



AGENDA

COUNCIL MEETING

23 MARCH 2023

Our Community Vision

"We are a thriving region which is safe, liveable and welcoming.

We value our quality of life and embrace our natural environment which affords us both economic and recreational pursuits.

Our industries are recognised for their resilience, quality and innovation and for their contribution to the state of Western Australia.

Our economic diversity provides business and employment opportunities for all."

SHIRE OF MANJIMUP – COUNCIL MEETING AGENDA

23 MARCH 2023

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 23 March 2023 commencing at 5:30pm in the Jarrah Room, Pemberton Sports Club.



Brian Robinson
ACTING CHIEF EXECUTIVE OFFICER

15 March 2023

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written enquiry should be made to the Council giving the entire reasons for seeking the advice or information and how it is proposed to be used.

**IMPORTANT MATTERS AFFECTING THOSE ATTENDING THE MEETING
AND THOSE AFFECTED BY A DECISION OF THE MEETING.**

1. Please note this meeting may be electronically recorded.
2. Decisions made in this meeting are unable to be acted upon by the person who has been granted the authorisation unless and until the decision is able to be implemented by the Chief Executive Officer and in any event not before the afternoon of the first business day following this meeting. If you are in any doubt about a decision please contact the Shire prior to making any commitments.

SHIRE OF MANJIMUP**COUNCIL MEETING THURSDAY 23 MARCH 2023****TO BE HELD
IN THE JARRAH ROOM, PEMBERTON SPORTS CLUB****COMMENCING AT 5:30PM****AGENDA****1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:****2. ANNOUNCEMENTS BY THE PRESIDENT:**

The Shire of Manjimup respectfully acknowledges the Noongar people as the Traditional Custodians of the lands in which we work throughout the region and we pay our respects to their Elders and past.

3. ATTENDANCE:

3.1 Apologies:

3.2 Approved Leave of Absence:

Councillor Wendy Eiby has been granted a Leave of Absence for this meeting.

4. DECLARATIONS OF INTEREST:

[Part 5, Division 6 of the Local Government Act 1995 requires that a member must disclose the interest of the member and the nature of the interest in writing before the meeting or immediately before the matter is discussed.]

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice

5.2 Public Question Time

[Under meeting procedure determined by the Shire of Manjimup Standing Orders Local Law 2013, this is the only opportunity for members of the public to ask up to a maximum of two questions of Council. There is no further opportunity to question the Shire of Manjimup during the meeting. Questions can be asked on any Shire matter, not just on issues included in the meeting agenda and each person shall have up to 3 minutes to ask their questions which may be extended by an additional 3 minutes where considered appropriate by the Presiding Member. Persons asking questions are entitled to a response unless the question is declared "out of order" by the Presiding Member. If a matter requires further investigation, that response may be in writing. Any person asking questions of Council must state their correct name and address as this will form part of the public record of this meeting]

6. PRESENTATIONS:

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Delegate Reports
- 6.5 Conference Reports

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 2 March 2023 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**9. OFFICERS' REPORTS:**

MAJORITY	ITEM	COUNCIL OFFICERS' REPORTS	Page No.
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Absolute	9.9.1	Proposed Award of Tender RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment	65
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Absolute	9.13.1	Proposed Budget Amendment for Wheatley Coast Road Reconstruction of Road Section SLK 11.10 to 11.70	75
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	9.15.1	Unconfirmed Minutes of the Audit Committee Meeting Held 2 March 2023	78
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Absolute	9.16.2	Proposed Nominations for the Pemberton Town Activation Advisory Committee	83

ATTACHMENT**9.3.1 Request to Change the Basis of Rating for New Lots Created Greenland Estate Pemberton, Unimproved Value to Gross Rental Value**

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	West
ZONE:	Special Use
DIRECTORATE:	Finance
FILE REFERENCE:	F180140
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Lisa Stevens
DATE OF REPORT:	21 February 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The creation of Greenland Estate on Golf Links Road, Pemberton, has generated 18 new rateable properties in Stage 1, and 5 new rateable properties in Stage 2. As the parent parcel was previously used for rural purposes Landgate has already provided Unimproved Valuations (UV) for both stages.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Properties are required to be rated based on their predominant use, the Greenland Estate properties are currently rated UV which is not appropriate given they are not being used for rural purposes. As the Greenland Estate is a residential subdivision, a Gross Rental Value (GRV) rating category is more applicable. This change in rating category would make the Greenland Estate properties consistent with other properties of similar type across the Shire of Manjimup.

Owners of Stage 1 & 2 properties were contacted about change of use, and possible effect of change in rates. While the parcels are vacant, the properties will still be minimum rated during the 2022/23 rating period. When improvements to properties are completed, GRV may increase, and cause an increase in rates.

ATTACHMENT: 9.3.1(1)

Council is required to consider these changes prior to presenting the amendments to the Minister for approval. It would be recommended that the change to GRV start as 1 July 2023.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* states as follows:

“6.28 Basis of Rates

(2) in determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land”

POLICY / STRATEGIC IMPLICATIONS:

Changing the basis of rates to GRV is in keeping with the rating of similar properties in the Shire.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Valuation Services at Landgate have provided approximate GRV valuations which would be 5% of the UV. All properties while undeveloped will be on a minimum rate regardless of the rating category.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per financial implications.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council agree to change the basis of rating for Greenland Estate Stage 1, Deposited Plan 419726 and Stage 2, Deposited Plan 419757 from Unimproved Value to Gross Rental Value as per attachment: 9.3.1(1) and to seek approval from the Minister of Local Government to make the change effective 1 July 2023.

ATTACHMENTS

1 ➡ Greenland Estate Property List UV to GRV 7 Pages

ATTACHMENT**9.3.2 Council Financial Payments for February 2023**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Susan Lee
DATE OF REPORT:	3 March 2023
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):

Accounts for payment totalling \$1,718,792.62 for the month of February 2023 are listed below and in the attachment. This figure includes \$7,261.42 Corporate Card transactions for January 2023, also detailed below.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 23 March 2023.

Fund	Vouchers	Amount
Municipal	95228 – 95249	\$166,892.47
Trust Fund	-	\$0.00
Total Cheques for Month of February 2023		\$166,892.47

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 23 March 2023.

Fund	Batch	Amount
Municipal	244 – 249	\$1,521,617.98
Direct Debit		\$30,282.17
Total EFT for Month of February 2023		\$1,551,900.15

**Corporate Credit Card transactions 21 December 2022 – 20 January 2023
(paid 2 February 2023) – Municipal Account**

570.1346	Starlink Satellite subscription Windy Harbour 22/12/22 - 21/01/23	\$143.17
575.1101	NDIS worker Screening check DCS	\$145.00
680.1133	Westnet invoice: 134841675 Annual charge for Westnet Static Ip Address 01/01/23 - 01/01/24 Walpole Library	\$55.00
680.1133	Westnet Invoice 134841675: Internet Services 01/01/23 - 01/02/23 Walpole Library	\$89.95
98.1410	Westnet Invoice 134841675: Internet Services 01/01/23 - 01/02/23 Manjimup SES	\$79.99
83.1410	Westnet Invoice 134841675: Refund of IO Broadband 16/11/22 - 01/01/23 Northcliffe BFB	-\$74.05
14.1317	CBT Nuggets IT Training 15/01/23 - 15/01/24	\$3,029.33
2.1190	Accommodation Dingup House Cr Willcox 10/01/23	\$189.63
6.1392	CEO - Renewal Standard Graduate to 31/12/23	\$620.00
4.1221	Adobe Creative Cloud 12/01/23 - 11/02/23	\$79.99
6.1392	Economic Development Australia - Professional Membership CEO	\$455.40
790.1148	Court Hearing notice Lodgement - Becker St Verge Tree	\$166.30
2271.1224	Manjimup Gateway Hotel - Accommodation - Contract Grader Operator 05-17/01/23	\$1,820.01
688.1101	Manjimup Newsagency - AC copy paper	\$19.95
788.1319	Peel Harvey Catchment Council - WA Feral Cat Symposium - Senior Ranger 1	\$441.75
Total Credit Card Payments for January 2023		\$7,261.42

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 note the February 2023 accounts for payment totalling \$1,718,792.62 including the Corporate Credit Card transactions for January 2023 of \$7,261.42 as detailed and in the Attachment: 9.3.2(1).

ATTACHMENTS

1 ➞ [Warrant Listing Report - February 2023](#) 39 Pages

ATTACHMENT**9.3.3 Local Government Compliance Audit Return 1 January 2022 to 31 December 2022**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F170049
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Craig Martyn
DATE OF REPORT:	9 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Each Local Government is required to carry out a Compliance Audit Return (CAR) for the period 1 January 2022 to 31 December 2022.

The CAR is a tool for Local Governments to self-assess their compliance with the *Local Government Act 1995* and its subsequent regulations, with the results reported to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the local government's Audit Committee review the CAR and report the results to the Council, prior to adoption by Council and submission to DLGSCI by 31 March 2023. On the 2 March 2023 the Shire of Manjimup Audit Committee were presented with and endorsed the findings contained within the CAR. The minutes of that meeting will be presented as a separate item.

A copy of the CAR for the Shire of Manjimup for the period 1 January 2022 to 31 December 2022 is attached.

ATTACHMENT: 9.3.3 (1)

The purpose of this agenda item is for Council to consider adopting the proposed 2022 Compliance Audit Return.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The 2022 CAR was available to local governments in January 2022 via email from the DLGSCI. The DLGSCI communication portal previously used is undergoing maintenance and as a result the document format has varied from previous years.

The various questions are distributed amongst relevant staff with their responses collated to form the 2022 CAR.

The 2022 CAR contained 94 items, including 9 optional questions, with no items of non-compliance, or 100% compliance.

Below is a table showing what parts of the *Local Government Act 1995* are tested and the results thereon;

Section	2021 Compliance Return		2022 Compliance Return	
	Number of Items	Number of Non-Compliant Items	Number of Items	Number of Non-Compliant Items
Commercial Enterprises by Local Government	5	0	5	0
Delegation of Power/Duty	13	0	13	0
Disclosure of Interest	25	0	21	0
Disposal of Property	2	0	2	0
Elections	3	0	3	0
Finance	7	0	7	0
Integrated Planning and Reporting	3	0	3	0
Local Government Employees	6	0	5	0
Official Conduct	3	0	4	0
Optional Questions	9	0	9	0
Tenders for Providing Goods and Services	22	1	22	0
Totals	98	1	94	0
% non-compliance		1%		0%

The 2022 CAR is required to be certified by the Shire President and the CEO then lodged with the DLGSCI by the 31 March 2022.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

The CAR is a mechanism designed to provide the DLGSCI with confidence that local governments are operating in accordance with the provisions of the *Local Government Act 1995*. As a result the Shire of Manjimup should look at the outcome of the audit as a critical indicative assessment of statutory performance across the defined period.

ORGANISATIONAL RISK MANAGEMENT:

The function of the CAR is to identify areas of non-compliance with high risk areas of the *Local Government Act 1995* being tested.

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The CAR demonstrates a high level of compliance for the Shire of Manjimup. Good governance is expected by the community and is being delivered by Council.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the 2022 Local Government Compliance Audit Return as the official return of Council for the period 1 January 2022 to 31 December 2022 as provided in attachment: 9.3.3 (1).

ATTACHMENTS

1 ➡	Compliance Audit Return 1 January 2022 to 31 December 2022	12 Pages
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ATTACHMENT**9.3.4 Monthly Financial Activity Statement - January 2023**

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	13 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The *Local Government (Financial Management) Regulations 1996* 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 January 2023 is attached. The report is summarised by Function/Activity with operating comments via department. The report also provides a Rate Setting Statement and Statement of Comprehensive Income in the Type format in anticipation of changes to monthly reporting requirements proposed by the Department of Local Government.

ATTACHMENT: 9.3.4 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 January 2023 is a projected profit of \$47,660.

The projected profit is based on a conservative approach, however monitoring for possible issues will continue as the Shire progresses through the financial year.

There has been one significant issue come to light in January 2023 being the purchase of the Paveline Auto Patching Truck. The Patching Truck is a major purchase at \$508,000 and is funded from the Plant Replacement Reserve and the trade of the old unit. Due to the truck's specialist nature it is built over time with the original order being placed in December 2021. Part of the purchase contract were milestone payments of 25% at a time with 75% of the unit paid for being \$376,617.

In January 2023 Shire Officers were advised that Paveline International had gone into voluntary liquidation. A Proof of Debt has been completed and lodged with liquidators however at the time of producing this report there is no indication of the level of refund the Shire will receive. The liquidators initial report on the company indicated that the Shire would get very little return on the 75% paid.

One moderate issue that is unlikely to be rectified by the 30 June 2023 is Power Up Electricity Museum Income. Whilst we are now entering the period of higher use, a comparison of income to a pro rata of the year-to-date budget shows entry fees \$40,000 behind budget, a conservative projection to the 30 June 2023 would show a loss of \$75,000.

A positive issue to date is Interest on Bank Accounts, to the 31 January 2023 actuals were \$164,225 with a whole year budget of \$60,000, in comparison only \$28,913 was received for the entire 2021/22 financial year. It is expected that the rate of interest generated will slow as we progress through the year with money being expended, however a conservative projection should see \$130,000 of additional income.

Development activity accounts again have shown strong performance in January. Planning Fees and Building Fees have jumped to \$23,818 ahead of the year-to-date budget, however a projection of additional income has not been calculated as this continued elevated activity cannot be guaranteed.

Other than the purchase of the Paveline Truck and entry income at the Power Up Electricity Museum, no major discrepancies have come to light in the first seven months after adopting the 2022/23 budget. The level of loss from the purchase of the Paveline Truck will be known in the next few months however strategies will need to be put in place and future plant purchases prioritised to cover the loss.

STATUTORY ENVIRONMENT:

Section 6.8 of the *Local Government Act 1995* 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 January 2023 as per Attachment: 9.3.4(1).

ATTACHMENTS

1 ➡ Monthly Financial Activity Statement - January 2023 17 Pages

ATTACHMENT

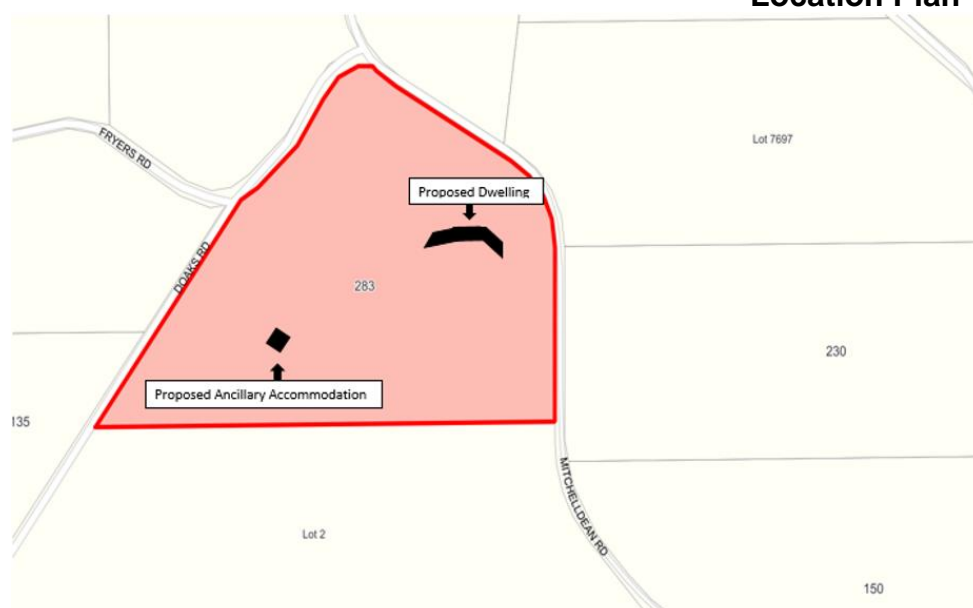
9.5.1 Proposed New Dwelling/Existing Dwelling to Change to Ancillary Accommodation at Lot 7695 (283) Mitchelldean Road, Yanmah

PROPONENT	Ms C Streat
OWNER	Ms C Streat
LOCATION / ADDRESS:	Lot 7695 (283) Mitchelldean Road, Yanmah
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P52470 DA23/13
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	27 February 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is 41.15 hectares and located approximately 14km west of the Manjimup town site. The property is predominantly pasture cleared of native vegetation. A location plan of the subject property is shown below.

Location Plan



A planning application has been received seeking approval to a new dwelling and to change the use of the existing dwelling on Lot 7695 (283) Mitchelldean Road, Yanmah to Ancillary Accommodation. The existing dwelling is a four bedroom, one bathroom dwelling that has an approximate floor space of 155m², located 153m from the southern boundary.

The proposed new dwelling is a four bedroom, three bathroom home with a floor area of approximately 450m². It is proposed the new dwelling will be

setback 85m from Mitchelldean Road, approximately 340m away from the existing dwelling. A copy of the plans submitted with the application are provided attached.

ATTACHMENT: 9.5.1(1)

Council is requested to determine the application given that approval will require a relaxation of requirements relating to floor area and separation distances as outlined in Local Planning Policy 6.1.8 - Ancillary Accommodation (the Policy).

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to the adjoining neighbours for comment for a period of 21 days. During this period no comments were received.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup Local Planning Scheme No 4 (the Scheme) include the subject land within the Priority Agricultural Zone. In accordance with the provisions of the Scheme, Council is required to exercise its discretion and consider all relevant planning matters outlined in the Scheme and Policy prior to determination of the proposal.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to: -

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4; and*
- (xv) *the preservation of the amenity of the locality.*

Any assessment against the above criteria is provided within the balance of this agenda item.

Zone Purpose and Objectives

The purpose of the Priority Agriculture Zone is to provide for sustainable use of high-quality agricultural land with the objective to enhance the agricultural viability of the land and protect the rural infrastructure and land resource.

Setbacks

The Scheme requires all development within a priority agricultural zone to be setback 30m from the front and rear boundary and 10m from all side boundaries. The existing house is setback 170m from southern boundary, approximately 400m from Mitchelldean Road.

The plans demonstrate the new main dwelling to be setback 80m from Mitchelldean Road. Both the new dwelling and the proposed Ancillary Accommodation meet the setback requirements for the Zone.

Policy Assessment

The purpose of the Policy is to support the effective provision of accommodation and/or care of aged/dependant person in a family environment within the Shire. It guides the assessment process for applications in areas where the Residential Design Codes of Western Australia does not apply.

In terms of Rural land within the Shire, the objectives of the policy seek to protect the economic viability of the general farming areas and retain the rural character. Consistent with this, the policy outlines the requirement for the Ancillary Accommodation to be clustered in close proximity to the main dwelling to ensure the agricultural vitality of rural pursuits are not impacted upon. The Ancillary Accommodation is also to be of a subsidiary size to the main dwelling to ensure it remains ancillary.

In this case, the applicant seeks to change the use of the existing dwelling on the property to Ancillary Accommodation. The parents of the applicant are to reside in the accommodation to assist in managing the subject property. The existing dwelling is approximately 155m², being greater than the maximum 100m² floor area required in the Policy. That said, if approved, the Ancillary Accommodation will only be 35% of the size of the proposed dwelling, ensuring that it is clearly subsidiary to the main dwelling, consistent with the intent of the policy.

To ensure a relationship between a dwelling and Ancillary Accommodation and distinguish the development from that of grouped dwellings, the Policy identified that Ancillary Accommodation should be established in close proximity to the primary residence. The Policy recommends a maximum distance of 50m, identifying that Council will only be prepared to consider a greater separation where the need is demonstrated.

In this case, the applicant stated that the proposed location of the dwelling was selected due to site conditions surrounding the existing dwelling such as an existing spring, biosecure farmland and overhead power lines.

Amenity

With the proposed new dwelling to be setback 85m from Mitchelldean Road, no impacts on the amenity of the area are anticipated.

As the proposed dwelling is located in an agricultural area, the occupants of the dwelling may from time to time be impacted on by activities on adjacent land. In order to minimise the potential for such impacts, clause 5.34.2.4 of the Scheme requires that (with the exception of a single dwelling) development for non-agricultural purposes should be setback a minimum of 100m from intensive agriculture purposes. The proposed dwelling location complies with this requirement.

Conclusion

The proposed development will allow the owners parents to reside on-site, assisting in the management of the property. It is considered that retaining the existing dwelling and establishing a new dwelling on the property will not cause an impact on the rural activities currently established on the neighbouring properties.

Having regard to the applicant's justification for the new dwelling's location it is recommended that Council vary the Policy requirements and grant conditional approval.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2022/23 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Additional housing in the Shire of Manjimup will increase population and benefit our local economy.

Social: Approval to the proposed change of use for the existing dwelling will ensure that the owners parents are able to continue to reside on the property.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants approval to the proposed New Dwelling and to a change of use for the Existing Dwelling to be used as Ancillary Accommodation at Lot 7695 (283) Mitchelldean Road, Yanmah (Application TP16/2023) in accordance with the plans and specifications shown at Attachment: 9.5.1(1), subject to the following conditions:

- 1. The development hereby approved is to 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.**

Reference	Document Title	Date Received
1	Existing Dwelling	27 January 2023
2	Site Plan	27 January 2023

2. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building and to the satisfaction of the Shire of Manjimup;
3. This Development Approval shall not be viewed as providing a basis for subdivision of the land to create a separate title for the new or existing dwellings and any such proposal will not be supported by Shire of Manjimup; and
4. Unless otherwise approved the existing dwelling shall be occupied for aged/dependant persons associated with the occupiers of the new primary dwelling.

Advice to Applicant:

- a. 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 and/or development works. (Land clearing to facilitate development and BAL report is permitted);
- b. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*;
- c. With respect to condition 2), access shall be permitted to domestic water supplies for emergency fire fighting purposes and to facilitate this, the tank is to be fitted with standard fire fighting couplings (50mm or 100mm male camlock coupling with full flow valve) in accordance with Department of Fire and Emergency Services requirements, to enable fire fighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank.
- d. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
- e. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

ATTACHMENTS

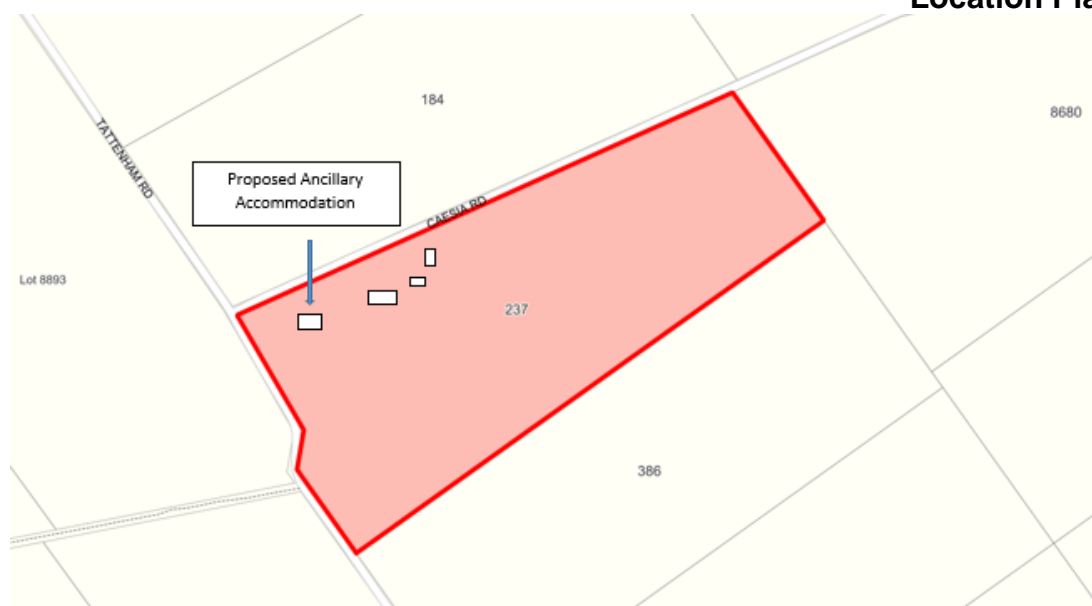
1 ➡ Copy of Submitted Plans 5 Pages

ATTACHMENT**9.5.2 Proposed Ancillary Accommodation at Lot 8707 (237) Caesia Road, Meerup**

PROPONENT	D'Entrecasteaux Drafting & Design
OWNER	Mr G A & Mrs P L Horlock
LOCATION / ADDRESS:	Lot 8707, 237 Caesia Road, Meerup
WARD:	Coastal
ZONE:	Rural Small Holdings
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P53937 DA22/227
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	2 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is 51.95 hectares and located approximately 5km west of the Northcliffe town site on the corner of Caesia and Tattenham Roads, Meerup. The property is predominantly pasture with a small pocket of native vegetation that projects toward the middle of the property, off Caesia Road. A location plan of the subject property is shown below.

Location Plan

The applicant is seeking to establish a two bedroom, one bathroom self-contained Ancillary Accommodation to be occupied by the landowner's daughter who works on the property. The dwelling has been designed with a 2.4m wide veranda to the north and a 3.3m wide carport along the southern face of the building. The enclosed footprint of the building is 70m².

The separation distance between the existing dwelling and the proposed Ancillary Accommodation is not consistent with the requirements set out under

Local Planning Policy 6.1.8 Ancillary Accommodation and therefore requires consideration by Council.

A copy of the submitted application and supporting information is shown attached.

ATTACHMENT: 9.5.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to the adjoining neighbours for comment for a period of 21 days. During this period no submissions were received.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup Local planning Scheme No 4 (the Scheme) include the subject land within the Rural Small Holdings Zone. In accordance with the provisions of the Scheme, Council is required to exercise its discretion and consider all relevant planning matters outlined in the Scheme and Policy prior to determination of the proposal.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

In determining an application for planning approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to: -

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of Commission;*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4; and*
- (xv) *the preservation of the amenity of the locality.*

An assessment against the above criteria is provided within the balance of this agenda item.

Zone Purpose and Objectives

The purpose of the Rural Small Holdings Zone is to *“provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.”* Consistent with the purpose of the zone, the Scheme encourages innovative design and the clustering of built development to minimise the impacts on the adjacent land and provide for the ongoing use of land for rural pursuits.

Setbacks

As prescribed by clause 5.34.2.4 of the Scheme, development within the Rural Small Holdings Zone is required to be setback from boundaries as follows:

- (a) *Minimum front setback – 20 metres; and*
- (b) *Minimum side setback – 10 metres;*

Plans submitted with the application indicate that the ancillary accommodation will be setback 40m from Caesia Road and 85m from Tattenham Road and 493m from the adjoining property boundary of Lot 8706 Tattenham Road.

Policy Assessment

Local Planning Policy 6.1.8 - Ancillary Accommodation (the Policy) outlines the Shire's requirements for Ancillary Accommodation where provisions of the Residential Design Codes of Western Australia do not apply. The policy prescribes requirements to ensure the ongoing viability of farming areas whilst supporting proposals for the effective provision of ancillary accommodation.

In order to ensure Ancillary Accommodation is located relative to the main residence and potential impacts are minimised, the Policy recommends the clustering of development and identifies that Ancillary Accommodation should be located not more than 50m from the Primary Dwelling where the property is over 40 hectares in size. In accordance with the Policy, Council can support a separation distance greater than the requirements of the Policy, where the need for such separation can be demonstrated i.e. site characteristics.

The development is proposed to be located in the northwest corner, 85m west of the main dwelling. The applicant has stated that the proposed location of the Ancillary Accommodation was chosen due to:

- a) it being in close proximity of an established dam, accessing water for household use and overhead power lines for power supply;
- b) site and soil conditions being favourable in this location for the construction of the building, minimising site works; and
- c) the location of existing farm infrastructure used to raise sheep and goats in close proximity of the existing dwelling to allow close supervision of their stock.

Although separated at a greater distance than that required by the Policy it is considered that in this location the development is clustered in a similar location, consistent with the intent of the Policy.

The Policy also requires Ancillary Accommodation to be subsidiary to the main dwelling. In this instance as the main dwelling is approximately 285m², the proposed 70m² Ancillary Accommodation unit complies with this aspect of the policy.

Bush Fire Prone Area

The subject property has been identified as being in a designated bush fire prone area. The applicant has had a Bushfire Attack Level (BAL) Assessment undertaken by an accredited BAL Assessor, who has determined the BAL rating for the property to be BAL 12.5. The proposed Ancillary Accommodation is required to be built in accordance with the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas" and the BAL assessment.

To reduce the fire risk on the property, the landowner is also required to install and maintain firebreaks and low fuel zones around the proposed Ancillary

Accommodation, existing buildings including property boundaries in accordance with the Shire of Manjimup's Annual Firebreak Notice.

Impact on Amenity

The proposed Ancillary Accommodation is setback at a greater distance from both Tattenham and Caesia Roads than required by the Scheme. The purpose of the Ancillary Accommodation and its relationship to the main dwelling and farming operation will ensure that the development will be in keeping with existing rural pursuits on the subject and neighbouring properties.

Conclusion

It is considered that the proposed Ancillary Accommodation meets the objectives of the Scheme and the Policy. The accommodation is located in a similar location to the existing dwelling and is proposed to be occupied by a dependant person of the main dwelling to assist in the general day-to-day operations of the farm.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

As detailed in Comment Section above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2022/23 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Additional housing in the Shire of Manjimup will increase population and benefit the Northcliffe and surrounding economy.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Ancillary Accommodation (Application TP8/2023) at Lot 8707 (237) Caesia Road, Meerup in accordance with the plans and specifications shown at ATTACHMENT: 9.5.2(1), subject to the following conditions:

- 1. The development hereby approved is to 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.


Reference	Document Title	Date Received
A000	Site Plan	7 February 2023
A100	Floor Plan	19 December 2022
A200	Elevation Plan	19 December 2022

2. This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the Ancillary Accommodation and any such proposal will not be supported by Shire of Manjimup;
3. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building to the satisfaction of the Shire of Manjimup;
4. All habitable buildings are to be constructed in accordance with the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas" to the satisfaction of the Shire of Manjimup; and
5. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

Advice to Applicant:

- a. 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 and/or development works. (Land clearing to facilitate development and BAL report is permitted);
- b. Further to condition 3, the applicant is advised that access shall be permitted to domestic water supplies for emergency firefighting purposes;
- c. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*; and
- d. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

ATTACHMENTS

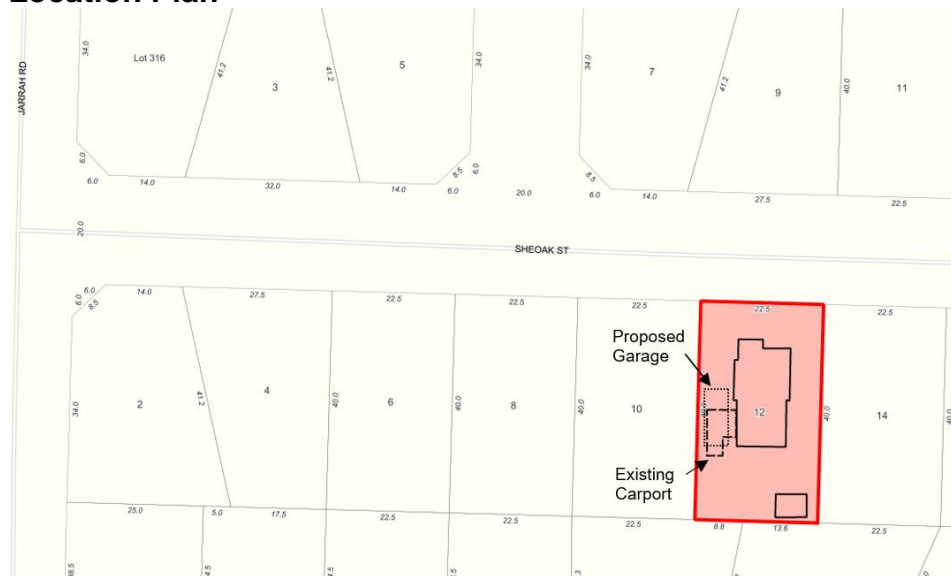
 Site and Development Plans at Lot 8707 Caesia Road, Meerup	4 Pages
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ATTACHMENT**9.5.3 Proposed Overheight Outbuilding at Lot 338 (12) Sheoak Street, Walpole**

PROPONENT	Mr G P & Mrs M D Delfante
OWNER	Mr G P & Mrs M D Delfante
LOCATION / ADDRESS:	Lot 338 (12) Sheoak Street, Walpole
WARD:	South
ZONE:	Residential Zone (R10)
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/6; P53071
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	2 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to determine a development application for the construction of an 'Overheight Outbuilding' at Lot 338 (12) Sheoak Street, Walpole. Site and development plans are attached.

ATTACHMENT: 9.5.3 (1)**Location Plan**

The subject land is located on the southern side of Sheoak Street within the Boronia Ridge Estate, Walpole and has an area of 900m². It currently contains a dwelling with attached carport and an existing outbuilding.

The proponent is proposing to replace the existing carport with a 52m² outbuilding being 10m by 5.2m with a wall height of 4m and a ridge height of 4.46m having 1m setbacks from the side of the existing dwelling and the side boundary. Details in support of the application indicate that the outbuilding is to be of steel clad, steel framed construction being Colorbond® Basalt in colour. The proposed outbuilding will be used to house a boat.

Council is requested to consider the application as approval to the application involves a relaxation of the maximum wall height provided for in Local Planning Policy 6.1.3 – Outbuildings and Scheme provisions relating to outbuilding design applicable to the Boronia Ridge Residential Estate.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for a 21 day period to the adjoining landowner. No response was received during the submission period.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the land within the Residential Zone with an applicable density of R10 as per State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes). In addition, the Scheme includes the subject land within Planning Precinct Walpole 1 – Boronia Ridge Residential Estate (WP1).

To guide Council on the determination of this application, the following comments are offered:

Matters to be Considered

In determining an application for Development Approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to:-

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of the Commission;*
- (vi) *the local governments adopted Local Planning Strategy and any Local Policy adopted by the local government under Clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulks, scale, orientation and appearance of the proposal; and*
- (xxvi) *Any relevant submissions received on the application.*

An assessment against the above criteria is provided within the balance of this agenda item.

Land Use Classification

The proposed outbuilding structure constitutes a domestic outbuilding which is defined by the R-Codes as:

“An enclosed non-habitable structure that is detached from any dwelling.”

Outbuildings within Residential Zones are required to comply with the requirements prescribed by the Scheme, R-Codes and Local Planning Policy.

Planning Precinct WP1

Walpole Planning Precinct No 1 relates to residential lots located on the southern side of the South Western Highway west of Walpole, within what is commonly known as the Boronia Ridge Estate. Within Schedule 8 of the Scheme, a number of special provisions are outlined for Planning Precinct WP1, including the following provisions that are relevant to the application:

- (iii) *Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material;*
- (iv) *Carports and Garages not located under the main roof of the residence shall be constructed of materials which match or complement the existing residence in respect of roof pitch, materials used, the design, colour and external appearance.*
- (ix) *No residence or any part of a residence, or any other building (or part of any other building), shall be built on land which is outside of the building envelope shown in the endorsed structure plan.*
- (x) *No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.*

The clear majority of residential lots within the Boronia Ridge Estate were created following an amendment of then Town Planning Scheme No 2, which was gazetted in May 1996. Notwithstanding this, lots fronting Jarrah Road and Sheoak Street (including the subject land) existed prior to this time. In the case of the subject land, a building permit was issued for the home and shed in 1983, with alterations to the home including the addition of a carport in 1989. Development of the property therefore occurred well before the introduction of Scheme provisions relating to WP1.

As a result, the existing dwelling and shed were not designed to comply with current scheme or Local Planning Policy requirements. No building envelope applies and both structures have a reflective metal roof. Given this the proposed Colorbond® shed will not be consistent with the materials used, design, colour or external appearance of the existing residence as required by special provision (iv) as stated above. Approval to the application may therefore only be granted through a relaxation of the scheme provisions.

Local Planning Policies

Two Shire Local Planning Policies are relevant to the current application, being:

- a) LPP 6.1.3 – Outbuildings; and
- b) LPP 6.1.15 – Boronia Ridge Estate Development Standards.

An assessment of the proposal against the Local Planning Policies is provided overleaf.

LPP 6.1.3 – Outbuildings

The proposed outbuilding complies with all development standards identified within the Policy except for the specified maximum wall and ridge heights. The Policy provides for wall heights of 3.0m and a ridge height of 4.2m, but permits a variation of up to 10% (i.e. a wall height of 3.3m and a ridge height of 4.62m).

Whilst the proposed ridge height 4.46m is within the allowed 10% variation, the proposed wall height of 4.0m and can only be granted through a variation to the Policy.

LPP 6.1.15 – Boronia Ridge Estate Development Standards

The purpose of this policy is to provide the minimum residential development standards applicable to the Boronia Ridge Estate. As outlined by the Policy, roofing materials *“should be in keeping with the natural elements of the landscape such as earth/sandy, neutral/grey or bush green/blue hues.”* The policy highlights that zincalume is not permitted, and metal roofing should be guided by a number of Colorbond® colours.

With respect to the proposed Basalt colour, although this colour is not specifically listed within the policy, it is very similar to Woodland Grey and Ironstone, which are colours endorsed by the policy. The proposed colours are therefore considered to be compliant with the requirements of LPP 6.1.15.

Setbacks

The proposed outbuilding is to be setback 1.0m from the left boundary, 13.8m to the rear, 16.6m to the right side and 16.5m to the front boundary. The proposed shed is also to be setback 1.0m from the side of the dwelling. The proposed setbacks meet the Deemed-to-comply provisions of the R-Codes relating to an outbuilding.

Impact on Amenity

Being setback 16.5m from the front boundary, vision of the outbuilding will be limited and the structure will not appear as significant in the streetscape. Given this and the fact that the adjacent landowner has not raised any objections to the proposal, conditional approval is recommended.

Conclusion

Whilst the proposed wall height exceeds the maximum height requirements as identified by Local Planning Policy 6.1.3 – Outbuildings, no detrimental impact on the amenity of the adjacent land is anticipated given the proposed outbuildings location on the property and setback to Sheoak Street. Given this and the fact that no objections to the proposal were received in response to the consultation process, it is recommended the application be conditionally approved.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Compliance with Local Planning Policy LPS4 6.1.3 – Outbuildings as discussed above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with clause 5.5 vary the Scheme provisions relating to construction appearance and grant development approval under Part 10 of Shire of Manjimup Local Planning Scheme No. 4 for the proposed Overheight Outbuilding at Lot 338 (12) Sheoak Street, Walpole (Application TP7/2023) in accordance with the plans and specifications shown in Attachment 9.5.3 (1) and subject to the following conditions and advice:

1. 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;

Reference	Document Title	Date Received
1.	Site Plan	30 January 2023
2.	Elevations – Outbuilding	30 January 2023

2. The outbuilding being used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity; and
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant

- a) The 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 and/or development works.

ATTACHMENTS

- 1  Attachment No. 1 - Site and Development Plans 2 Pages

ATTACHMENT

9.5.4 Proposed Short Stay Accommodation - Four Cabins/Chalets at Lot 7489 (No 107) Burma Road, Pemberton

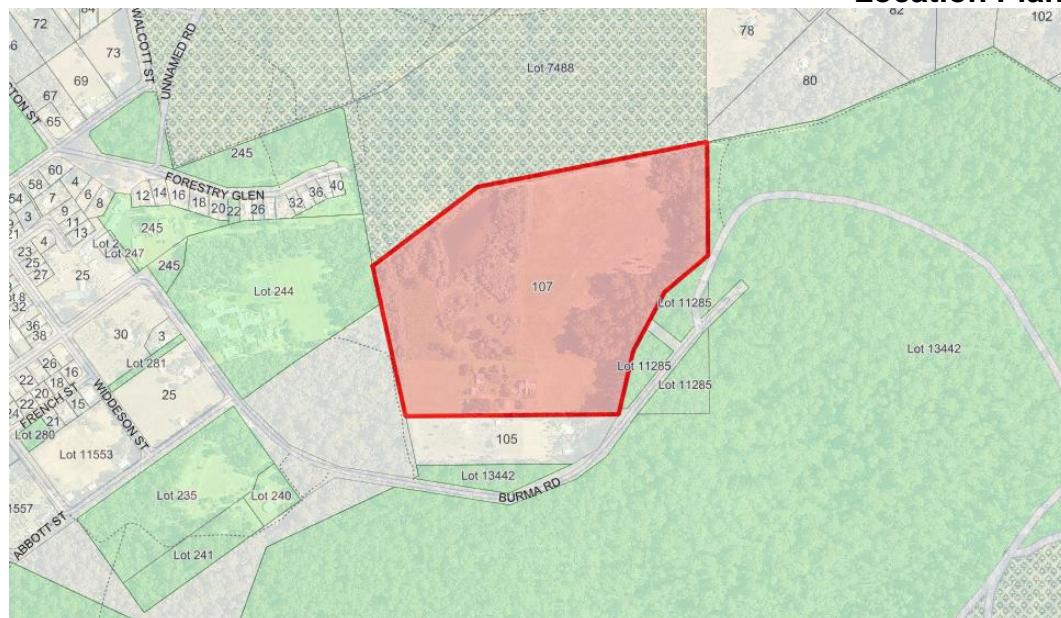
PROPONENT	Mr G Smith
OWNER	Kayelo Equity Pty Ltd
LOCATION / ADDRESS:	Lot 7489 (No 107) Burma Road, Pemberton
WARD:	West
ZONE:	Tourist Enterprise/Residential
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	DA23/15 & P55212
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	27 February 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Lot 7489 is a 20.5869ha property located on the northern side of Burma Road on the eastern edge of the Pemberton Townsite as shown below. Currently the property is developed with a single dwelling and a disused restaurant, now approved for short stay accommodation for up to 6 people.

A smaller private land holding is located on the southern boundary, State Forest is located to the north, whilst the Gloucester National Park is located to the east.

Location Plan



Amendment No 24 to Local Planning Scheme No 4 (the Scheme) was gazetted in late 2022 modifying the Scheme provisions as they relate to the land. Effectively, the amendment resulted in the western half of the land being included in Tourist Enterprise Zone TE9.

Council is requested to consider a proposal to develop 4 cabins based on a tent like structures for use in providing additional short term accommodation on-site in the form of “Glamping”. Details submitted in support of the application indicate that:

- a) The structures will be metal frame, with canvas cladding on a suspended solid floor;
- b) Each of the units will comprise a main living/bedroom, a bathroom and kitchen and open deck at the front;
- c) Two models will be used, one providing accommodation for two persons, the other three persons.

A copy of the submitted plans together with the supporting correspondence are shown attached.

Council is requested to determine the application in light of requirements prescribed by Local Planning Scheme No 4 (the Scheme), in respect of which Shire Officers do not have delegated authority.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining the application, the following comments and advice is provided.

Zoning

As detailed within the Background section of this agenda item, Local Planning Scheme Amendment No 24 (LPSA 24) to the Scheme resulted in the Western half of the property being include within the Tourist Enterprise Zone.

Proposed Land Use Classification

The proposed short accommodation units are most consistent with the land use definition of “Chalet”, which the Scheme defines as follows:

Chalet – means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12 month period.

Chalets are a “P” use within the Tourist Enterprise Zone. That is a use which is “permitted provided that the use complies with the relevant development standards and requirements of the Scheme.”

Tourist Enterprise Zone (TE9)

The Scheme provisions specific to TE9 are identified in Schedule 5 of the Scheme. The requirements outlined within the Schedule include, but are not limited to:

1. Prior to any subdivision or development, provision shall be made for the creation and construction of suitable public road connections and/or emergency access ways to ensure the first and all future stages of subdivision and development can response to access requirements set out in State Planning Policy 3.7: Planning in Bushfire Prone Area;
2. Preparation of Bushfire Management Plan, traffic impact and management plan information to address impacts on water resource values; and
3. A mosquito management plan may be required to be prepared and implemented.

As additional road connections/emergency access ways are yet to be established, approval may only be granted to the development through a relaxation of standards.

Relaxation of Standards

In accordance with clause 5.5 of the Scheme, the local government may approve an application for planning approval, despite the application not complying with a standard or requirement prescribed under the Scheme. However prior to relaxing a standard, the local government must be satisfied that:

- “(i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (ii) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

In this case, the applicant is seeking approval to proceed with four chalets as an initial stage of development, prior to the establishment of the additional road access/emergency access ways as required by the provisions of Schedule 5.

Ultimate Intended Development

As reflected within the Scheme Amendment documentation relating to Local Planning Scheme Amendment No 24, the landowner is ultimately intending to:

- i) develop the western half of the subject land for tourist purposes, including a caravan park;
- ii) subdivide the eastern portion of the site into a residential subdivision comprising lots with a minimum lot size of 2,000m².

The current proposal represents a very small portion of that ultimate development.

Impact on Water Resources

As detailed in special provisions relating to TE9 contained within Schedule 5, in determining applications for the site, information is required in respect of potential impacts on water resources. With respect to the current proposal, the proposed structures are located within an area of the property with minimal vegetation. No clearing is proposed.

The supporting correspondence also outlines that each of the proposed accommodation units will be connected to an “alternative effluent disposal system”. Such systems are designed so as to ensure that nutrients are not discharged from the system, protecting waterways from impact.

On the basis of the information provided, there will be no detrimental impacts on the water resources in the vicinity.

Bushfire Management

Mapping from the Department of Fire and Emergency Services indicates that the area in which the development is to be located is not identified as being “Bushfire Prone”. As a result, it is considered that the requirements of State Planning Policy No 3.7 – Planning in Bushfire Prone Areas does not strictly apply to the application.

Nevertheless, it is recommended that an Emergency Evacuation be prepared and displayed for guests use in the event of a bushfire or other emergency.

Notwithstanding the above it is noted that a Bushfire Management Plan was prepared in support of LPSA 24.

Relevance of Planning Conditions

In accordance with Case Law relating to planning applications, it should be noted that conditions must have planning purposes, be relative to the application and be fair and reasonable.

Given the small scale of the current proposal, it is considered that it would not be fair and reasonable to require the full implementation of the Bushfire Management Plan prepared in support of LPSA, including the additional road access and emergency access ways. That said, it is recommended that the applicant be advised further approvals for additional developments/land use are not likely to be supported until such time as full implementation of the Bushfire Management Plan has been achieved.

Conclusion

The Scheme provisions for the subject land are based around the development of the western portion of the land for Tourist based uses, including a caravan park and the subdivision of the eastern portion for a residential subdivision based on a 2,000m² lot size. Prior to establishing these uses, the Scheme requires a number of matters to be addressed including the establishment of an additional road connection and emergency access ways.

The current application is seeking approval to four chalets, being substantially less than the ultimate intended use. For this reason and the fact that the portion of the subject land to be used for the chalets is not Bushfire Prone, it is recommended that the requirement for full implementation of the Bushfire Management Plan be deferred at this point and the application approved.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposal is deemed to be consistent with the following Shire of Manjimup Corporate Business Plan 2022 -2026 Action:

- B10 - Ensure the regulatory environment is easy to navigate and development, business and industry-friendly.

The proposal is also deemed to meet Community Goal 2.6 of the Shire of Manjimup Corporate Business Plan 2022 -2026:

- 2.6 - The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with Council's adopted Schedule of Fees and Charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Approval to the application will provide additional short term accommodation options within the Pemberton Community.

Social: Appropriately managed, approval to the application as submitted will not result in any detrimental impacts on the amenity of the area.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with clause 5.5 and Part 10 of the Shire of Manjimup's Local Planning Scheme No 4, grant approval to the proposed Four Chalets at Lot 7489 (No 107) Burma Road, Pemberton in accordance with the plans and specifications shown at ATTACHMENT: 9.5.4(1), subject to compliance with the following conditions:

- 1. The development hereby approved is to 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.**

Reference	Document Title	Date Received
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1.	Application for Planning Approval	27 January 2023
2.	Holiday Accommodation Management Plan	27 January 2023
3.	Emergency Management Plan	27 January 2023
4.	Supporting Correspondence	27 January 2023
5.	Proposed Floor Plans and Site Plan	27 January 2023

2. 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.
3. Satisfactory arrangements being made for the provision of a potable water supply to each chalet the subject of this approval.
4. 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.
5. All stormwater and drainage runoff is to be retained on the subject property.
6. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted.
 - b) thereafter be maintained to the satisfaction of the Council.
 - c) be made available for such use at all times and not used for any other purpose.
 - d) be properly formed to such levels that it can be used in accordance with the plan.
7. A Waste Management Plan must be submitted to and approved by the Shire of Manjimup prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - (a) the location of bin storage areas and bin collection areas;

- (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.
8. The Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Manjimup.
 9. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

Advice to Applicant:

- a) The applicant is advised that applications for approval to development being in addition to that hereby approved, is unlikely to be supported until such time as the Bushfire Management Plan and Scheme provisions associated with Local Planning Scheme Amendment No 24 are fully implemented;
- 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]; and
- 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".

ATTACHMENTS

- | | | |
|-----|---|-------------|
| 1 ➡ | Attachment No 1 - Copy of submitted application form, plans and supporting correspondence | 19
Pages |
|-----|---|-------------|

ATTACHMENT APPENDIX

9.5.5 Proposed Building Envelope Variation for Dwelling - Single on Lot 218 (75) Karri Street, Walpole

PROPONENT	Mrs J C McNab
OWNER	Mr S D & Mrs J C McNab
LOCATION / ADDRESS:	Lot 218 (75) Karri Street, Walpole
WARD:	South
ZONE:	Residential R10
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/220; P57551
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	7 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider an application seeking approval to a dwelling involving a variation of the approved building envelope at Lot 218 (75) Karri Street, Walpole. Lot 218 is currently vacant and has an area of 1,328m².

LOCATION PLAN



The property, which is located within the Boronia Ridge Estate, has an existing 420m² building envelope being 15m wide, setback 7.5m from the front boundary and 29.5m to the rear. A plan showing the approved envelope is appended.

APPENDIX: 9.5.5(A)

Approval is being sought to split and relocate the approved building envelope and for a three bedroom, two bathroom dwelling with a 5.4m by 3.7m (20m²) covered roof top deck that will be accessed via an external staircase on the southern side of the dwelling. A copy of the site plan and elevations are shown

as Attachment: 9.5.5(1), whilst a detailed plan showing the proposed building envelopes is shown at Attachment: 9.5.5(2).

ATTACHMENT: 9.5.5(1)

ATTACHMENT: 9.5.5(2)

An email submitted by the owners in support of the application states that the basis for their request to vary the building envelope is to protect the existing vegetation on-site. They submit that *“by moving the building envelope to allow a 10m rear setback, only one tree (a 50% dead jarrah) needs to be removed to accommodate the proposed dwelling”*. A copy of the email is shown attached.

ATTACHMENT: 9.5.5(3)

Council is requested to consider the application as Shire officers do not have the delegated authority to approve the application.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for a 21-day period to the adjoining landowner and Ward Councillor. One comment was received from an adjoining landowner during the submission period and has no objections to the proposal.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the subject land with the Residential zone with an applicable density of R10 as per State Planning Policy 7.3 – Residential Design Codes (R-Codes). In addition, the Scheme includes the subject land within Planning Precinct Walpole 1 – Boronia Ridge Residential Estate (WP1).

To guide Council on the determination of this application, the following comments are offered;

Matters to be Considered

In determining an application for Development Approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to:-

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (xxvi) *any relevant submissions received on the application.*

Both the proposed building envelope variation and dwelling design have been assessed against the above criteria; other relevant Scheme provisions and adopted Local Planning Policy. Comments on the assessment are provided in the balance of this agenda item.

Planning Precinct WP1

WP1 relates to residential lots located within the Boronia Ridge Estate immediately west of Walpole. Within Schedule 8 of the Scheme, a number of special provisions are outlined for Planning Precinct WP1, including the following provisions that are relevant to the application:

- (iii) *Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material;*
- (ix) *No residence or any part of a residence, or any other building (or part of any other building), shall be built on land which is outside of the building envelope shown in the endorsed structure plan.*

The local government may, at the request of the landowner, vary the position, shape or size of the building envelope where it is of the opinion that the slope, vegetation or site conditions justify a variation. Building envelopes shall be sized to maximise the retention of vegetation.

- (x) *No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.*
- (xiii) *No Native vegetation or trees on the land shall be removed, damaged, destroyed or cause to be removed, damaged or destroyed except for the purpose of building and approved residence or structure or access thereto or to accommodate sensible bushfire prevention measures as determined by any relevant authority.*

As the proposed development is not wholly contained within the approved building envelope as required by condition (ix) above, the application as submitted may only be granted through a variation to the approved building envelope. As also reflected within condition (ix), variations to approved building envelopes may be granted where the vegetation or site conditions justify doing so.

In this case, as the proposal will result in the retention of existing native vegetation being maximised, there is merit in considering granting conditional approval.

Variation of Building Envelopes

In addition to the above, Clause 5.31 of the Scheme also relates to variations of approved building envelopes. Subject to public consultation requirements outlined by clause 9.6 of the Scheme, Clause 5.31 states that the local government may approve a justified building envelope variation, provided it is satisfied that:

- (i) *the objectives of the zone are not compromised;*

- (ii) *the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope as originally proposed;*
- (iii) *development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope;*
- (iv) *the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment.*

As required by clause 9.6 of the Scheme, the proposal has been referred to the neighbouring property owners and no objections have been received. With respect to bushfire, the application is supported by a Bushfire Attack Level Assessment (refer below).

Existing Vegetation

The site contains scattered Jarrah and Marri trees with little to no understorey vegetation except for a number of grass trees. The majority of the vegetation is contained within or immediately adjacent to the approved building envelope. The majority of this vegetation would be removed if a development was to be contained within the current approved building envelope.

Approved Building Envelope

The approved structure plan for WP1 identifies that the current approved building envelope is 15m wide with the following setbacks:

- a) Front – 7.5m
- b) Sides – 3m
- c) Rear – 29.5m

Proposed Building Envelopes

The applicant is proposing to relocate the majority of the approved building envelope to the rear of the property. This portion of building envelope will have an irregular shape, setback 10m from the rear boundary and 3m to the side boundaries with a total area of 295m². As reflected on the submitted plans, it is proposed that residence will be located within this envelope.

A 15m wide by 7m deep portion of the existing envelope is proposed to be retained as a secondary, smaller building envelope for the purpose of a future garage or ancillary accommodation. This portion of the envelope is clear of any vegetation. The two envelopes will have a separation distance of approximately 6m.

Approval to the proposed building envelope will assist in maximising the retention of existing vegetation. There is therefore merit in considering the proposed building envelope variation.

It is however noted that the proposed staircase is located outside of the approved building envelope. The stairs are setback approximately 2.1m from the southern boundary. With respect to this, the following options exist:

- a) Approve a revised building envelope with a setback of 2.1 metres to the southern boundary rather than a 3m setback as proposed, ensuring that the staircase is wholly contained within the approved envelope; or
- b) Require the proposed dwelling design to be modified so as to ensure that all development is wholly contained within the envelope.

A third option could be approving the development as submitted, acknowledging that the staircase will not be wholly contained within the envelope. This approach is not however supported as it could result in the creation of an undesirable precedent for development within the Estate to be located outside of the approved building envelope.

Bushfire Attack Level Assessment

An assessment Bushfire Attack Level (BAL) Assessment by a qualified assessor has identified that a level of BAL-19 will apply to the resultant development. This effectively demonstrates that a variation of the building envelope as proposed will not increase the risk of bushfire, satisfying clause 5.31.1 (iii) of the Scheme.

Dwelling Design

In addition to complying with the approved building envelopes, development within the Estate must comply with Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards (the Policy). A primary aim of the Policy is to ensure that 'shed like' dwellings are not supported.

The Policy states that in order to achieve a consistency of roof-shapes and to moderate the impact of direct solar load on external walls and windows, eaves to the dwellings shall be a minimum of 600mm to north facing windows; except for verandas, patios, minor roof nibs and entry porticos. The plans show that there are no eaves on the proposed dwelling.

As the north face of the proposed dwelling is located on the edge of the proposed building envelope, there is no opportunity to provide a verandah or patio. Approval to the application as submitted would therefore require a relaxation of this requirement.

To ensure compliance with the proposed building envelope and the requirements of the Policy, it is recommended that the applicant be required to modify the proposed dwelling design to:

- a) Ensure that all development, including the proposed staircase, are wholly contained within the Building Envelope; and
- b) To comply with the requirements of the Policy for a 600mm north facing eave or other acceptable solutions.

Relaxation of Standards

In accordance with Part 5.5 of the Scheme, where a proposed development does not comply with a standard or requirements of the Scheme, the application may, despite the non-compliance, be approved by Council. In considering such an application, clause 5.52 requires that any landowners which may be affected are consulted. In this case, the application was referred to the adjoining landowners with no objections being received.

As stipulated by clause 5.5.3, a relaxation of a standard or requirement of the scheme may only be granted if the local government is satisfied that:

- i) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- ii) The non-compliance will not have an adverse effect upon the occupiers or uses of the development, the inhabitants of the locality or the likely future development of the locality.

In this case, no objections have been received against the building envelope or building design as submitted. It is however recommended that the design be modified to ensure compliance with the Policy design guidelines and that all development is contained within the proposed building envelope.

Conclusion

Splitting the approved building envelope as proposed will ensure that the retention of existing vegetation is maximised. As no objections have been received in response to the proposal, approval to the proposed building envelopes is recommended.

It is however recommended that the dwelling design be modified to ensure compliance with the Policy guidelines and that development will be wholly contained in the newly approved envelope.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Local Planning Scheme No. 4.

POLICY / STRATEGIC IMPLICATIONS:

The proposed application has been assessed against both the Scheme and Planning Policy 6.1.15 – *Boronia Ridge Estate Development Standards*.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required development application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: The proposed split building envelope will ensure the retention of existing vegetation.

Economic: Nil.

Social: Nil.

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

That Council in accordance with Clause 5.5 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Building Envelope Variation at Lot 218 (75) Karri Street, Walpole, in accordance with the plans shown at Attachment: 9.5.5(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

Plan Reference	Title	Received
1.	Site and Development Plans	8 February 2023
2.	Letter of Justification	8 February 2023
3.	Proposed New Building Envelopes	8 February 2023

2. Notwithstanding condition No 1 above, prior to the application for a building permit, the proposed dwelling design shall be modified to address the following requirements to the satisfaction of the Shire of Manjimup:
 - a) Introduction of a minimum 600mm eave, verandah or equivalent in accordance with the requirements of Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards; and
 - b) Modification of the proposed design to ensure that all proposed development is wholly contained within the newly approved building envelopes.
3. Prior to occupation, the vehicular crossover between the subject land and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
4. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
5. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
6. All buildings shall be constructed in accordance with Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup; and

7. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- i. 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 and/or development works;
- ii. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*; and
- iii. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup's Health Local Laws 2020.

ATTACHMENTS

- 1 ➡ Attachment No. 1 - Site and Development Plans 4 Pages
 2 ➡ Attachment No. 2 - Proposed Building Envelopes 1 Page
 3 ➡ Attachment No. 3 -Supporting Email 1 Page

APPENDICES

- A ➡ Appendix A - Plan of Approved Building Envelope 1 Page

ATTACHMENT**9.5.6 Proposed New Kindergarten and Pre-Primary Classrooms - Lots 208, 209 and 210 Leman Street, Manjimup**

PROPONENT OWNER	Matthews and Scavalli Architects Lot 208 – Roman Catholic Bishop of Bunbury (Kearnan College)
LOCATION / ADDRESS:	Lots 209 & 210 – Crown Reserve 18115 Lots 208 and Lots 209/210 (Reserve 18115) Leman Street
WARD:	Central
ZONE:	Clubs and Institutions
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	DA23/16, P54390
LEGISLATION:	<i>Planning and Development Act 2015</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	8 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Kearnan College occupies a total of 20 lots plus a private laneway bound, by Ipsen, Moore, Leman and Sommerville Streets in the Manjimup townsite as shown on the location plan below. The College is seeking to replace the existing Kindergarten/Pre-Primary building that straddles the common boundary between Lots 208 and 209 Leman Street.

Location Plan

Approval is being sought to demolish the existing building and construct a new larger building comprising:

- Two separate class rooms for Kindergarten and Pre-Primary;
- Central/Shared kitchen, store and ablution facilities;
- An external 3.3m by 9.8m store located at the western end of the building; and

- A 3.144m wide verandah facing Leman Street and a renewed outdoor play area.

A copy of the submitted plans and covering letter are shown attached.

ATTACHMENT: 9.5.6(1)

The new development is proposed to straddle Lots 208, 209 and 210, which have a total land area of 3,167m². Currently Lots 209 and 210 form Crown Reserve 18115, whilst Lot 208 along with all other properties used by the College are freehold properties owned by the Roman Catholic Church. Council is requested to determine the application having regard to the land tenure and the fact the proposed building straddles property boundaries.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of the Shire's Local Planning Scheme No 4 (the Scheme) include the subject land within the Clubs and Institutions Zone. An Educational Establishment is a "D" use within the Zone. That is a use which *"is not permitted unless the local government has exercised its discretion by granting planning approval."*

To assist Council in determining whether discretion should be exercised and planning approval be granted, the following comments are offered.

Matters to be Considered

When determining applications for planning approval, clause 10.2 requires that Council has regard to various matters including, but not limited to:

- (i) *The aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (ii) *The requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought; and*
- (xi) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1 and the effect of the proposal on the character or appearance of a heritage area.*

The above and other matters relevant to the application are discussed within the balance of this agenda item.

Zone Purpose

As detailed in clause 4.14 of the Scheme the purpose of the Clubs and Institutions Zone is to *"provide for the development or establishment of uses to satisfy the general cultural, religious, education, health, recreational and other*

needs of the community.” The submitted application is consistent with this purpose.

Development Standards

Applicable development standards are identified within the general provisions of the Scheme (Part 5) and clause 5.44, which specifically relates to the Clubs and Institutions Zone. As stated by clause 5.44, applications are to be assessed on their merits and development standards regarding lot sizes, setbacks and other on-site standards are to be assessed on a case by case basis.

As the development is replacing an existing classroom arrangement, it is recommended that no additional parking requirements apply.

Setbacks

The existing Kindergarten/Pre-Primary School building is setback approximately 13m from the Leman Street boundary line. The proposed front setback of approximately 14m is therefore consistent with the existing development.

In terms of side setbacks, as detailed in the Background section, the existing building straddles the common boundary between Lots 208 and 209. It is setback approximately 5m from the western side boundary of Lot 209 and on the east side it is immediately adjacent to a separate two storey building that has heritage value (see below).

Landscaping

Both the general provisions of the Scheme and clause 5.44 detail that the requirements for landscaping will be determined by Council on the merits of the case. In this instance the land located between the new building and the front boundary will be developed as a new Outdoor Play area for children attending Kindergarten and Pre-Primary. It is therefore recommended that no additional landscaping should be required.

Heritage

The Heritage List, referred to in point (xi) of the Matters to be Considered is a list of heritage places prepared in accordance with the Scheme and the requirements of *Planning & Development (Local Planning Scheme) Regulations 2015*. The list identifies those heritage places where prior planning approval is required for development and/or demolition and it is prepared having regard to the Shire’s Municipal Heritage Inventory (the Inventory).

Whilst the subject land is not included on the Heritage List, the Inventory identifies the two storey building, immediately east of the existing building, as having some historical significance. The Inventory identifies that:

- It was originally constructed in 1925 for the purpose of providing classrooms on the ground floor, with boarding facilities for students upstairs;

- The building was also used for mass and other church purposes until construction of St Joseph's Church in 1955; and
- The building has been substantially renovated, modified and extended over the years. Modifications include replacement of the original roofing and removal of the verandas.

Having regard to the above points, the Inventory includes the site within Management Category "C". Management of this category is based on the following statement:

Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Shire of Manjimup Town Planning Scheme; a more detailed Heritage Assessment may be required prior to approval being given for any major redevelopment or demolition; photographically record the place prior to any major redevelopment.

The proposal as submitted will not detrimentally impact on the heritage or aesthetic values of the two storey school building given that the proposed new development will have a greater level of separation from the heritage building.

Land Tenure

As detailed above, the Roman Catholic Church owns Lot 208. However Lots 209 and 210 currently form Crown Reserve 18115, leased to the Church. Shire Officers are aware that the State is currently completing a valuation exercise and it is assumed that this is to facilitate the Church acquiring the land.

In situations where development is proposed to straddle multiple properties, it is common practice and in accordance with the principals of orderly and proper planning to require those properties to be amalgamated into a single land title. In this case, this process will take some time, with the following steps to be achieved:

- a) The Church will need to acquire Reserve 18115 from the State once an agreed value has been established;
- b) Application to amalgamate Lot 208 and the land currently forming Reserve 18115 will need to be made to and approved by the Western Australian Planning Commission;
- c) The new title will need to be applied for and granted.

It is understood that a formal valuation is currently underway as part of the process to establish an agreed value. That said completion of the above process will take a significant amount of time and in order to facilitate the new development, it is recommended that the applicant be required to finalise the amalgamation process within two years.

Conclusion

The application as submitted complies with setback and other requirements as prescribed by Local Planning Scheme No 4. Whilst conditional approval is recommended, it is also recommended that the applicant be required to ensure land occupied by the development is consolidated into a single title.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

The proposed redevelopment of the existing Kindergarten and Pre-Primary classroom will provide a dedicated classroom for each activity. This is consistent with Strategy C7 of the Shire's Strategic Community Plan 2021-2031, being to *"Improve early-years development and education outcomes."*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Approval will provide an opportunity for the school to provide an improved range of services.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Kindergarten/Pre-Primary Classroom at Lot 208 and Reserve 18115 Leman Street, Manjimup shown at Attachment: 9.5.6(1), subject to the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;**

Plan Reference	Title	Received
1.	Site and Development Plans	8 February 2023

- 2. Lots 208, 209 and 210 being amalgamated onto a single land title within two years of this approval;**
- 3. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and**

4. The proposed development being connected to the Water Corporations reticulated sewerage system.

Advice to Applicant:

- i. 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 and/or development works.

ATTACHMENTS

- | | | |
|-----|---|-------------|
| 1 ➡ | Attachment No 1 - Copy of Covering Letter and Submitted Plans | 12
Pages |
|-----|---|-------------|

9.5.7 Public Notifications Regarding Applications for Mining Tenements

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	All
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F200084
LEGISLATION:	<i>Local Government Act 1995</i> <i>Mines Act 1978</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	8 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Shire of Manjimup Annual Electors Meeting, held on 12 January 2023, the following motion was passed:

“When the Manjimup Shire is informed of any application for exploration, renewal of an exploration permit, application for extraction or any application pertaining to mining in the Shire of Manjimup that the CEO at that time see to it that residents and ratepayers in the immediate vicinity of those applications is advised via Australia Post and at the same time the electors of the Shire are informed via the Shire website, Antenno and the Shire Facebook page.”

Council considered this motion at its Ordinary Meeting held on 9 February 2023, whereby as part of Resolution 29021 Council resolved to:

- a) Defer consideration of the above motion to *“enable the Shire administration to accurately quantify costs, consider organisational risk including legal matters, identify what other local government organisation are doing, and provide a range of potential options for consideration to assist Council in making a fully informed determination on the matter.”*; and
- b) *Request the Chief Executive Officer to provide for a discussion at the next Council meeting.*

Subsequently a presentation was made, and discussion held during the informal meeting of Council held on 2 March 2023 in Northcliffe. The purpose of this agenda item is to formally present the main points of discussion to assist Council in responding to the motion passed at Electors Meeting.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in considering this matter, the following comments and advice is offered with respect of the current legal framework and approval processes relating to Mining in Western Australia. Advice is also provided on the potential costs and risks associated with implementing the motion as passed at the Annual Electors Meeting.

Mining Legislation

Mining activities within Western Australia are primarily regulated the provisions of the *Mining Act 1978* (the Act) and the Mining Regulations (the Regulations). The Act and the Regulations are administered by the Minister, who is supported by the Department of Mines, Industry Regulation and Safety (DMIRS) to whom the Minister may also delegate roles and functions.

As set out in Clause 9 of the Mining Act 1978, all gold, silver and all other precious metals remain the property of the Crown. Furthermore all minerals existing in their natural condition on or below the surface of any land that was alienated in fee simply from the Crown prior to January 1899 are also the property of the crown.

Application Process for Mining Tenements

In accordance with Part III of the Act, a mining proponent may make application for a mining tenement over any Crown land other than land excluded by provisions of the Act, exempted by the Minister or where a tenement already exists. An application may also be made over private land, except that:

- a) A tenement cannot be applied for over private land where the titles were created prior to 1899 as the crown does not have ownership of those metals or minerals; and
- b) The consent of the land is obtained in accordance with Clause 19(2) of the Act.

The above said, Clause 19(2) of the Act also states that the private landowners consent is not required where the tenement is granted for land more than 30 metres below the lowest part of the natural surface of the land.

Types of Mining Tenements

In accordance with the Act and associated Regulations, a Tenement may be in the form of a prospecting License, Exploration Licence, a Mining Lease or other forms of tenement.

Notification of Local Authority

In accordance with clause 64A of the Regulations, an applicant must serve notice on a local government in the form of Form 21, within 21 days of lodging the application. In accordance with the form, the local authority may lodge an objection and the timeframe for this is 21 days from the date of service of the documentation.

In recent years the Shire has been consulted over numerous Exploration Licenses. As there are not many valid grounds on which an objection to an exploration license can be lodged, the Shire usually only provides advice as to:

- a) The zoning of the land, particularly where private land is involved;
- b) The need to consult with private landowners; and
- c) The need to obtain prior planning approval for an extractive industry on private land where the excavation of the surface is proposed.

Current Public Consultation Process

Currently neither the Act nor the Regulations prescribe a requirement for public consultation to be undertaken in respect of application for an Exploration License.

Notwithstanding this, information regarding current tenements is available through the DMIRS website.

Other Approval Processes

As set out in Part 6 of the Act, the Act must be read and construed as being subject to the *Environmental Protection Act 1986*. As a result mine proposals and their associated clearing and operation are subject to Environmental Impact Assessment by the Environmental Protection Authority. However the assessment of the potential impacts can only be assessed once there is a firm proposal for a Mining Lease or a Mine itself.

Mines have the potential to impact on the environmental attributes and amenity of an area through noise, pollution, impacts on vegetation, flora and fauna communities. Applications are also assessed against the EPA Guidelines for Managing Off Site impacts. These guidelines set out generic separation distances between industrial activities and sensitive land uses such as residential dwellings.

The majority of applications to establish a mine are subject to a Public Environmental Review, which involves public consultation processes as set out in the *Environmental Protection Act 1986*. By the very nature of the activities undertaken under an Exploration License, minimal impacts result.

Annual Electors Motion and the Cost

The motion before Council essentially requests that Shire Officers ensure that both ratepayers and residents are aware of any application for a Mining Tenement, a process that would be outside of the requirements of the Act or Regulations.

Should Council support the motion, significant officer time and resources will be involved in forwarding correspondence to relevant residents and ratepayers. By way of example, one of the smallest tenements in the Shire is approximately 1,049ha within the area of Quinninup. A preliminary assessment of the task identified that this would involve approximately 208 letters to ratepayers, with additional correspondence to residents where it is identified that the property is not owner occupied.

It is estimated that the process of examining each property to determine if they are within a radius of say 3km of the tenement, prepare a mail out list, print and forward the correspondence will take a Shire Officer a minimum of 4-6 hours to

complete. Whilst the actual cost of stationary postage would be limited to around \$300 plus officer time, there is little to no capacity for Shire Officers to complete this task and additional resources will be required should Council wish to support the Annual Electors Motion.

By way of further background to the task, the largest tenement within the Shire is in excess of 28km long by 2-3km wide, substantially larger than the tenement used in the example.

Suggested Consultation Process

Shire Officers hold the view that public consultation regarding Mining Tenements and/or Mining Leases should be dealt with by DMIRS. Given the public's expectation for genuine consultation, it is recommended that the Act and Associated Regulations should be updated and the consultation process administered by DMIRS.

Whilst not in accordance with the motion passed at the Annual Electors Meeting, consideration could be given to posting on-line copies of any tenements on which the Shire has been consulted on. Due care will however be needed to ensure any enquiries are directed to DMIRS and not Shire Officers.

Conclusion

Consultation processes relating to Mining Tenements and Leases are set out within the Act and Regulations. Modification of the Act/Regulations and/or changes to standard practices by the State would be required to ensure public consultation processes are undertaken prior to Exploration Licenses.

Given that the Act and Regulations are administered by DMIRS and not the Shire of Manjimup and the implications of costs and officer time, the motion as passed by the Annual Electors Meeting is not supported. It is however recommended that:

- a) Copies of any tenements the Shire is notified about are placed on the Shire website and other electronic media, directing members of the public to contact DMIRS with any enquiries; and
- b) The Shire of Manjimup advocate for a review of public consultation processes under the *Mining Act 1978* and associated Regulations.

STATUTORY ENVIRONMENT:

Mines Act 1978 and Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Should Council support the Annual Electors Meeting motion, there is a risk that additional workload will be placed on Shire Officers who current work at full capacity.

ORGANISATIONAL RISK MANAGEMENT:

There are a number of risks associated with the motion as passed at the Annual Electors Meeting. These risks include:

- The Shire currently does not have resources, budget nor the time required to identify landowners, draft correspondence etc;
- A high level of urgency will be required to ensure the provision of timely advice. As elected members may be away it takes up to 3-5 business days for mail to reach intended recipients within the Shire/State, reducing the time that any person may have to investigate and provide the State with comment;
- There is a risk that an affected landowner may be missed in being notified;
- The Shire will be taking on a role related to an Act not administered by Local Government and will most likely as a result of the consultation received queries that they are not in a position to provide advice on.

FINANCIAL IMPLICATIONS:

Should Council support the motion as passed by the Annual Electors Meeting, there will be a need to provide a budget for the cost of the consultation process as part of the 2023/2024 annual budget.

SUSTAINABILITY:

Environmental: Exploration Licenses are unlikely to result in environmental impacts due to the nature of the investigations being undertaken.

Economic: As per comments under Financial Implications.

Social: It is recommended that the Shire of Manjimup advocate for the review of the *Mines Act 1978* and associated public consultation processes.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Not support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to the use of Australia Post to notify its residents and ratepayers of any application pertaining to mining in the Shire;**
- 2. Support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to notification of any application relating to mining through publishing on the Shire Website, Antenno and the Shire Facebook page; and**
- 3. Advocate and liaise with the State Government over the need to review of the *Mining Act 1978* with specific reference to public consultation processes to ensure members of the public that may be impacted on are aware of the application.**

ATTACHMENT**9.7.1 Application to Keep More Than Two Dogs at Lot 252 (65) Karri Street, Manjimup**

PROPONENT	Ms Ruth Gaze
OWNER	Mr Norman G Eaton
LOCATION / ADDRESS:	Lot 252 (65) Karri Street, Manjimup
WARD:	Central
ZONE:	Residential
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F161271-002
LEGISLATION:	<i>Dog Act 1976</i> <i>Shire of Manjimup Dogs Local Law 2004</i>
AUTHOR:	Ashleigh Reeve
DATE OF REPORT:	9 February 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On the 7 February 2023, the Shire of Manjimup received an *Application to Keep More Than Two Dogs* at Lot 252 (65) Karri Street, Manjimup.

	Breed	Age	Microchip	Sterilised	Sex	Registration
1	Jack Russell Crossbreed	13.5 Years	900 088 000 181 733	Yes	Female	5321 Lifetime
2	Collie Crossbreed	12.5 Years	900 088 000 418 264	Yes	Female	5320 Lifetime
3	Not Yet Obtained	-	-	-	-	-

The applicant only has two dogs currently residing at the property however wishes to obtain a third dog to replace their 15 year old blind dog "Nettle" who had passed away in December 2022.

It is stated that the Jack Russell has since been diagnosed with intestinal cancer and is not expected to live much longer and as a result the Collie will be the only dog at the property who is still fretting over Nettles passing.

A copy of the Application and a Medical Certificate supplied by the Manjimup Veterinarian Clinic is shown attached. **ATTACHMENT: 9.7.1 (1)**

PUBLIC CONSULTATION UNDERTAKEN:

The Shire of Manjimup sent notification to three separate adjoining properties and the property landowner asking for comment within a 14 day period.

One comment was received which was from the property owner, which states they do not object to the application. A copy of the submission is attached.

ATTACHMENT: 9.7.1 (2)

COMMENT (Includes Options):

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

Limitation on Number of Dogs

In accordance with the *Shire of Manjimup Dogs Local Laws 2004 Part 3 Clause 3.2 (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act;*

- a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite or Reserve 38881, Windy Harbour or Quinninup as defined in Clause 5.2 (1)(b); or*
- b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Council Policy

At the Shire of Manjimup Ordinary Council Meeting held on 27 May 2021, Council readopted *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* (the Policy) to guide the assessment of applications to keep additional dogs or cats. In accordance with the Policy, applications shall only be permitted where the following reasons apply:

- i. To replace an elderly or sick dog/cat that it is not expected to live;*
- ii. Sudden family emergency and dog/cat inherited;*
- iii. Merging of two households; and*
- iv. Where the applicants have had approval to keep more than the prescribed number in another local authority.*

The application is consistent with the provisions of the policy as they are requesting to replace both a deceased dog and another dog which has terminal cancer that unfortunately will not live much longer.

Suitability of Property

The subject property has an area of 819m². Upon inspection by Shire Officers, it has been noted that the property has secure fencing and sufficient room for three dogs to exercise freely without escaping from the property. As the property is under rental agreement, the landowner has been notified as per the application requirements.

Ownership History

There are two dogs residing at the property that are registered and microchipped to Ms Glenys Weadley. Glenys and the applicant Ruth are both tenants of 65 Karri Street and wish to obtain a third dog together.

Complaint History

At the time of writing, the Shire of Manjimup has no record of written complaints regarding the dogs listed within the application.

Conclusion

In conclusion, it is recommended that the application be approved for the following reasons:

- It is consistent with *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*;
- The property has secure fencing which is suitable and is of sufficient size which is deemed appropriate for the keeping of three dogs;
- There is no risk of breeding occurring at the property as both female dogs are sterilised;
- The property owner and adjoining neighbours do not object to the application;
- There is no written recorded complaints/outstanding issues regarding the dogs to date; and
- All dogs listed within the application are registered and microchipped as per legislative requirements.

STATUTORY ENVIRONMENT:

Dog Act 1976 Section 26 (1)(a); and

Shire of Manjimup Dog Local Law 2004 Part 3 Clause 3.2 (2)(b)

POLICY / STRATEGIC IMPLICATIONS:

As outlined within the comment section above, the proposal as submitted is consistent with the requirements of *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Provided the dog owner/s comply with the requirements of the *Dog Act 1976* and the *Shire of Manjimup Dogs Local Law 2004*, no negative social implications are anticipated should the exemption be granted.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grant an exemption pursuant to *Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2 (2)* in order to keep three dogs on and

within Lot 252 (65) Karri Street, Manjimup, subject to compliance with the following conditions;

1. This approval relates to the keeping of the following dogs only:

Breed	Age	Microchip	Sterilised	Sex	Registration
Jack Russell Crossbreed	13.5 Years	900 088 000 181 733	Yes	Female	5321 Lifetime
Collie Crossbreed	12.5 Year	900 088 000 418 264	Yes	Female	5320 Lifetime
To Be Confirmed	-	-	-	-	-

- The applicant is to register the third dog as soon as possible and the details of this dog shall be taken to form part of condition No 1 above;
- The applicants/owners of the dogs shall ensure that the dogs are managed so as to not leave the property unaccompanied or exhibit nuisance behaviour;
- The dogs hereby approved shall not be substituted or replaced unless otherwise approved by Council;
- Once the numbers as approved have been reduced to two dogs, this exemption is no longer valid;
- This exemption is not transferrable to other dogs or another property without the prior approval of the Shire of Manjimup; and
- Should any of the approval conditions not be met, substantiated complaints received, legal contraventions or nuisance behaviour occurs whilst keeping of additional dogs on the property, this exemption may be revoked.

ATTACHMENTS

- ➡ Application To Keep More Than Two Dogs at 65 Karri Street 6 Pages
- ➡ Property Owner Comment 1 Page

ATTACHMENT APPENDIX

9.9.1 Proposed Award of Tender RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Rea Park, Collier Street, Lot 783, Manjimup, Reserve 19552
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F220020
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Evy Apeldoorn; Michael Leers
DATE OF REPORT:	7 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Rea Park & Collier Street Redevelopment (MRCR) will see the Rea Park and Collier Street Reserve (Reserve) transformed into a premier level facility catering for high level sporting events. The implementation of the MRCR is a key component of the Shire's efforts in striving towards meeting the future direction of the Shire's future sport and recreational facilities mix.

The first MRCR project components that have funding and are shovel ready are the installation of new field lighting and a power upgrade to the Reserve. The Shire secured funding for these components through a combination of Federal, State and Municipal funding, and subsequently engaged electrical consultant Focus WA Consulting to develop the electrical and lighting design.

The purpose of this report is to present the results of the tender assessment for Council's consideration and to award Tender RFT 04-22 and to consider additional funding.

PUBLIC CONSULTATION UNDERTAKEN:

The Tender was advertised in accordance with the tender provisions in the *Local Government Act 1995*.

COMMENT (Includes Options):

Prior to Tendering, the project had secured sufficient funding as determined by the Probable Order of Costs. Based on several reasons documented in the 'Comment' section, all Tenders received are over budget. Due to the budget implications and the high level of importance of the power upgrade and field lighting, a presentation to Council was held by the MRCR Project Manager during the Council Information Briefing on the 2 March 2023. Following this presentation Council indicated a preference for the field lighting and power upgrade project to be completed in full.

Request for Tender for Power Upgrade & Field Lighting

In September 2021 Council moved to support the implementation of the MRCR power upgrade and field lighting. The Council agenda item outlining the project details, objectives, and funding strategy as presented on 30 September 2021 is appended.

APPENDIX: 9.9.1(1)

Due to the entire Reserve requiring a power upgrade and the need for three playing fields to be lit this is a complex and large-scale project. To deliver the best outcome, and to procure the most suitable contractor for the MRCR power upgrade and field lighting, a comprehensive Request for Tender (RFT) was prepared including full electrical drawings, specifications, and a draft Form of Contract – AS 4000 (1997).

Upon completion of the RFT documentation the electrical consultant provided an updated Probable Order of Costs. Due to a significant cost increase in comparison with the original Probable Order of Costs, it was decided to itemise mandatory and optional deliverables in the RFT, with the following statement:

“It is preferred that all of the deliverables be included in this contract, however the price schedule has been itemised so that in the event that the total project cost is higher than the available budget the RFT can be awarded, and the project can proceed with or without the following optional components:

- New electrical event enclosures;
- Lighting of Field 2 (southern Collier Street fields); and
- Removal of redundant electrical services.”

Please note the installation of conduits for the new event enclosures and Field 2 lighting is included in the mandatory deliverables. The field numbering is shown in the attached playing fields configuration.

ATTACHMENT: 9.9.1(1)

Twenty-one (21) prospective Tenderers downloaded the RFT documents from the Shire’s website. A total of eight (8) Tenders, of which two (2) Alternative Tenders, were received by the closing time.

The Tender Evaluation Panel, comprising of three Officers assisted by the independent electrical consultant, undertook to independently assess the Tenders received using an assessment matrix. The matrix referenced the terms and assessment criteria of the request for tender document. Assessment scores were then weighted and are presented in the Assessment Table. The Weighted Pricing Score in the Assessment Table is based on the total price for the mandatory and all optional items included in the RFT. Where applicable, the Shire’s Regional Price Preference Policy has been taken into account. The Assessment Table is shown overleaf.

		Weighted Score				
		(a) Demonstrated Relevant Experience (20%)	(b) Program and Method Statement (20%)	(c) Pricing (60%)	Total Weighted Score	Ranking
1	Future Engineering & Communication Pty Ltd	0.49	0.49	0.70	1.68	8
2	Hender Lee Electrical Contractors Pty Ltd – Confirming Tender	0.72	0.68	1.66	3.06	2
3	Hender Lee Electrical Contractors Pty Ltd – Alternative Tender	0.72	0.63	1.70	3.05	3
4	Industrial Automation Group Pty Ltd – Alternative Tender	0.70	0.73	1.62	3.05	4
5	J&S Castlehow Electrical Services	0.57	0.53	1.35	2.45	7
6	Kalamunda Electrics	0.78	0.80	1.80	3.38	1
7	Stiles Electrical & Communication Services	0.77	0.76	1.32	2.85	5
8	Warren Electrical Service Pty Ltd	0.38	0.41	1.85	2.64	6

Preferred Tender

Kalamunda Electrics received the highest ranking with the other seven Tenders scoring significantly lower. Kalamunda Electrics provided the second lowest price, demonstrated a high level of relevant experience with similar scale and scope of projects, and provided a detailed program and method statement demonstrating their understanding of and ability to deliver this project.

Kalamunda Electrics was established in 2012 and is based in Perth. They offer electrical work to commercial, industrial and residential clients with a range of electrical services with a focus on maintenance and upgrades. They have specialised in installing lighting to various parks, reserves and carparks throughout Perth and some regional locations. Their demonstrated experience includes a large number of sporting field lighting projects and several power upgrades for parks and sporting facilities of similar scale to this project.

The lowest price (\$59,590 lower than the highest-ranking Tender) ranked 6th out of the 8 Tenders. This Tender did not demonstrate experience with sporting fields lighting nor experience with projects of this scale, and as such is not the preferred Tender. The attached Tender Assessment Matrix provides more detailed information about the scores and comments for each Tender.

ATTACHMENT: 9.9.1(2)

Project Budget

At the Council meeting of 30 September 2021 Council supported the Field Lighting Project and MRCR Power Upgrade with the following contributions, subject to a successful Club Nights Lights Program (CLNP) 2022/23 round application to the Department of Local Government, Sport, and Cultural Industries (DLGSC):

Source of funding	Field Lighting Project & Power Upgrade (\$ ex GST)
Shire of Manjimup – MRCR Loan	511,555
Local Roads and Community Infrastructure Program Phase 3.	675,685
Club Night Lights Program 2022/23	511,555
TOTAL	1,698,795

Subsequently a CNLP application was prepared and submitted. Whilst the grant application was successful, the amount of grant funding allocated was slightly lower than requested (\$483,475 instead of \$511,555) due to the grant program being oversubscribed. Furthermore, another grant application for \$30,000 was submitted under Australian Cricket Infrastructure Fund, however at the time of writing this report, this application was still pending. As such the funding currently secured for this project is as follows:

Source of funding	Confirmed (\$ ex GST)	Pending (\$ ex GST)
Shire of Manjimup – MRCR Loan	511,555	
Local Roads and Community Infrastructure Program Phase 3	675,685	
Club Night Lights Program 2022/23	483,475	
Australian Cricket Infrastructure Fund		30,000
TOTAL	1,670,715	30,000

Project Costs

Based on the Tender prices of the highest-ranking Tender and updated costs estimates for works associated with this project, the total project costs for the Power Upgrade and Field Lighting are outlined in the table overleaf.

Costs (Estimates)	Amount (\$ ex GST)	Cumulative Project Costs (Options)	Cumulative Shortfall (Options)
Design costs & other expenditure to date	22,600		
WP* application & design fee	5,300		
WP headworks	325,000		
Tree clearing	10,000		
Electrical consultancy	20,000		
Project management & superintendency	28,000		
Contingency (4-5%)	100,000		
Tender Costs - Mandatory - Power upgrade + lighting Fields 1&3	1,650,411	2,161,311	490,596
Tender Costs - Optional - Lighting Field 2	371,165	2,532,476	861,761
Tender Costs - Optional - Removal redundant infrastructure	12,000	2,544,476	873,761
Tender Costs - Optional – Electrical Event Enclosures	124,959	2,669,435	998,720

*Western Power

As shown in the table above, the project costs (at a minimum of \$2,161,311 for the mandatory Tender part) exceed the available budget of \$1,670,715. The following factors may have resulted in this:

- A cost estimate for Western Power (WP) headworks (\$325k) based on the worst-case scenario should the headworks not pass the WP economic test. Should this economic test be passed, then the costs of the headworks will likely be reduced to approximately \$150k (a potential saving of \$175k). However, WP will not undertake this economic test until they commence the actual design phase (expected in February 2024), and as such the cost estimate is based on the worst-case scenario; and
- Given the current demands on materials and contractors creating significant cost escalation, the submitted Tender price is considered fair in the current economic climate.

Options

As the Tender was broken down in a mandatory part and three optional parts, there are a number of options for Council to consider in awarding the Tender. The options and their implications are outlined below.

Option 1. Award mandatory Tender only.

- Requires \$490,596 additional funding above budget.
- Includes Reserve power upgrade allowing future development of the Reserve;
- Includes lighting of Fields 1 (northern Collier Street playing fields) & 3 (Rea Park oval);

- Includes underground conduits for preparation of lighting Field 2 (southern Collier Street fields) and electrical event enclosures;
- No new lighting Field 2, removal of redundant electrical infrastructure, or new electrical event enclosures included;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots (due to removal of existing WP overhead infrastructure along this road).

Option 2. Award mandatory Tender plus lighting Field 2 and removal redundant infrastructure.

- Requires \$383,165 additional funding above Option 1 (total \$873,761).
- Includes Reserve power upgrade allowing future development of the Reserve;
- Includes lighting of all three fields (1, 2 and 3);
- No new electrical event enclosures included;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots.

Option 3. Award mandatory Tender, lighting Field 2, removal redundant infrastructure plus electrical event enclosures.

- Requires \$124,959 additional funding above Option 2 (total \$998,720).
- See Option 2 plus inclusion of new electrical event enclosures to cater for food vans, stalls, booths, entertainment, and activities during events;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots.

Option 4. Not award the Tender and not proceed with power upgrade & field lighting at this time.

- No further Shire funds required at this time.
- No power upgrade or field lighting undertaken at this time;
- Loss of LRCI funding for this project (\$675,685, deadline June 2023);
- Potential loss of CNLP funding (\$483,475, deadline June 2024);
- Risk of not being able to secure future funding for this project;
- Allows to go out for tender with reduced scope or to focus on other MRCR project components (e.g. playing fields upgrades); and
- Allows time to complete WP headworks and Collier St amalgamation prior to power upgrade and field lighting, rather than undertaking these components concurrently.

The above options were presented to Council during the beforementioned presentation on the 2 March 2023. At the conclusion of this presentation the majority of the Councillors clearly indicated a preference for Option 3 (to award the full Tender with all items included), with the remaining Councillors choosing Option 2 (to award the full Tender excluding the event enclosures).

It should be noted that in the event Council chooses Option 2, the scoring of the Tenders changes marginally (due to price differences between Tenders for the event enclosures), however the overall ranking of the Tenders remains the same.

Recommendation

Taking the above information into account, the Officers' recommendation is to award the Tender inclusive of the mandatory and all optional items (Option 3) to the highest-ranking Tenderer, Kalamunda Electrics, for the price of \$2,158,535.

To appoint the preferred Tender as stated above would require an additional Shire contribution of \$998,720 (ex GST) to the project. It is acknowledged this is a significant additional contribution for the Shire to make towards this project. Nevertheless, even with this additional funding the Shire contribution would attribute to 56.6% of the total project costs, which is considered very reasonable and good leverage on external funding. Furthermore, the opportunity to undertake this project on such scale may not present itself in this or the next generation. At the presentation Councillors indicated a strong preference to undertake this project in its entirety rather than in parts with the risk that future funding may not be available to undertake the remaining items of the project.

Council should note that there are significant financial and operational risks to the organisation by not completing the field lighting and power upgrade project as a whole. These risks included:

- Increased costs to complete those project components at a later date;
- Further disruption to the playing fields leading to more down time;
- Increased potential of damage to any new underground infrastructure that gets installed, such as irrigation and/or drainage; and
- Potential for any of the old electrical infrastructure to become noncompliant when paired or connected dot the new electrical infrastructure.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* require Tenders to be publicly invited for contracts exceeding \$250,000 in value.

POLICY / STRATEGIC IMPLICATIONS:

The significance of the Rea Park & Collier Street Redevelopment project is supported in the following strategic documents:

- Shire of Manjimup Community Strategic Plan 2021 – 2031:
 - Strategy C19. Create, support and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities;
 - Strategy D13. Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible;
- Shire of Manjimup Sport and Recreation Strategic Plan 2014-2024; and
- Manjimup Community Recreation Hub Master Plan.

ORGANISATIONAL RISK MANAGEMENT:

The purpose of the MRCR is to strategically plan and establish future facility developments, including the rationalisation of assets and resources and

avoidance of possible facility duplication, with the aim to ensure community needs are met in a sustainable way.

A number of risks are being reduced by funding and undertaking the MRCR Power Upgrade & Field Lighting project, it will:

- Ensure sufficient power at the Reserve to allow for development (e.g. field lighting, pavilion and amenities developments);
- Consolidate the current multiple points of supply into one point of supply;
- Underground the current overhead power infrastructure;
- Renew electrical infrastructure and lighting that no longer conform to current standards and have exceeded their intended life expectancy; and
- Reduce safety hazards and long-term maintenance risks.

Further risk mitigation via the Tender process has been achieved by the following:

- An assessment panel consisting of three (3) members have individually completed a Tender assessment scoring and summarized their findings;
- Tenderer selected with proven experience relevant to this project;
- Demonstrated financial sustainability; and
- Process overseen by the Probity Officer.

In saying that, the above proposal for the Power Upgrade and Field Lighting is not without organisational risk that needs to be acknowledged and considered by Council. The risks and mitigation strategies that have been identified in the appended Council agenda item of 30 September 2021 have been updated in the table attached.

ATTACHMENT: 9.9.1(3)

FINANCIAL IMPLICATIONS:

In the Shire of Manjimup 2021/22 budget, Council has committed to a \$5 million loan for the implementation of MRCR (listed as 'Stage 2b – Collier Street/Rea Park Redevelopment Loan'). The use of LRCI program Phase 3 funding for the Power Upgrade & Field Lighting project was approved by Council in September 2021. There is currently \$1,698,795 identified funding for the project. However, in order to complete the project in full there is an overall shortfall of \$998,720 ex GST.

The recommendation is that Council support the appointment of the entire Tender RFT 04-22 with the funding being sourced from the above mentioned MRCR loan of \$5M. After committed expenditure for planning of MRCR project components to this loan it will leave a balance of \$3,917,280.

The ongoing financial implications for this project as outlined in the 30 September 2021 Council agenda item, are as follows:

- The poles and lights will be owned and maintained by the Shire. Utility bills will be received by the Shire and recouped from the users on a booking user pay basis. Clubs will be charged an hourly fee for use of the lighting based on the lux level used. Minor annual maintenance costs, such as cleaning

and RCD testing, and a luminaire clean every 2.5 years, will be factored into the hourly fee set in accordance with the annual fees and charges adopted by Council.

- Typically LED sports lights are now available with a 5-year warranty and design life expectancy of 50,000hrs, which offers an operating period of approximately 20-25 years.

It should be noted that the planning for other MRCR project components is still ongoing, including the design for the playing fields upgrade and the concept design for a new pavilion, storage units, car park and entry road. Increasing the Shire funding for the power upgrade and field lighting project will likely impact the future budgets for these works alongside the expected increasing costs.

Of all project components, the upgrade of the playing fields, in particular the Collier Street field, is of the highest priority, as this is an essential requirement to play the sports. Field lighting will allow for increased hours of use of the playing fields, and the Reserve power upgrade is required for this and other Reserve developments.

SUSTAINABILITY:

Environmental: LED lighting is far more energy efficient and has a reduced environmental impact in comparison to traditional lighting.

Economic: Improved sporting facilities provides opportunities for increased regional competition and associated economic spin off related to increased visitation.

Social: The proposed lighting project and power upgrade are the first implementation stage of the Manjimup Rea Park & Collier Street Redevelopment. The Rea Park & Collier Street Reserve facilities are shared by a large number of clubs, community groups and other users, which will benefit from the proposed project.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Award the Mandatory Tender and all 3 Optional Tender components (new event enclosures, lighting Field 2, and removal of redundant electrical services) of RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment to Kalamunda Electrics for the price of \$2,158,535 (ex GST) in accordance with their submitted Tender Response; and**
- 2. Allocate the additional expenditure of \$998,720 of the Council approved Stage 2b – Collier Street/Rea Park Redevelopment loan in the 2022/23 financial year to fund the implementation of the Power Upgrade & Field Lighting in its entirety.**

Description	Current Budget	Amended Budget	Variation
Transfer from Recreation Ground Facility Improvement Reserve	(\$690,634)	(\$1,689,354)	(\$998,720)
Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment	\$1,670,715	\$2,669,435	\$998,720
Net Rate Funds			\$0

ATTACHMENTS

- 1** ➡ Proposed Playing Fields Configuration - Rea Park & Collier Street Redevelopment 1 Page
- 2** ➡ Evaluation Matrix - RFT 04-22 - Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment 3 Pages
- 3** ➡ MRCCR Power Upgrade & Field Lighting Risks and Mitigation Strategies 1 Page

APPENDICES

- A** ➡ Council Agenda Item Sept 2021 - Proposed Field Lighting Project, Rea Park & Collier Street Redevelopment 9 Pages

9.13.1 Proposed Budget Amendment for Wheatley Coast Road Reconstruction of Road Section SLK 11.10 to 11.70

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Wheatley Coast Road, Quinninup
WARD:	East
ZONE:	Road Reserve
DIRECTORATE:	Works and Services
FILE REFERENCE:	F190349
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	28 February 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shires Infrastructure Works Budget 2022/23 identifies \$450,000 for reconstruction of section of Wheatley Coast Road Straight Line Kilometre – To Be Determined (SLK - TBD). These funds are comprised of grant funding of \$300,000 from the Main Road Western Australia Regional Roads Group (RRG) and \$100,000 from Roads to Recovery while \$50,000 is municipal funds. As works immediately north of the Quinninup townsite are close to being completed, it has become clear that over expenditure of the budget of up to \$60,000 is required to complete works to safe and trafficable standard.

As such, in order to meet its financial management obligations, Officers have sought and gained an additional \$40,000 RRG funding that requires a Shire one third contribution that will meet the budget shortfall. As such, Officers seek Council approval to amend the Shire's Infrastructure Works Budget 2022/23.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Since the time of applying for the grant funding and the setting and approval of Council's 2022/23 budget, the local economy has seen some significant cost increases in materials and supplies, as well contractor costs. These increases are due largely to world wide issues impacting fuel costs, which in turn impacts cost and supply of materials. Combining this with a shortage of local contractors due to major works occurring in the South West and adjacent regions, the budget for roadwork projects is under considerable pressure.

At commencement of works, the Shire had already reduced the scope of works to SLK 11.10 to 11.70 to accommodate the increased costs. Unfortunately, by the time the works were some 90% complete, it became apparent that a budget over expenditure is required in order to complete the works.

Some of the over expenditure has already occurred due to:

- an increase in the quantity of gravel required on site, outside of the original estimate, alongside the extra time and labour resources need to work and incorporate the gravel into the road pavement;
- Lost production time due to a Total Fire Bans occurring during works, which also required an additional water truck and staff onsite to complete the day's work; and
- A breakdown of the water truck during works causing lost production time.

The Shire's road construction works generally cost about \$8,000 to \$10,000 per day and therefore even relatively minor increases in the materials required alongside lost production time have a great impact on the project's budget come the time of project completion.

At the time of reporting, there is still some 5% of works required to complete the project to a safe and trafficable standard. The proposed budget amendment will see the budget allocation for Footpath – Retrofit Pram Ramps and Gaps having all of its funds reallocated. Given the above recurrent budget allocation is directly associated with the Shire's remit to provide and maintain road infrastructure and there are no immediate or urgent pram ramps requiring replacement, the amendment is seen as an appropriate proposal.

Given the importance of Wheatley Coast Road to the Shire's distributor road network, it is therefore recommended that Council approve the proposed budget amendment.

STATUTORY ENVIRONMENT:

Local Government Act 1995 requires budgets to be set by Council by absolute majority.

POLICY / STRATEGIC IMPLICATIONS:

The Shire's Corporate Business Plan 2022-2026 supports the proposal as noted in:

- D15.1 Work with relevant state departments to upgrade and provide safe, sustainable road infrastructure that assists the movement of industry, agricultural products and tourism; and
- D16.1 Implement the *15-year Forward Capital Works Program 2021-2036* in relation to roads and parking planning.

ORGANISATIONAL RISK MANAGEMENT:

Upgrading and improving the safety and drivability of Wheatley Coast Road to current Austroads Standards, greatly reduces any risk to the organisation.

FINANCIAL IMPLICATIONS:

No effect on the overall Infrastructure Works Budget 2022/23, though the proposed budget amendment will have an impact on the Shire's Footpath – Retrofit Pram Ramps and Gaps budget.

SUSTAINABILITY:

Environmental: Nil

Economic: \$20,000 of Municipal funds are required to balance the grant funded Wheatley Coast Road reconstruction.

Social: Provides a safer and more sustainable road that in turn assists the local community and movement of industry, agricultural products and tourism.

VOTING REQUIREMENTS:**ABSOLUTE MAJORITY****OFFICER RECOMMENDATION:**

That Council amend the 2022/23 adopted budget for Wheatley Coast Road (SLK – 11.10 to 11.70) in accordance with the attached table.

Description	Current Budget	Proposed Budget	Variation
Regional Road Group Funding- Wheatly Coast Road (SLK – TBD)	(\$300,000)	(\$340,000)	(\$40,000)
Footpath – Retrofit Pram Ramp & Gaps	\$20,000	\$0	(\$20,000)
Roads - Wheatley Coast Road (SLK – 11.10 to 11.70)	\$450,000	\$510,000	\$60,000
Net Rate Funds			\$0

ATTACHMENT**9.15.1 Unconfirmed Minutes of the Audit Committee Meeting Held 2 March 2023**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F170379
LEGISLATION:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	13 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On the 2 March 2023 Council's Audit Committee met with the purpose of:

- 1) Receiving the unconfirmed minutes of the Audit Committee held 29 November 2022;
- 2) Receiving the Shire of Manjimup 2022 Compliance Audit Return: and
- 3) Receive an update on progress from recommendations from the Financial Management System Review, Regulation 17 Review and the 2022 Annual Financial Accounts.

The purpose of this agenda item is to receive the unconfirmed minutes of the Audit Committee meeting held on 2 March 2023.

ATTACHMENT: 9.15.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The main purpose of the Audit Committee meeting held 2 March 2023 was to receive the findings and endorse the 2022 Compliance Audit Return.

The Director of Business presented the 2022 Compliance Audit Return explaining the various 11 sections and the requirements to meet compliance.

The 11 sections tested are:

- Commercial Enterprises by Local Governments;
- Delegation of Power / Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;

- Official Conduct;
- Tenders for Providing Goods and Services; and
- Other.

Of the 94 items tested the Shire demonstrated 100% compliance on all matters. Whilst the Audit Committee endorsed the findings from the 2022 Compliance Audit Return, the return will be presented to Council as a separate item being 9.3.3 for final adoption as part of the overall agenda for the Council Meeting 23 March 2023.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

POLICY / STRATEGIC IMPLICATIONS:

The Audit Committee is established under the *Local Government Act 1995* to provide guidance and assistance to the Local Government in achieving the audit requirements of the Act thus ensuring that the financial management of the Shire of Manjimup remains open, transparent and accountable.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: It is essential that Local Government maintains open, transparent and accountable processes in the expenditure of public monies. Regular financial audits by auditors and the functions of the Audit Committee are some of the methods established to assist Local Government in meeting legislative and community expectations.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Audit Committee meeting held 2 March 2023 as per Attachment: 9.15.1(1); and
2. Accept the findings from the 2022 Compliance Audit Return.

ATTACHMENTS

1 ➡ Unconfirmed Audit Committee Minutes - 2 March 2023 44 Pages

ATTACHMENT**9.16.1 Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 24 February 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Community Services
FILE REFERENCE:	F210319
LEGISLATION:	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	13 March 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

The Reconciliation Action Plan Advisory Committee is an advisory committee of Council formed under the provisions of the *Local Government Act 1995*. The functions of the Committee outlined in the current Terms of Reference for the Advisory Committee are:

1. To provide guidance and support to the Shire of Manjimup for the implementation of the Reconciliation Action Plan;
2. To provide advice and make recommendation to Council in regard to matters concerning the Reconciliation Action Plan and its implementation;
3. To be available and to provide a focal point for connection with the Aboriginal and Torres Strait Islander community;
4. Representative Members acknowledge and accept their role as a representative of the Aboriginal and Torres Strait Islander community and to act as a key liaison for the broader community;
5. Communicate and inform represented groups and the local community regarding activities of the Committee; and
6. Play an active role in the promotion and development of Aboriginal and Torres Strait Islander cultural awareness across the Shire of Manjimup.

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 24 February 2023 as attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Aboriginal Heritage Act 1972 and;

Section 5.11 of the *Local Government Act 1995*, (the Act) specifies that where a person is appointed to a Committee of the local government, their membership continues until, at the latest, the next ordinary elections day is held. As a result all Committee positions are effectively vacated, with members to be appointed by resolution of Council.

POLICY / STRATEGIC IMPLICATIONS:

The Reflect Reconciliation Action Plan (RAP) relates to goals and strategies in the Shire of Manjimup Strategic Community Plan 2021-2031 including, but not limited to:

- Community Goal 3.8: Diversity, inclusivity and harmony are the foundations of strong community spirit and we celebrate and honour our diverse cultures, heritage and lifestyles;
- Strategy C20: Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements;
- Strategy C23: Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance; and
- Community Infrastructure Goal 4.8: Places of heritage value are recognised and retained.

The Shire of Manjimup Corporate Business Plan 2022-2026 includes the action below:

- Implement the outcomes as identified in the Reconciliation Action Plan.

ORGANISATIONAL RISK MANAGEMENT:

The Shire RAP will foster engagement with local Aboriginal and Torres Strait Islander people and encourage participation in community consultations, cultural inclusion and a better understanding of related issues.

FINANCIAL IMPLICATIONS:

The committee is an advisory committee only and therefore not responsible for the management of any budget. Any financial implications are to be determined by the Council.

SUSTAINABILITY:

Environmental: The Reflect RAP seeks to consider opportunities and appropriate processes to involve Aboriginal people in sustainable natural resource management and in the protection and restoration of significant cultural locations, including totemic trees.

Economic: The Reflect RAP outlines several actions which seek to consider opportunities for Aboriginal and Torres Strait Islander employment and supplier diversity.

Social: The Reflect RAP outlines the Shire of Manjimup's vision of reconciliation, which is to foster meaningful relationships communication and respect between all Australian peoples, thereby strengthening the foundation of our local communities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 24 February 2023 as per Attachment: 9.16.1(1);

ATTACHMENTS

1 ➞ 23-02-24 RAPAC Unconfirmed Minutes 5 Pages

**ATTACHMENT
APPENDIX**

9.16.2 Proposed Nominations for the Pemberton Town Activation Advisory Committee

PROPONENT	Shire of Manjimup
OWNER	NA
LOCATION / ADDRESS:	Pemberton
WARD:	West
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170456
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	3 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following Council's acceptance of the resignation of Kathy Barret-Lenard at its Ordinary Meeting held 17 November 2022, one of the Community Representative positions became vacant and the Terms of Reference for the Pemberton Town Centre Revitalisation Advisory Committee were reviewed and amended accordingly. The current Terms of Reference are appended.

APPENDIX: 9.16.2 (A)

In response to the vacancy, the Shire advertised for new nominations to the committee. The purpose of this report is to request Council to consider the nominations received for the position of Community Representative for the Pemberton Town Activation Advisory Committee.

PUBLIC CONSULTATION UNDERTAKEN:

The Shire advertised for new nominations to the committee from 25 January 2023 to 28 February 2023 on the Shire website. Notice requesting nominations was also advertised in the Manjimup-Bridgetown Times on 25 January 2023 and the Pemberton Community News on 1 February 2023. Three nominations were received, with one nominee later withdrawing.

COMMENT (Includes Options):

In response to the request, two nominations received were from Debra Mack and also from Dr Leanne Rowe for the Community Representative vacancy. A copy of the nomination received is available to Elected Members on request.

As both nominees are worthy candidates, Officers recommend that Council approve an additional position for Community Representative and that both nominations be accepted. Should the nominations be accepted, the committee would comprise of five community representatives, a representative of the Pemberton Arts Group, two elected members and three employees of the Shire being the Director of Works and Services, the Director of Development and Regulation and the Director of Community Services.

The proposed new Pemberton Town Activation Advisory Committee's Terms of Reference (including members, term of appointment, quorum, meeting dates and functions) is attached.

ATTACHMENT: 9.16.2(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 section 5.10 (2) provides that each Council member is entitled to be a member of at least one committee.

POLICY / STRATEGIC IMPLICATIONS:

The Strategic Community Plan 2021 – 2031 Strategy D8 Develop town centres to show case their unique characters and encourage vibrant, mixed-use commercial and public spaces

The Corporate Business Plan 2022 – 2026 Strategy D8.2 - Facilitate local involvement in Town Centre Revitalisation Committees to determine priorities and endorse revitalisation plans.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Improvements to townscape and associated public infrastructure are recognised as contributing towards and stimulating investment and economic activity in the community.

Social: The Shire of Manjimup Community Strategic Plan 2021-2031 contains the following recommendations relating to Town Centres that are relevant to the ongoing improvements of town centres within the Shire.

- 4.4 Town centre are accessible, attractive and inviting whilst maintaining their unique characters.
- 4.5 Parks and open spaces are attractive and create opportunities for people to come together, socialise and enjoy a range of activities.
- 4.6 Community infrastructure planning that response to an ageing demographic and is also inherently dementia and disability friendly.

Consistent with these Goals, Strategy D5 outlines that it is the Shires intention to 'Develop and maintain community infrastructure to a service level that meets the community's needs'. In addition, Strategy D9 identifies the desire to "Develop town centres to showcase their unique characters and encourage vibrant, mixed use and commercial spaces".

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Debra Mack;**
- 2. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Dr Leanne Rowe; and**
- 3. Amend the Pemberton Town Activation Advisory Committee Terms of Reference to appoint the nominees stated in points 1 and 2 above for the period of 23 March 2023 to 21 October 2023 in accordance with the Draft Terms of Reference shown at Attachment: 9.16.2(1).**

ATTACHMENTS

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| 1 ➡ Pemberton Town Activation Committee ToR Dec 2021 - Oct 2023 amended 10 March 2023 | 1
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APPENDICES

- | | |
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| A ➡ Pemberton Town Activation Committee ToR Dec 2021 - Oct 2023 amended 8 November 2022 | 1
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- 10. LATE REPORTS:**
- 11. QUESTIONS FROM MEMBERS:**
 - 11.1 Response to questions from members taken on notice.
 - 11.2 Questions from members.
- 12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**
- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:**

14. MEETING CLOSED TO PUBLIC:

14.1 Matters for which the meeting may be closed

14.1.1 Confidential Item - Employment of Principal Environmental Health Officer

PROPONENT	Director of Development & Regulation
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	N/A
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F170536
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	15 March 2023
DECLARATION OF INTEREST:	Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (a) it deals with a matter affecting an employee or employees.

14.2 Public reading of resolutions that may be made public.

15. APPLICATIONS FOR LEAVE OF ABSENCE:

16. CLOSURE:

In closing I acknowledge the contributions of pioneers and group settlers who opened up this land and through their efforts allow us to enjoy the lifestyle we live today.

There being no further business to discuss the Shire President to thank those in attendance and close the meeting at.....pm.