.

DER has noted that the construction of lawful buildings, firebreaks and walking access tracks is exempt from the need for a clearing permit to be obtained. It has advised however, that should any aspect of the development not meet the exemptions given in the relevant Schedules and Regulations of the *Environmental Protection Act 1986* a clearing permit will need to be obtained by the applicant. This will be included as an advice note in any approval granted by Council.

Bushfire Prone Area Requirements

Lot 1 has been declared a Bushfire Prone Area by the Minister for Emergency Services in Western Australia. State Planning Policy 3.7 Planning in Bushfire Prone Areas requires that development applications for vulnerable or high-risk land uses in areas between BAL-12.5 to BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the State authority for emergency services.

One submission states that in order to satisfy fire management requirements, the applicants will be required to modify the vegetation within 100m of each proposed chalet and the dwelling and therefore impacting on the preservation of vegetation. It is noted that the Scheme requirements are for the preservation of vegetation as far as is practicable. Vegetation modification will only need to occur as to allow for the development to be constructed to a BAL-29 standard. However, initial investigation of the BAL – rating of the site has indicated that an area between 33m to 38m will need to be modified to allow for the development to achieve this BAL rating.

Shire officers acknowledge that the proposal was not initially accompanied by a Bushfire Management Plan, but have requested one

of the applicant who has provided a plan in which both Shire officers and the applicant are currently working through to ensure the requirements of State Planning Policy 3.7 are finalised. In light of this, a condition requiring that a suitable Bushfire Management Plan be approved by the Shire prior to the issuing of a Building Permit to the applicant to allow for construction of the development to commence.

Water Supply

The Scheme at clause 5.24 notes that connection to a reticulated water supply is only required for lots of a size less than 1ha. Given Lot 1's size and zoning, connection to a potable reticulated water supply is not a Scheme requirement. Reticulated scheme water is available to service the development from Lefroy Street.

Nevertheless, where any dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water catchment tank with a minimum capacity of 120 000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water. Additionally, where water supplies are required for fire-fighting and secondary purposes, the capacity of the rainwater catchment tank shall be a minimum of 135 000 litres along with sufficient roof catchment or other methods of water capture acceptable to the local government. A condition reflecting that the development needs to be connected to a suitable potable water supply will be included on any approval issued by Council.

Vehicular Access

The proposed development is proposed to be accessed from Dean Street. The plans indicate that the proponent intends to construct a sealed road along a section of Dean Street at the northern end of Lot 1 to provide vehicular access. A number of the submissions have queried this aspect and the ability to construct a road given the slope of the land from Lefroy Street to the property, whether Council will be paying for the road and the impact poor drainage of the land may have on the proposed road.

Shire officers are satisfied that the proposed road can be constructed, sealed and drained to a standard entirely at the applicant's cost that can allow for suitable 2 wheel drive access to the property and not exacerbate the existing poor drainage of the land. A condition reflecting this will be included on any approval in the event Council determines the application's approval.

Building and Environmental Health Requirements

Environmental Health Services have advised that the proposed Chalet will be required to be connected to a suitable effluent disposal system prior to occupation of development to the satisfaction of Council and the Department of Health. Building Services have advised that a certified

building permit will also need to be obtained prior to construction of the Chalets. The requirements will be reflected as advice notes on any approval granted by Council.

Conclusion

The application as proposed has been determined by Shire officers to be consistent with the provisions LPS No 4. The proposal is considered to meet the underlying zoning provisions of the land and considers the requirements presented in the Scheme for the subject property as addressed subject to the conditions contained within the Officer recommendation.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Shire of Manjimup Local Planning Scheme No 4.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The application proposes the clearance of vegetation to accommodate the development bushfire prevention measures as is practicable only.

Economic: The application if approved will assist to contributing to the availability of short-term accommodation within the Pemberton townsite.

Social: Without appropriate management and restrictions the proposal has potential to detrimentally impact on the amenity of the area.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants development approval for the Chalets at Lot 1 Dean Street, Pemberton in accordance with the submitted plans as attached at Attachment 9.5.2(1) and subject to the following conditions:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be

altered and/or modified without the prior knowledge and written consent from the Shire of Manjimup;

- b) The applicant shall prepare and implement a Bush Fire Management Plan, reflecting a submitted and approved Bushfire Attack Level (BAL) Assessment with all required hazard reduction measures being permanently maintained all to the satisfaction of the Shire of Manjimup;
- c) Arrangements being made with and to the satisfaction of the Shire of Manjimup for the upgrading of Dean Street to a sealed standard with the necessary works being undertaken prior to the occupation of the land for its approved purpose;
- d) The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government, and the register shall be made available for perusal by Shire officers on demand;
- e) Satisfactory arrangements being made for the provision of a potable water supply to the proposed dwelling and each chalet the subject of this approval. In the event that the development is not connected to the Water Corporations reticulated sewerage system, the dwelling and each chalet shall be connected to a water storage tank of not less than 135,000 litres storage capacity prior to occupation of the building and shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
- f) Prior to the commencement of the use hereby approved, the Emergency Evacuation Response Plan is to be prepared to the satisfaction of the Shire of Manjimup to reflect the newly approved accommodation units and displayed in the Chalets at all times;

Advises the Applicant:

- a) To the fact that firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the local government around all boundaries and buildings on the subject property, in accordance with the requirements of the Bushfire Management Plan endorsed by the Shire of Manjimup.
- b) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works.
- c) That the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2014.
- d) That under the provisions of the 'Building Code of Australia', at least one of the existing or proposed

accommodation units must accommodate access and sanitary facilities for people with disabilities. [The proponent is invited to liaise with the Principal Building Surveyor for further information in respect to this].

- e) The approved development is to comply with the requirements of the "Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974".
- f) Where clearing of land is involved in any proposed development, the approval of the Department of Environment Regulation will be required under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

2. Advise those persons who lodged submissions accordingly.

COUNCIL RESOLUTION:

MOVED: DeCampo, W SECONDED: Herbert, V

27015

That Council:

1. in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants development approval for the Chalets at Lot 1 Dean Street, Pemberton in accordance with the submitted plans as attached at Attachment 9.5.2(1) and subject to the following conditions:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent from the Shire of Manjimup;
 - b) The applicant shall prepare and implement a Bush Fire Management Plan, reflecting a submitted and approved Bushfire Attack Level (BAL) Assessment with all required hazard reduction measures being permanently maintained all to the satisfaction of the Shire of Manjimup;
 - c) Arrangements being made with and to the satisfaction of the Shire of Manjimup for the upgrading of Dean Street to a sealed standard with the necessary works being undertaken prior to the occupation of the land for its approved purpose;
 - d) The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government, and the register shall be made available for perusal by Shire officers on demand;
 - e) Satisfactory arrangements being made for the provision of a potable water supply to the proposed dwelling and each

chalet the subject of this approval. In the event that the development is not connected to the Water Corporations reticulated sewerage system, the dwelling and each chalet shall be connected to a water storage tank of not less than 135,000 litres storage capacity prior to occupation of the building and shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;

- f) Prior to the commencement of the use hereby approved, the Emergency Evacuation Response Plan is to be prepared to the satisfaction of the Shire of Manjimup to reflect the newly approved accommodation units and displayed in the Chalets at all times;

Advises the Applicant:

- a) To the fact that firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the local government around all boundaries and buildings on the subject property, in accordance with the requirements of the Bushfire Management Plan endorsed by the Shire of Manjimup.
- b) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works.
- c) That the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2014.
- d) That under the provisions of the 'Building Code of Australia', at least one of the existing or proposed accommodation units must accommodate access and sanitary facilities for people with disabilities. [The proponent is invited to liaise with the Principal Building Surveyor for further information in respect to this].
- e) The approved development is to comply with the requirements of the "Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974".
- f) Where clearing of land is involved in any proposed development, the approval of the Department of Environment Regulation will be required under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

2. Advise those persons who lodged submissions accordingly.

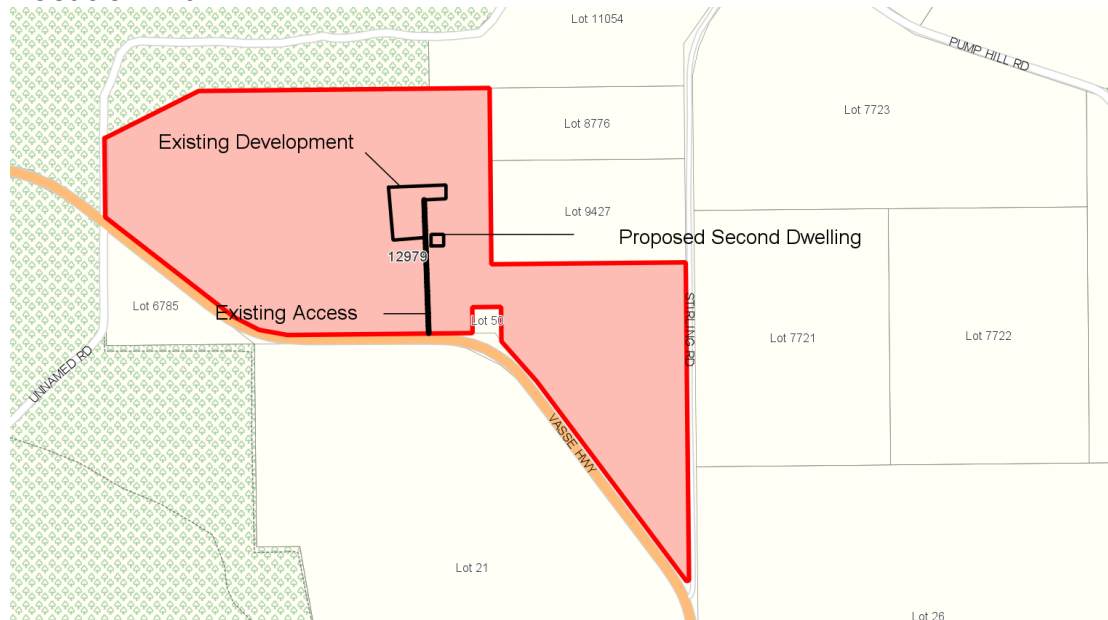
CARRIED: 10/0

ATTACHMENT**9.5.3 Proposed Second Dwelling at Lot 22 (12979) Vasse Highway, Channybearup**

PROPONENT	Mr AD & Mrs RA Mathews
OWNER	Mr AD & Mrs RA Mathews
LOCATION / ADDRESS:	Lot 22 (12979) Vasse Highway, Channybearup
WARD:	West
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA17/169, P53400
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jason Giadresco
DATE OF REPORT:	18 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject site is 64.72ha in area and located on Vasse Highway to the west of the Pemberton townsite. Development at the site currently consists of a Single Dwelling and several farm sheds utilised for agricultural activities undertaken on the property.

Location Plan

Approval is sought to build a Second Dwelling on the property, to be located adjacent to the existing structures on the property. If approved, the new Dwelling is to be constructed of brick and Colorbond® construction with a floor area of 383m², inclusive of the living area, verandahs, garage and alfresco areas. The proposal will be accessed from the existing driveway on Vasse Highway. Site and Development Plans are attached.

ATTACHMENT: 9.5.3(1)

The application is referred to Council as the Local Planning Scheme No 4 requires Council's discretionary planning approval for this development. The construction of a Second Dwelling on an agricultural property is allowed by the Scheme is not to be considered 'as-of-right', but is subject to the scrutiny and discretion of Council.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised for a period of 14 days to the neighbouring landowners and the Department of Parks and Wildlife (DPaW). Submissions closed on 27 April 2017. No submissions from neighbouring landowners were received.

DPaW provided standard advice offering no objection and that the applicant be advised that prescribed burning, chemical spraying, baiting, road construction and maintenance occur within adjoining Treen Brook State Forest. This standard advice will be included as a note in the event Council approves the application.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (LPS No 4) include the subject land within the General Agriculture Zone. The objective of this zone is to provide for protection of rural infrastructure and agricultural land resources.

To further assist Council in determining the application, the following comments are offered:

Compliance with clause 5.34.2.6 Second Dwellings

The local government may grant approval for up to two dwellings on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities. The applicant is required to appropriately justify the need for more than one dwelling on any title/lot.

Landowner's Justification

In this case, the landowner's justification for the proposed Second Dwelling is that it is replacing a previously existing Second Dwelling on the property in the same location. The property is in excess of 40ha and managed for agricultural production. Given this, it is the opinion of the author that the proposal is consistent with current Scheme requirements as the land use was pre-existing.

Setbacks

Buildings in *General Agriculture* zoned are required to be setback 30m from front and rear boundaries and setback 10m from side boundaries. The proposed second dwelling will be setback 90m or more from all boundaries on the property. The proposed dwelling is also setback over 100m from the common boundary with the State Forest reserve adjoining

Lot 22 to the north and west. The siting of the proposed second dwelling satisfies the setback requirements of the Scheme.

Bushfire Prone Area

The author notes that the property is partially located within a Bushfire Prone Area as declared by the Department of Fire and Emergency Services. The proposed Second Dwelling is located outside the declared area, and Lot 22 itself is largely cleared of vegetation. The applicant has provided a Bushfire Attack Level (BAL) self-assessment which returns a BAL rating of BAL-LOW, which is considered to meet the requirements of State Planning Policy 3.7 *Planning for Bushfire Prone Areas* to allow the construction of the Second Dwelling.

Water Supply

Clause 5.24 of Local Planning Scheme No 4 requires that any dwelling constructed on a lot that does not have access to the reticulated mains water supply is to have access to a minimum 135 000 litre potable water supply along with sufficient roof catchment or other methods of water capture acceptable to the local government. A condition reflecting this Scheme requirement will be included on any approval issued by Council.

Building and Health Requirements

Environmental Health Services have advised that the proposed Second Dwelling will be required to be connected to a suitable effluent disposal system prior to occupation of development. Building Services have advised that a building permit will also need to be obtained prior to construction of the Second Dwelling. The requirements will be reflected as advice notes on any approval granted by Council.

Conclusion

On balance, all development issues pertaining to the proposal have been adequately addressed. The proposed second dwelling at Lot 22 (12979) Vasse Highway, Channybearup meets the requirements of the Scheme, and it is recommended that it be conditionally approved.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Shire of Manjimup Local Planning Scheme No 4.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The proposed development is not expected to detrimentally impact upon the surrounding environment.

Economic: Nil.

Social: The application if approved will have no substantial social impact on the surrounding area.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

In accordance with Part 10 and clause 9.6 of Shire of Manjimup Local Planning Scheme No.4 grants planning approval to the proposed Second Dwelling at Lot 22 (12979) Vasse Highway, Channybearup (TP74/2017) in accordance with the submitted plans and subject to the following condition:

- a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup; and**
- b) An on-site potable water supply of not less than 135,000 litres or alternative equivalent shall be provided for the development and connected to the development prior to occupation of the building and thereafter permanently maintained to the satisfaction of the Shire of Manjimup.**

Advises the Applicant:

- a) The proponent is advised that this development approval is not a building permit. A building permit must be formally applied for and obtained from Building Services before the commencement of any site/development works;**
- b) The approved development is to comply with the requirements of the 'Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations, 1974; and**
- c) That the following activities undertaken by the Department of Parks and Wildlife may take place in Treen Brook State Forest from time to time:**
 - Prescribed burning for the enhancement and conservation of biodiversity and/or fire hazard reduction purposes.**
 - Application of herbicides and other chemicals for weed and plant disease control.**
 - Road construction and maintenance.**

- Baiting for feral animal control.

COUNCIL RESOLUTION:

MOVED: Taylor, R

SECONDED: Herbert, V

27016

That Council:

In accordance with Part 10 and clause 9.6 of Shire of Manjimup Local Planning Scheme No.4 grants planning approval to the proposed Second Dwelling at Lot 22 (12979) Vasse Highway, Channybearup (TP74/2017) in accordance with the submitted plans and subject to the following condition:

- a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup; and
- b) An on-site potable water supply of not less than 135,000 litres or alternative equivalent shall be provided for the development and connected to the development prior to occupation of the building and thereafter permanently maintained to the satisfaction of the Shire of Manjimup.

Advises the Applicant:

- a) The proponent is advised that this development approval is not a building permit. A building permit must be formally applied for and obtained from Building Services before the commencement of any site/development works;
- b) The approved development is to comply with the requirements of the 'Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations, 1974; and
- c) That the following activities undertaken by the Department of Parks and Wildlife may take place in Treen Brook State Forest from time to time:
 - Prescribed burning for the enhancement and conservation of biodiversity and/or fire hazard reduction purposes.
 - Application of herbicides and other chemicals for weed and plant disease control.
 - Road construction and maintenance.
 - Baiting for feral animal control.

CARRIED: 10/0

ATTACHMENT

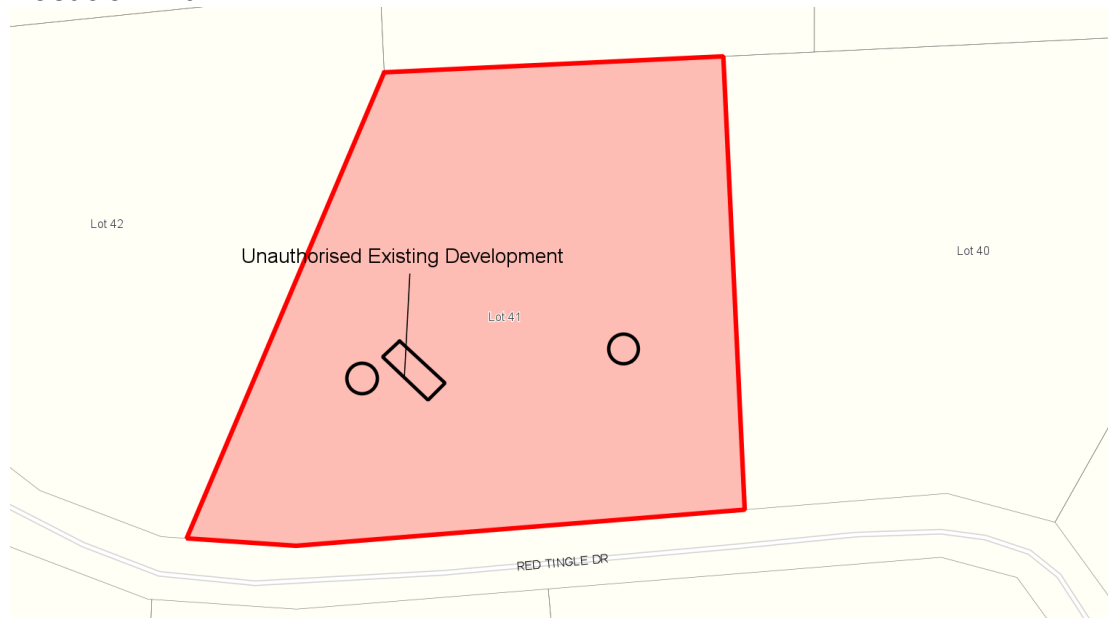
9.5.4 Request for Retrospective Approval for a 'Change of Use' - 'Domestic Outbuilding' to 'Dwelling' at Lot 41 (55) Red Tingle Drive, Walpole

PROPONENT	M Cleary
OWNER	M Cleary
LOCATION / ADDRESS:	Lot 41 (55) Red Tingle Drive, Walpole
WARD:	South
ZONE:	Rural Residential
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	DA17/78, P52188
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jason Giadresco
DATE OF REPORT:	18/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject site is 2.08ha and located within the Tingleview Rural Residential Estate north of Walpole. The site is largely covered in native vegetation. Development of the site currently consists of a domestic outbuilding approved in 1997. A septic system was approved for site in 2005.

Location Plan



The application is retrospectively requesting the Change of Use of the 126m² Domestic Outbuilding on site to a Dwelling – Single. The owner/applicant has advised that at the time of purchase in 2004, that the outbuilding was fitted out for use as accommodation.

Subsequently, the owner has completed unauthorised internal works consisting of 2 bedrooms, a bathroom, living area and a garage/laundry.

Additionally, a new 82.5m² Domestic Outbuilding of colourbond© construction, is proposed to be constructed on the site to the south-west of the existing unapproved Dwelling- Single. Site and Development Plans are attached.

ATTACHMENT: 9.5.4(1)

Council is requested to consider the application as Council officers do not have the delegated authority to determine an application for retrospective approval.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 include the subject land within the Rural Residential Zone. The objective of this zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

To further assist Council in determining this retrospective application, the following comments are offered:

Unauthorised Existing Development

Clause 8.6 of the Scheme allows the local government to grant planning approval for a use or development already commenced or carried out regardless of date; if the development conforms to the provisions of the Scheme.

Shire officers note that the proponent has been proactive in attempting to formalise the unapproved structures, and have been actively working to meet all necessary local government requirements and obtain the relevant local government approvals. A letter from the proponents reflecting their co-operation with the Shire is attached.

ATTACHMENT: 9.5.4(2)

Zoning Requirements

Clause 5.36.3 of the Scheme outlines the development provisions in the Rural Residential zone. With the exception of the fact that prior approval was not sought or granted, the unapproved Dwelling – Single is compliant with these provisions.

Impact on Amenity

Given that the unapproved development has existed *in situ* for some years and is located within the approved building envelope, and largely concealed by the vegetation prevalent on the property, its present impact on the locality's amenity has been minimal. Shire officers are satisfied, provided the appropriate approvals are sought and obtained by the proponent, the development will have no greater impact on the local amenity than it already has.

Water Requirements

Scheme clause 5.24 requires where development cannot be connected to a reticulated mains water supply, dwellings shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water catchment tank with a minimum capacity of 120,000 litres. Where the water is also required for fire fighting purposes, an additional 15,000 litres is required increasing the capacity to 135,000 litres. These requirements will be conditioned on any approval issued by Council.

Australian Standard 3959 Construction in Bushfire Prone Areas

The unapproved Dwelling is located within a bushfire prone area as declared by the Fire and Emergency Services Commissioner. The unapproved development must therefore meet the requirements of Australian Standard 3959 (AS 3959) *Construction in Bushfire Prone Areas* prior to its further habitation. These construction requirements range from prevention of ember attack through to withstanding a high heat flux and burning debris. The applicant will need to engage the services of a private building surveyor to certify that the unapproved Dwelling –Single can meet the requirements of both AS 3959 and the Building Code of Australia to ensure the structures further habitation within the declared area.

Proposed New Domestic Outbuilding

If approved, a proposed new 11m long by 7.5m wide (82.5m²) Domestic Outbuilding will also be constructed on site. This development is considered compliant with both the Rural Residential zoning provisions of Shire of Manjimup Local Planning Scheme No 4 (the Scheme) and Council's Local Planning Policy LPS4 6.1.3 *Domestic Outbuildings*. To ensure that the new development is used for domestic non-habitable purposes, a condition reflecting this will be included on any approval issued by Council.

Conclusion

Given that the proposal is not expected to impact on the amenity of the area and conforms with the provisions of the Scheme, Shire officers recommend retrospective approval be granted subject to the conditions and advice described in the Comment section of this report.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Shire of Manjimup Local Planning Scheme No 4.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required retrospective fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: The proposed development is not expected to detrimentally impact upon the surrounding environment.

Economic: Nil.

Social: The proposed development is expected to have minimal impact upon the amenity of the adjoining landowners as outlined in the Comment section above.

VOTING REQUIREMENTS: SIMPLE MAJORITY**OFFICER RECOMMENDATION:**

That Council:

1. In accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to the outbuilding on Lot 41 (55) Red Tingle Drive, Walpole (Application TP79/2017) in accordance with the submitted plans at Attachment: 9.5.4 and subject to the following conditions:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;
 - b) The approved domestic outbuilding is to be used solely for purposes incidental and ancillary to the enjoyment of the dwelling as the approved use of the property, and not for human habitation;
 - c) An on-site potable water supply of not less than 135,000 litres storage capacity or alternative equivalent shall be provided on the site and connected to the development and be permanently maintained to the satisfaction of the Shire of Manjimup;
 - d) The domestic water storage referred to in point (c) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes; and
 - d) The Dwelling – Single is to meet the construction requirements of Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup.
2. Advises the proponent that:
 - a) This development approval is NOT a building permit. A certified building permit for the dwelling and domestic outbuilding must be formally be presented to and approved by Building Services to formalise the development.

COUNCIL RESOLUTION:

MOVED: Tapley, D

SECONDED: Taylor, R

27017

That Council:

- 1. In accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to the outbuilding on Lot 41 (55) Red Tingle Drive, Walpole (Application TP79/2017) in accordance with the submitted plans at Attachment: 9.5.4 and subject to the following conditions:**
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;**
 - b) The approved domestic outbuilding is to be used solely for purposes incidental and ancillary to the enjoyment of the dwelling as the approved use of the property, and not for human habitation;**
 - c) An on-site potable water supply of not less than 135,000 litres storage capacity or alternative equivalent shall be provided on the site and connected to the development and be permanently maintained to the satisfaction of the Shire of Manjimup;**
 - d) The domestic water storage referred to in point (c) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes; and**
 - d) The Dwelling – Single is to meet the construction requirements of Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup.**
- 2. Advises the proponent that:**
 - a) This development approval is NOT a building permit. A certified building permit for the dwelling and domestic outbuilding must be formally be presented to and approved by Building Services to formalise the development.**

CARRIED: 10/0

ATTACHMENT

9.5.5 Delegated Planning Decisions for April 2017

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	Local Government Act 1995 Planning and Development Act 2005
AUTHOR:	Samantha Simmonds
DATE OF REPORT:	28 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council delegates a number of planning powers to the Chief Executive Officer under clause 11.3.1 of Shire of Manjimup Local Planning Scheme No.4 (the Scheme). These powers have been on-delegated by the Chief Executive Officer to other staff in accordance with clause 11.3.3 of Local Planning Scheme No 4.

Clause 11.3.5 of the Scheme requires that a delegation under the Scheme is consistent with sections 5.45 and 5.46 of the *Local Government Act 1995* (LG Act) and the regulations referred to in clause 5.46 of that Act. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

Monthly reporting of delegated planning decisions is undertaken to allow Council to have an appropriate level of oversight on the operation of the delegated authority on development approvals.

The register of delegated planning decisions made under clause 11.3 of the Scheme for April 2017 is attached.

ATTACHMENT: 9.5.5(1)**PUBLIC CONSULTATION UNDERTAKEN:**

Each delegated application was subject to the level of advertising where required by the Scheme or Council's Local Planning Policy LPS4 6.1.2 *Advertising of Planning Proposals* as shown on the register of delegated decisions.

COMMENT (Includes Options):

During April 2017, Eighteen (18) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for April 2017 compared to April 2016:

Table 1: Planning Decisions Made April 2016 and 2017

	April 2016	April 2017
Delegated Decisions	3 (\$164,760)	18 (\$778,825)
Council Decisions	2 (\$2,000)	3 (\$228,922)
Total	5 (\$166,760)	21 (\$1,007,747)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2016-17 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2015-16 and 2016-17

	YTD 2015-16	YTD 2016-17
Delegated Decisions	95 (\$6,153,001)	117 (\$6,726,453)
Council Decisions	30 (\$24,573,500)	43 (\$8,424,687)
Total	125 (\$30,726,501)	160 (\$15,151,140)

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Shire of Manjimup Local Planning Scheme No.4 and Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for April 2017 as attached at 9.5.5(1).

COUNCIL RESOLUTION:

MOVED: Bavich, D SECONDED: Logan, C

27018

That Council receives the report on Delegated Development Approvals for April 2017 as attached at 9.5.5(1).

CARRIED: 10/0

Councillor Jenkins declared an Impartiality Interest in this item as her sister owns a caravan park in nearby Peaceful Bay. Cr Jenkins declared that she would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.5.6 Unauthorised Clearing of Land - Lot 303 Rest Point Road and Adjacent Road Verge

PROPONENT	N/A
OWNER	Summerstar Pty Ltd
LOCATION / ADDRESS:	Lot 303 Rest Point Road, Walpole
WARD:	South Ward
ZONE:	Tourist Enterprise
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F170103
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Brian Robinson
DATE OF REPORT:	1/05/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Rest Point Holiday Village is located at the eastern end of Rest Point Road on the western banks of the Walpole Inlet. As shown on the Location Plan below, the property comprises four parcels of land, being Lots 302, 303, 540 and 541.



The current owners of Rest Point Holiday Village took possession of the property in the first half of 2016. At the request of consultant Town Planners working on behalf of the landowner, an on-site meeting was held in May 2016 where the owner/operator indicated a desire to redevelop the site in a manner different to the previous owner. Shire Officers are still awaiting an application for planning consent seeking approval to the new direction.

On the day of the Ordinary Council held in Walpole on the 23 March 2017, Shire Officers became aware the owner of the Rest Point Holiday Village has commenced clearing on Lot 303 Rest Point Road. As a result the author of this report attempted to make telephone contact with the owner/operator. With the phone not being answered a message was left.

Subsequently on 24 March 2017, the author attended the site to ascertain what clearing had been undertaken. During that meeting, concern was expressed that it appears clearing had been undertaken with no approval in place. At this stage some minor clearing had been undertaken, which the owner advised included the removal of rubbish and preparation for the effluent disposal fields. Photos of the clearing recorded on 23 March 2017 are shown attached.

ATTACHMENT: 9.5.6(1)

The author was then advised by the owner/operator that clearing was being undertaken to facilitate installation of an on-site sewerage package treatment plant that had previously been granted a Works Approval by the Department of Environmental Regulation (DER).

During the meeting, the author was shown on a plan of the sewerage system installation as attached to the works approval. As the area being cleared did not correspond with the works approval, the author undertook to examine Council records and make direct contact with the owner/operators Planning Consultant. On returning to the Shire Office, the DER works approval was examined confirming that the area being cleared did not correspond with the clearing being undertaken.

As a result, direct contact was made with the landowners planning consultant who was advised that:

- a) The clearing did not correspond with the area approved for clearing under the DER works permit; and
- b) All works should cease until such time as an application for planning consent had been made for approval to the new landowners intended development.

It appeared that the Shire Officers advice had been adhered to as clearing activity then ceased.

On Friday 7 April, landowners from the nearby Boronia Ridge Estate made contact with the Shire President to advise that the owners/operators of Rest Point Holiday Village were again clearing. Subsequently telephone contact was made with the owners planning consultant, whereby, the author expressed concern that clearing had continued despite the Shires previous

advice. The author ensured that the consultant was aware of the substantial penalties that could apply.

A subsequent site inspection was undertaken on 10 April 2017 whereby it was observed that substantial additional vegetation had been removed from both the site and adjacent Rest Point Road Reserve. A formal Stop Work order was issued to the owners.

Photographs of the clearing observed on 10 April 2017 are shown attached.

ATTACHMENT: 9.5.6(2)

Council is now requested to authorise the Chief Executive Officer to take action against the owners of the Rest Point Holiday Village for:

- a) The unauthorised clearing of Lot 303 in accordance with Part 218 of the Planning and Development Act 2005; and
- b) The unauthorised clearing of Rest Point Road Reserve contrary to clause 4.11 of the Shire of Manjimup Activities on Thoroughfares and Trading in Public Places Local Law.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

To assist Council in determining whether legal action should be commenced for the unauthorised clearing of land, the following advice is offered:

Compliance with Local Planning Scheme

The provisions of the Shires Local Planning Scheme No 4 include the subject land within the Tourist Enterprise Zone. A "Tourist Resort" is an "A" use within the Tourist Enterprise Zone. That is a use which is "*not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6;*". The Shire's prior planning consent is therefore required for development within the Tourist Enterprise Zone.

As works, the clearing of land is classified as development under the Planning and Development Act 2005.

In accordance with clause 60 of the Planning and Development (Local Planning Scheme) Regulations 2009, "*A person must not commence or carry out any works on, or use, land in the Scheme area, unless –*" the person has obtained the development approval of the local government under Part 8, unless the development is considered exempt.

As prescribed by clause 218 of the Planning and Development Act 2005, a person who contravenes the requirements of a planning scheme (including the need to obtain approval), commits an offence.

Compliance with Local Government Act and Local Laws

As prescribed by clause 4.11 of the Shire of Manjimup Activities on Thoroughfares and Trading in Public Places Local Law, a person shall not clear a thoroughfare without first obtaining a permit and any other approvals which may be required.

As no prior permit was obtained, the clearing of land within the Rest Point Road Reserve has been undertaken in contravention of the Shire's Local Laws, adopted under the Local Government Act.

Conclusion

In determining this matter, Council is requested to take into account the fact that the owner and their consultant were both aware that the clearing being undertaken was not consistent with the Department Environmental Regulation Works Approval. Both parties were also aware that the Shire's prior planning consent is yet to be sought or obtained for the revised proposal and therefore that the clearing of vegetation has undertaken was not exempt from the need to obtain the Shires prior approval.

Furthermore there is, in the authors opinion, no justification for clearing of the road reserve.

It is therefore recommended that action be taken against the landowner/operator of Rest Point Holiday Village with a view to obtaining:

- a) a conviction for clearing contrary to the requirements of the Shires Local Planning Scheme and Local Laws; and
- b) a court order for the rehabilitation of land to the satisfaction of the Chief Executive Officer.

It is also recommended that the matter be referred to the Department of Environmental Regulation for its consideration.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2009 and Local Planning Scheme No 4.

The provisions of the Shire of Manjimup Activities on Thoroughfares and Trading in Public Places Local Law, adopted under the Local Government Act applies to the clearing of land within a road verge

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Should Council resolve to proceed with action as recommended, a court order will be sought to ensure that Council's reasonable costs are recovered from the landowner.

SUSTAINABILITY:

Environmental: The authorised clearing of vegetation as has been completed by the owners of the Rest Point Holiday Village has detrimentally impact on the native vegetation and amenity of the reserve.

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Authorise the Chief Executive Officer to commence legal action against the owners/operators of the Rest Point Holiday Village in accordance with section 218 of the Planning and Development Act for the clearing of land described as:**
 - a. Lot 303 Rest Point Road, Walpole; and**
 - b. The adjacent road verge contained within the Rest Point Road Verge.**
- 2. Authorise the Chief Executive Officer to commence legal action against the owners/operators of the Rest Point Holiday Village for the unauthorised clearing of the Rest Point Road Verge in accordance with cause 4.11 of the Shire of Manjimup Activities on Thoroughfares and Trading in Public Places Local Law.**
- 3. Advise the Department of Environmental Regulation of points 1 and 2 above; and**
- 4. Advise the owner/operator of the Rest Point Holiday Village of Points 1 to 3 above.**

COUNCIL RESOLUTION:

MOVED: DeCampo, W

That Council not proceed with any action against Rest Point.

Motion Lapsed due to lack of seconder.

MOVED: Bavich, D

SECONDED: Tapley, D

27019

That Council:

- 1. Authorise the Chief Executive Officer to commence legal action against the owners/operators of the Rest Point Holiday Village in accordance with section 218 of the Planning and Development Act for the clearing of land described as:**
 - a. Lot 303 Rest Point Road, Walpole; and**

- b. The adjacent road verge contained within the Rest Point Road Verge.
2. Authorise the Chief Executive Officer to commence legal action against the owners/operators of the Rest Point Holiday Village for the unauthorised clearing of the Rest Point Road Verge in accordance with cause 4.11 of the Shire of Manjimup Activities on Thoroughfares and Trading in Public Places Local Law.
3. Advise the Department of Environmental Regulation of points 1 and 2 above; and
4. Advise the owner/operator of the Rest Point Holiday Village of Points 1 to 3 above.

MOTION CARRIED 9/1

FOR

Cr D Bavich
 Cr V Herbert
 Cr D Jenkins
 Cr C Logan
 Cr G Munro
 Cr P Omodei
 Cr D Tapley
 Cr R Taylor
 Cr C Winfield

AGAINST

Cr W DeCampo

ATTACHMENT**9.9.1 Proposed Adoption of the Manjimup Trail Bike Trails Hub Feasibility Study**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Community Services
FILE REFERENCE:	F160701
LEGISLATION:	Local Government Act 1995
AUTHOR:	Evy Apeldoorn; Jessica Winters
DATE OF REPORT:	20/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

During the Council meeting on 16 April 2015 Council moved to undertake a feasibility study to investigate the possibility to establish a motorised trail bike trails hub in the Manjimup region. Subsequent to this and to complement Council's contribution, funding was confirmed in February 2016 from the Department of Sport and Recreation (DSR) to assist the study.

In April 2016 Trail Bike Management Australia (TBMA) were engaged as the consultant to undertake the feasibility study. A Steering Committee was formed to guide the project, consultant and project deliverables. The committee met monthly and held a total of 4 meetings. The committee membership included representatives from the following organisations:

- Shire of Manjimup
- Department of Sport & Recreation
- Recreational Trail Bike Riders Association
- Manjimup Community Member
- Department of Parks and Wildlife
- South West Development Commission
- Manjimup Chamber of Commerce & Industry

The draft Manjimup Trail Bike Trails Hub Feasibility Report findings were presented to Council at the Information Briefing Session held on 20 October 2016. At the Council Meeting held on 8 December 2016 Council approved the draft report to be released for a community and stakeholder comment period.

The purpose of this report is to present Council the schedule of public submissions and seek Council's endorsement of the final report.

ATTACHMENT: 9.9.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

A comment period was held between 11 January and 17 February 2017. A total of 49 submissions were received during this period. The schedule of submissions and responses is attached.

ATTACHMENT: 9.9.1(2)

Community and stakeholder input was an integral component of the process to determine the appetite and concerns around the trail bike hub concept.

Public consultation undertaken in the development of the draft Manjimup Trail Bike Trails Hub Feasibility Report consisted of the following activities:

- General Public Information Session (8 June 2016) – 28 attendees
- General Public Survey (1-21 July 2016) – 51 responses
- Riders Survey (20 July to 5 August 2016) – 2,272 responses
- Focus Group: Perth Riders and Families (20 June 2016) – 9 attendees
- Focus Group: Manjimup Riders and Families (4 July 2016) – 7 attendees
- Focus Group: Manjimup Local Business (5 July 2016) – 4 attendees
- Presentation at the Manjimup Chamber of Commerce (6 July 2016)
- Stakeholder Database (throughout project) – 121 entries

COMMENT (Includes Options):

Forty-nine (49) public submissions were received during the open period of thirty-one days. Of these submissions forty-six (46) were in support of a Manjimup Trail Bike Trails Hub, and three submissions resulted in changes to the draft report as detailed below.

Rifle Range Safety Template

A proposed riding area in Alco Block north of Manjimup town abuts the current Rifle Range property. The Manjimup Rifle Club and Warren Pistol club raised that the range includes a safety template that extends into abutting property including the Alco Block. In response the report has been changed to reflect the Rifle Range boundary as well as the safety template and an explicit note that no trails will be developed within the safety template area.

Insurance and Liability

A comment received expressed concerns over riders only being covered by the Department of Parks and Wildlife (DPaW) insurance and therefore accidents would cost the public. Whilst this matter was covered in the draft Report, it was deemed appropriate to add a summary paragraph (on page 112 of the Report) clarifying that Department of Parks and Wildlife's insurance would not cover incidents of 'reckless disregard' as per the Civil Liability Act 2002. The insurance information provided in the report has been ratified by DPaW.

STATUTORY ENVIRONMENT:

The relevant statutes have been identified in the feasibility report, these include:

- Road Traffic Act 1974

- Conservation and Land Management Act 2002 and Regulations
- Department of Parks and Wildlife
 - Policy 18: Recreation, Tourism and Visitor Services
 - Trail Development Process
- Department of Water
 - Water Resources Management Act (Proposed)
 - Policy 13: Recreation within public drinking water sources area on Crown Land
- Control of Vehicles (Off Road Areas) Act 1978

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Sport and Recreation Plan 2014-2024.

The plan relates to the following strategies in the Shire of Manjimup Strategic Community Plan 2015-2025:

- Strategy 1.1 Sustainably manage our unique natural environment for the benefit of existing and future generations;
- Strategy 2.1 Strengthen and diversify our core industries including agriculture, forestry and tourism;
- Strategy 2.3 Pursue sustainable and appropriate economic growth;
- Strategy 2.4 Provide an encouraging environment that stimulates sustainable growth;
- Strategy 2.5 Build on Manjimup's role as a subregional centre where appropriate resources and services are provided;
- Strategy 3.3 Encourage and facilitate community contribution to making the Shire a better place to live, work and visit; and
- Strategy 4.3 Manage public assets prudently and in a financially sustainable matter that maximised community benefits.

ORGANISATIONAL RISK MANAGEMENT:

The consultative process including the public submissions period, has been thorough and had a far reach to ensure that it meets the needs of users, local businesses and land managers.

FINANCIAL IMPLICATIONS:

Following the endorsement of the report, it is recommended Council consider an Abnormal Expenditure for the 2017/18 financial year that will contribute to seed funding for the project planning and delivery. As detailed on page 91 of the Manjimup Trail Bike Trails Hub Feasibility Report, for the project to be implemented seed funding is required to commence the program, establish the foundation which is essential for the project to be successful and secure future program funding. The initial year of implementation is proposed to be 2017/18, and if seed funding secured, the Recreational Trail Bike Riders Association will establish a sustainable capability to successfully develop, market, and manage the Hub, trails and infrastructure.

The Recreational Trail Bike Riders Association, who were an integral information contributor to the Trail Bike Trails Hub Feasibility Report, are proposing to manage the first year of implementation, during which they will be seeking seed funding contributions from the Shire of Manjimup, the South

West Development Commission and their member base. The Shire of Manjimup contribution is recommended to contribute up to 50% of the required project cost of \$25,000.

Further to the above, the contribution to seed funding should not be misconstrued as a guaranteed commitment to future Shire resources (such as funding, projects management etc.) in regards to the implementation of the Trail Bike Hub Project.

SUSTAINABILITY:

Environmental: The feasibility involved consultation with state government agencies which included constraint and opportunity mapping that included locations of existing environmentally sensitive areas, disease risk areas and water catchments. Initial indication of areas where trails potentially could be located are provided in the report which also meet market demands and other concerns such as noise pollution. A detailed account of the process to formalise these trails including environmental protection is also reported and would have to be undertaken in any implementation.

Economic: The report identifies a potential sustainable market for users of the trails hub including local, interstate and intrastate users. Significant potential for local and regional economic impact has been identified in the feasibility report. Investment is required from various government agencies as well as potential commercial operators for the establishment and maintenance of the hub.

Social: The provision of a formalised, safe and attractive network of trails for local residents and visitors to recreate on trail bikes. Manjimup establishing a place where trail bike riders feel welcomed and have a high quality trails experience exploring the forest.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Accepts the Manjimup Trail Bike Trails Hub Feasibility Report as per Attachment: 9.9.1(1); and**
- 2. Considers a cash contribution of up to 50% of the required project cost, being \$25,000, to the Recreational Trailbike Riders' Association as an Abnormal Expenditure in the 2017/18 Budget deliberations as seed funding for the initial implementation of the Trails Hub project.**

COUNCIL RESOLUTION:

MOVED: Taylor, R

SECONDED: Logan, C

27020

That Council:

- 1. Accepts the Manjimup Trail Bike Trails Hub Feasibility Report as per Attachment: 9.9.1(1); and**
- 2. Considers a cash contribution of up to 50% of the required project cost, being \$25,000, to the Recreational Trailbike Riders' Association as an Abnormal Expenditure in the 2017/18 Budget deliberations as seed funding for the initial implementation of the Trails Hub project.**

CARRIED: 10/0

9.9.2 Proposed Adoption of the Shire of Manjimup Local Bicycle and Footpath Plan 2017-2027

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Community & Recreation Services; Technical Services
FILE REFERENCE:	F161086
LEGISLATION:	N/A
AUTHOR:	Evy Apeldoorn; Catherine Scollan
DATE OF REPORT:	24/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has developed a Local Bicycle and Footpath Plan 2017-2027, which supersedes the Shire's Local Bike Plan 2008. The new plan includes an audit of the 2008 Plan which has largely been implemented.

Council allocated funding in the 2016/17 budget for the development of the new Plan, and additional funding was secured in September 2016 from the Department of Transport.

The draft Plan was presented to Council at the Information Briefing Session on 20 April 2017. The purpose of this report is to seek Council's approval to adopt the Plan, as attached, and endorse a strategy for continual review of the Plan.

TABLED

PUBLIC CONSULTATION UNDERTAKEN:

The recommendations in the Plan have been made as a result of extensive consultative processes inclusive of data collated from:

- Shire of Manjimup Strategic Community Plan (2017 review)
- Age-Friendly Communities Plan 2016-2021
- Manjimup SuperTown Town Site Growth Plan
- Shire of Manjimup Sport and recreation Plan
- Access and Inclusion Plan

COMMENT (Includes Options):

The improvement of path infrastructure and the promotion of cycling and walking contributes to the Shire's vision of being a safe and liveable community. Well-connected path networks help create a cohesive community and thereby assist to enhance the social, cultural, health and economic outcomes for local residents and businesses.

Local Bike Plan 2008

In 2008, the Shire commissioned a Local Bike Plan. Over the past eight years this plan has provided strategic direction for development of paths in the four townsites of the Shire of Manjimup (Manjimup, Pemberton, Northcliffe and Walpole). During this period most of the plan's recommendations (which mainly consisted of the construction of new paths) have been implemented. Furthermore the plan has been instrumental in securing grant funding for the construction of many of these paths, as a strategic plan often is an essential prerequisite for a grant application.

In 2016 it was considered that the 2008 Plan was at the end of its lifespan, as its recommendations were no longer able to direct future path developments nor assist with grant applications. Soon thereafter funding was secured, through the 2016/2017 budget process and the Department of Transport, to undertake an audit of the 2008 Plan and prepare a new Plan.

Purpose and Objectives

The overall intent of the new plan is to improve walking, cycling and mobility scooter infrastructure. This will improve the lives and social connectivity of the local community by reinforcing and facilitating the use of these as preferential transport modes over driving. The purpose of this plan is to provide a safe, comfortable, attractive, sustainable and integrated network, connecting centres of activity and regional attractions within the four Shire townsites.

This plan provides strategic direction for future network developments and connections to community and tourist destinations, with alignment to the following key objectives:

- Identify routes within townsites that efficiently and effectively service the town centre and surrounding areas;
- Provide safe and convenient routes to existing and proposed activity centres, including schools, local sporting, recreational, shopping facilities, seniors housing/residential areas and tourist destinations;
- Provide recommendations for the rationalisation of path networks, including removal of paths where necessary;
- Provide a sufficient level of end-of-trip facilities (such as wayfinding signage and bicycle parking rails); and
- Enhance connections to the recreational and tourism tracks and trails.

Scope of Plan

The plan considers the four townsites in the Shire of Manjimup being: Manjimup, Pemberton, Northcliffe and Walpole. Furthermore, the plan also considers the connectivity between the townsites, as well as some of the settlements.

Path Network Development

A review of existing cycling and walking infrastructure and routes was undertaken to identify potential routes for improvement, and to assess the feasibility of potential route alignments and upgrade/renewal/removal

recommendations. Each townsite path network was reviewed as an integrated path network to include connections to schools, activity centres, local residential areas, and tourist destinations. The proposed path network focuses on providing an integrated network to connect key attractors and land uses in the region.

The recommendations for each townsite have been structured as three distinct but connected components:

1. Spine Network, which comprises of paths that form the backbone of the path network within each townsite. The spine network is the starting point for all connections, with the primary network links 'hanging' off the spine;
2. Primary Network; an extension of path infrastructure from the spine network to key land uses (so-called trip attractors; destinations that people likely want to cycle or walk to); and
3. Secondary Network; covers routes that connect local residents to the primary network, and provides lower-order connectivity within the local neighbourhood.

Proposed infrastructure works in each town have been costed and ranked in implementation programs.

Formal Launch and Plan Recommendations Review

It is proposed to formally launch the Plan in each town (Manjimup, Pemberton, Northcliffe and Walpole), as adopted, to the community. During the launch, feedback will be encouraged for inclusion into future revisions of the Plan. The first formal revision will be undertaken in the 2017/2018 Financial Year and annually thereafter. This process aims to ensure that the Plan stays relevant throughout its duration.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

The report relates to the following strategies in the Shire of Manjimup Strategic Community Plan 2015-2025:

- Strategy 3.2 Proactively create a safe, healthy and liveable Shire;
- Strategy 4.2 Provide appropriate and financially sustainable community infrastructure that supports our standard of living;
- Strategy 4.3 Manage public assets prudently and in a financially sustainable matter that maximises community benefits.

Other relevant strategies and plans:

- Shire of Manjimup Disability Access and Inclusion Plan;
- Shire of Manjimup Sport & Recreation Strategic Plan 2014 – 2024;
- Shire of Manjimup Age-Friendly Communities Plan 2016-2021; and
- Manjimup SuperTown Growth Plan (2012).

ORGANISATIONAL RISK MANAGEMENT:

This plan has been developed in accordance with federal, state and regional policies, standards and strategies. This is to ensure recommendations in the plan follow the directions and ideals set out by these strategies, and to ensure

relevant standards and guidelines are met. This will also increase opportunities to secure grant funding for the implementation of the plan.

Whilst the plan has been developed with consideration for community consultation outcomes of prior strategic plans, it is essential to give the community the opportunity to provide comment and feedback on any future revisions of the plan, to ensure future walking and cycling infrastructure will meet the needs of the community.

FINANCIAL IMPLICATIONS:

There are no significant financial implications for the adoption of this report. Town launch costs will be covered under general operational budgets. A future major review, in five years, may require further budget consideration.

As with the preceded Bike Plan 2008 the execution of the implementation program of the Plan 2017 - 2027 will require ongoing municipal and grant funding investment over the next years. Budget requirements will be determined in accordance with current financial practices.

SUSTAINABILITY:

Environmental: Provision of appropriate infrastructure encouraging more people using active modes of transport (walking and cycling) may lead to a reduction of vehicles on the road. This will lead to less congestion, less emissions and improved road safety.

Economic: Bicycling and walking have a number of economic benefits, such as being low cost alternatives to driving a car, and cycling/walking tourism providing increased business opportunities.

Social: The social benefits of walking/cycling are numerous and include: convenience for short trips, means of incorporating regular exercise into one's life, improved aerobic fitness and reduces stress level, increased chances for social interaction during the trip, opportunities for passive street surveillance (thus increasing neighbourhood security), providing an independent mode of transport for those who do not have a driver's license or own a car, assisting people with social connectivity especially as there is a lack of public transport in the area.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- **Adopts the Shire of Manjimup Local Bicycle and Footpath Plan 2017 – 2027 as Tabled;**
- **Requests the Chief Executive Officer to formally launch the Shire of Manjimup Local Bicycle and Footpath Plan 2017 – 2027 in Manjimup, Pemberton, Northcliffe and Walpole communities; and**
- **Requests the Chief Executive Officer to undertake an annual review, of the Shire of Manjimup Local Bicycle and Footpath Plan 2017 – 2027, commencing in the 2017/2018 financial year.**

COUNCIL RESOLUTION:

MOVED: Bavich, D

SECONDED: Logan, C

27021

That Council Approve the Draft Shire of Manjimup Local Bicycle and Footpath Plan 2017 – 2027 as tabled for release for Public, Stakeholder and Grant Provider Comment.

CARRIED: 10/0

9.9.3 Request Approval to Expend Reserve Funds - Proposed Purchase of New Recreation Centres Court Floor Scrubber

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup Indoor Sports Pavilion, Rutherford Street, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F161361
LEGISLATION:	Local Government Act (s6:11)
AUTHOR:	Evy Apeldoorn
DATE OF REPORT:	28 April 2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The scrubber, used for the court floor at the Manjimup Indoor Sports Pavilion, is broken. The machine is 15 years old and in general poor condition, with increasing manual handling concerns. Replacement is considered the most appropriate option.

The purpose of this report is to formally seek Council approval to expend Recreation Ground Equipment Reserve funds to purchase a new scrubber.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The current walk-behind scrubber at the Manjimup Indoor Sports Pavilion is over 15 years old. One of its wheels is broken, and many other parts (incl. wheels, hoses and squeeze) are in poor condition. A quotation for repair has been sought, showing that repair of these items would cost nearly \$3,000 (excl. GST). Considering the age of the machine and the costs for a new machine (\$11,000 excl. GST), repair of the old machine is not considered the most viable option.

As the old machine is currently broken, the court floor gets cleaned manually. Not only does this lead to an increase in cleaning duration, it is also more challenging to clean the floor to the high standards required for sports and increases the risk associated with manual handling injury.

The proposed new walk-behind scrubber would be stored and predominantly used at the Manjimup Indoor Sports Pavilion. Furthermore the scrubber could be used for the courts at the other town recreation centres (Pemberton Sports Centre and the Northcliffe and Walpole Recreation Centres), as none of these centres have a scrubbing machine. The scrubber could be transported to these centres in order to clean these court floors thoroughly between sporting

seasons or during school holidays (depending on intensity of usage of each floor).

STATUTORY ENVIRONMENT:

Local Government Act – Reserve accounts (Financial Management, 6.11)

POLICY / STRATEGIC IMPLICATIONS:

Strategic Community Plan 2012-2022: Our Infrastructure Strategy 4.3 – Manage public assets prudently and in a financially sustainable manner.

ORGANISATIONAL RISK MANAGEMENT:

Proper cleaning and maintenance of the court floors in the recreation centres will increase the longevity of the floor coating and thus reduce organisational risk pertaining to asset management. This is especially important now as significant financial investments have been made in the recent years to re-seal the court floors in these centres.

FINANCIAL IMPLICATIONS:

The proposed expenditure of \$11,000 of the Recreation Ground Equipment Reserve funds will result in a remaining balance of \$6,930.

In order to be able to use the new scrubber at the other town recreation centres (in Pemberton, Northcliffe and Walpole), some funds will need to be allocated in the operational budget for transporting the scrubber.

SUSTAINABILITY:

Environmental: Reduced water use in comparison with manual cleaning.

Economic: Proper maintenance of Shire assets (court floors) will increase longevity and delay the need for costly floor replacement or re-sealing.

Social: Clean and non-slippery court floor for sporting clubs to play their sports safely.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Approve the purchase of a new walk-behind scrubber for the court floor cleaning of the Manjimup Indoor Sports Pavilion as well as incidental cleaning of the town recreation centres in Pemberton, Northcliffe and Walpole; and
2. Approve the 2016/17 budget amendment as described in the table below.

Description	Current Budget	Amended Budget	Variation
Transfer from Recreation Ground Equipment Reserve	(\$17,930)	(\$6,930)	(\$11,000)
Purchase of new scrubber	\$0	\$11,000	\$11,000

Net Rate Funds			\$0
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COUNCIL RESOLUTION:**MOVED: Taylor, R****SECONDED: Logan, C****27022****That Council:**

- 1. Approve the purchase of a new walk-behind scrubber for the court floor cleaning of the Manjimup Indoor Sports Pavilion as well as incidental cleaning of the town recreation centres in Pemberton, Northcliffe and Walpole; and**
- 2. Approve the 2016/17 budget amendment as described in the table below.**

Description	Current Budget	Amended Budget	Variation
Transfer from Recreation Ground Equipment Reserve	(\$17,930)	(\$6,930)	(\$11,000)
Purchase of new scrubber	\$0	\$11,000	\$11,000
Net Rate Funds			\$0

CARRIED: 10/0

ATTACHMENT**9.9.4 Quarterly Report January - March 2017 Community Services Directorate**

PROPONENT	Director Community Services
OWNER	Whole of Shire
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F160956
LEGISLATION:	Nil
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	28/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the January – March 2017 quarter for the Community Services Directorate is attached for Councillors information.

ATTACHMENT:9.9.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The purpose of the report is to inform Councillors of activities and provide an opportunity to respond to any queries arising on those activities.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Community services directorate facilities, programmes and services have a significant role in developing the lifestyle and wellness opportunities throughout the Shire and as such contribute to the attractiveness of the shire to live, play and invest in.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the January – March 2017 Quarterly Report – Community Services Directorate as contained in the Attachment: 9.9.4(1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: DeCampo, W

27023

That Council receive the January – March 2017 Quarterly Report – Community Services Directorate as contained in the Attachment: 9.9.4(1).

CARRIED: 10/0

Cr Winfield declared a Financial Interest in this Item as his wife consults to Shire on these projects. Cr Winfield did not speak or vote on the matter and left the Chamber at 6.52pm.

ATTACHMENT

9.16.1 Minutes of the Manjimup Timber & Heritage Park Advisory Committee Meeting held 14 March 2017

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Ward and Edwards Streets, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F160036
LEGISLATION:	Nil
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	31/03/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The unconfirmed Minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held on the 14 March 2017 are attached.

ATTACHMENT: 9.16.1(1) & 9.16.1(2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There are no items arising from this meeting that require a decision of Council.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

- Manjimup Timber and Heritage Park Management and Development Plan 2008.
- Manjimup SuperTown Growth plan recommendations (Timber and Heritage Park Master Plan).

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The preservation and interpretation of heritage is a significant contributor to social pride and the sense of place within the community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held 14 March 2017 as per Attachment: 9.16.1(1) & 9.16.1(2).

COUNCIL RESOLUTION:

MOVED: Bavich, D SECONDED: Logan, C

27024

That Council receive the unconfirmed minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held 14 March 2017 as per Attachment: 9.16.1(1) & 9.16.1(2).

CARRIED: 9/0

Cr Winfield returned to Chamber at 6.53pm.

ATTACHMENT

9.16.2 Minutes of the Bush Fire Advisory Committee meeting held 1 March 2017

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160102
LEGISLATION:	Bushfires Act 1954 and Local Government Act 1995
AUTHOR:	Todd Ridley
DATE OF REPORT:	19/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

This report presents the unconfirmed minutes of the Bush Fire Advisory Committee (BFAC) meeting held on the 1st March 2017 including relevant attachments.

ATTACHMENT: 9.16.2(1)

A copy of the BFAC comments on the Emergency Services Levy Review are also attached for Council information.

ATTACHMENT: 9.16.2(2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The Bush Fire Advisory Committee made two resolutions, one requiring a formal decision of Council.

Bush Fire Advisory Committee resolutions	Officers Comments
That Council accept the changes to the Bushfire Brigade operational Procedures.	The BFAC resolution is supported.
That Council receive BFAC comments on the Review of the Emergency Services Levy.	No action required, a separate report by administration was tabled at Council on the 2 nd March 2017. That report was taken from the BFAC meeting. (As Attached)

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Bush Fires Act 1954.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive the unconfirmed minutes of the Bush Fire Advisory Committee held on the 1 March 2017 as shown at Attachment: 9.16.2.(1)**
- 2. Accept the changes to the Bushfire Brigade Operational Procedures.**

COUNCIL RESOLUTION:

MOVED: Winfield, C SECONDED: Taylor, R

27025

That Council:

- 1. Receive the unconfirmed minutes of the Bush Fire Advisory Committee held on the 1 March 2017 as shown at Attachment: 9.16.2.(1)**
- 2. Accept the changes to the Bushfire Brigade Operational Procedures.**

CARRIED: 10/0

Cr Herbert declared an Impartiality Interest in this Item as a family member operates a business in the town centre. Cr Herbert declared that he would consider this matter on its merits and vote accordingly.

Cr Winfield declared a Financial Interest in this Item as his wife consults to Shire on these projects. Cr Winfield did not speak or vote on the matter and left the Chamber at 6.53pm.

ATTACHMENT

9.16.3 Minutes of the Manjimup Town Centre Revitalisation Committee Meeting held on 29 March 2017

PROPONENT	Manjimup Town Centre Revitalisation Committee
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	Central
ZONE:	N/A
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F160286
LEGISLATION:	Local Government Act
AUTHOR:	Brian Robinson
DATE OF REPORT:	3/05/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Town Centre Revitalisation Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the Local Government Act 1995. The latest meeting of the Committee was held on the 1st of June 2016. A copy of the unconfirmed minutes are shown attached.

ATTACHMENT: 9.16.3(1)

Council is requested to consider receiving the unconfirmed minutes and the recommendations of the Committee agreed to at that meeting.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

As reflected within the unconfirmed minutes, the Committee was briefed on the status of revitalisation works within the Manjimup Central Business District and was requested to consider endorsing the use of specific solar lighting bollards and

Manjimup Town Centre Revitalisation Committee Decisions	Officers Comments
That the design of the new bins should use a single picture/design per panel, with 4-6 designs for each of	The Committee decision is supported.

the precincts	
That the use of Solar Lighting and Solar Bollards as recommended by the Landscape Architect (Vicki Winfield)	The Committee decision is supported.

In addition to those matters agreed, the committee discussed the design for seating within the Central Business District. Essentially the committee agreed to use one of two preferred styles identified by Mrs Winfield, but deferred a decision until such time as samples of the seating could be obtained. Samples of the two designs have been obtained and will be presented to the Committee at the next meeting, to be held on Friday 12 May 2017.

Given the lead time required for the ordering of the seating, Council is requested to endorse the Chief Executive Officer placing the required orders for the seating once the committee has determined the required seat.

Further information regarding the two potential seat designs will be provided to elected members prior to the Council Meeting.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. receives the Unconfirmed Minutes of the Manjimup Town Centre Revitalisation Committee held 10 August 2016 as shown at Attachment: 9.16.3(1)
2. endorse the Manjimup Town Centre Revitalisation Committee recommendations to:-
 - a) Limit the use of the Laser Cut pictures/designs for the new street bins to a single design per panel; and

- b) **Utilise Solar Lighting, including Solar Bollards within the Central Business District as recommended by the Shires Landscape Architect – Vicki Winfield.**
- 3. **Endorse the Chief Executive Officer proceeding with the purchase of the required street side/park seating, using one of the two preferred seats identified by the Shires Landscape Architect Consultant, once the final design is agreed to by the Manjimup Town Centre Revitalisation Committee.**

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: DeCampo, W

27026

That Council:

- 1. **receives the Unconfirmed Minutes of the Manjimup Town Centre Revitalisation Committee held 10 August 2016 as shown at Attachment: 9.16.3(1)**
- 2. **endorse the Manjimup Town Centre Revitalisation Committee recommendations to:-**
 - a) **Limit the use of the Laser Cut pictures/designs for the new street bins to a single design per panel; and**
 - b) **Utilise Solar Lighting, including Solar Bollards within the Central Business District as recommended by the Shires Landscape Architect – Vicki Winfield.**
- 3. **Endorse the Chief Executive Officer proceeding with the purchase of the required street side/park seating, using one of the two preferred seats identified by the Shires Landscape Architect Consultant, once the final design is agreed to by the Manjimup Town Centre Revitalisation Committee.**

CARRIED: 9/0

Council Winfield returned to Chamber at 6.54pm.

10. LATE REPORTS

Cr Taylor declared a Financial Interest in this Item as Warren Electrical Service is the electrical contractor. Cr Taylor did not speak or vote on the matter and left the Chamber at 6.55pm.

10.1 Variation Request - Manjimup Wellness & Respite Community Centre

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	16 Mount Street
WARD:	Central
ZONE:	Home and Community Care
DIRECTORATE:	Community Services
FILE REFERENCE:	F170023
LEGISLATION:	Local Government Act 1995
AUTHOR:	Liz Lockyear
DATE OF REPORT:	26/04/2017
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup was successful in achieving grant funding for the construction of the Manjimup Wellness and Respite Community Centre (the Centre), through the National Stronger Regions Fund (NSRF), Home and Community Care Programme (HACC), Lotterywest and Royalties for Regions (R4R).

At the meeting held 2 March 2017, Council awarded RFT 04-16, Design and Construction of the Manjimup Wellness and Respite Community Centre to TDC Projects Pty Ltd for a price of \$3,081,818 (ex GST) in accordance with their submitted Tender Response. In order to meet financial agreement requirements and address all essential project deliverables, the final facility design and cost variation has been determined and approved by the Federal Government.

The purpose of the report is to advise Council of the proposed amendment to the design and project cost and to confirm variation approval of the Federal Government Deed of Agreement, received Monday 8 May 2017.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

During the tender period, tenderers were requested to submit a conforming tender based on the H & H Architects drawings and/or an alternate tender which sought to reduce costs through cost effective building methods. An extra requirement of the alternate tender was to include an additional three (3) respite bedrooms with ensuites. On review of the submitted alternate tenders,

all were at a greater cost than anticipated therefore TDC Projects were selected based on the conforming tender, expertise and their tender price with the knowledge that additional works would be required.

Before the contract was finalised, discussions with TDC Projects were necessary to vary the design of the Respite Wing in order to satisfy the outcomes of the NSRF Deed of Agreement and to improve the functionality of the Respite Wing.

TDC Projects have sourced potential savings within the awarded contract, offsetting the additional cost to build the extra three (3) respite bedrooms and to increase bathrooms to a disability building standard. The variation to make these changes is \$293,379 (ex GST) which remains within the overall project budget and was expected based on the additional NSRF requirements. The additional works are largely consistent with the pre-tender estimates and also represents a significant increase in functionality and amenity within the respite wing.

Of the shortlisted tenders recommended to Council at the meeting 2 March 2017, with the additional variation TDC Projects are still significantly below any other conforming or alternate tender submitted.

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Regulations 1996 Part 4 21A (a) Varying a contract for supply of goods or services.

POLICY / STRATEGIC IMPLICATIONS:

The significance of the proposed Wellness and Respite Community Centre is supported in the following strategic documents:

- Shire of Manjimup Strategic Community plan 2015
- Manjimup Supertown Townsite Growth Plan 2012
- Town Centre Revitalisation Component 2 Stage 11 2016
- Age friendly Community Plan 2016

ORGANISATIONAL RISK MANAGEMENT:

If the requirements of the NSRF agreement are not met there is a risk of the funding being reduced or recalled.

FINANCIAL IMPLICATIONS:

The proposed variation can be covered within the current project budget.

SUSTAINABILITY:

Environmental: Nil

Economic:

The Manjimup Wellness and Respite Community Centre will create a more attractive and more liveable Manjimup

Social: The Manjimup Wellness and Respite Community Centre will be a multifunctional hub of services and facilities designed specifically to support ageing in place and to enable seniors, frail aged persons, people with

disabilities, people with dementia and their carers to live independent, social and fulfilling lives in their homes and in the community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, within the existing project budget, endorses the variation to the Manjimup Wellness and Respite Community Centre Tender to TDC Projects Pty Ltd to the value of \$293,379 (ex GST) to include the additional three (3) respite bedrooms and four (4) disability standard ensuites as required by the National Stronger Regions Fund, Deed of Agreement.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Bavich, D

27027

That Council, within the existing project budget, endorses the variation to the Manjimup Wellness and Respite Community Centre Tender to TDC Projects Pty Ltd to the value of \$293,379 (ex GST) to include the additional three (3) respite bedrooms and four (4) disability standard ensuites as required by the National Stronger Regions Fund, Deed of Agreement.

CARRIED: 9/0

14.1 Matters for which the meeting may be closed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

MOVED: Jenkins, D SECONDED: Logan, C

27028

That Council goes behind closed doors to consider:

Item 1.1 as under Section 5.23(2) (b) it deals with the personal affairs of any person.

CARRIED: 10/0

10.2 Council Selected Baton bearer Nomination Program - Gold Coast 2018 Commonwealth Games - Queens Baton Relay

PROPONENT	N/A
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	All
ZONE:	N/A
DIRECTORATE:	Office of the CEO / Community Services
FILE REFERENCE:	F161122
LEGISLATION:	N/A
AUTHOR:	Gina Nieuwendyk
DATE OF REPORT:	8 May 2017
DECLARATION OF INTEREST:	Nil

MOVED: Bavich, D SECONDED: Jenkins, D

27029

That Council come from behind closed doors.

CARRIED: 10/0

10.2 Public reading of resolutions that may be made public.

RESOLUTION WAS READ OUT

That Council:

- 1. Endorse the nomination of (Name Suppressed) as the Council selected Baton bearer; and**

- 2. Nominate the remaining community members, who were put forward as a part of this process, via the Community Nomination Program which closes on Monday, 15 May 2017.**

:

11. QUESTIONS FROM MEMBERS:

- 11.1 Response to questions from members taken on notice: Nil
- 11.2 Questions from members: Nil

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:
Nil

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

14. MEETING CLOSED TO THE PUBLIC:

15. APPLICATIONS FOR LEAVE OF ABSENCE:

MOTION:

MOVED: Jenkins, D SECONDED: Logan, C

27030

**That Council grant Cr Robert Taylor a Leave of Absence for 1 June and
22 June Council meetings.**

CARRIED: 10/0

16. CLOSURE:

**There being no further business to discuss the Shire President thanked
those in attendance and closed the meeting at 7.03pm.**

SIGNED:.....DATE:

**Paul Omodei
Shire President**