



UNCONFIRMED MINUTES
ORDINARY MEETING OF COUNCIL
15 FEBRUARY 2024

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,
Thursday, 15 February 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.31pm.

The Shire President made an acknowledgement of Country.

2. ANNOUNCEMENTS BY THE PRESIDENT

Nil.

3. ATTENDANCE

PRESENT:

Councillors

Cr D Buegge (Shire President)

Cr J Darin

Cr W Eiby

Cr S Miolin

Cr P Omodei

Cr M Ventris

Cr J Willcox

Cr C Winfield

Staff

Mr Benjamin Rose (Chief Executive Officer)

Mr Greg Lockwood (Director Business)

Ms Gail Ipsen Cutts (Director Community Services)

Mr Jason Giadresco (Acting Director Development & Regulation)

Mr Michael Leers (Director Works & Services)

Ms Shammara Markotis (Acting Corporate Administration Officer)

Ms Jessica Winters (Acting Senior Governance Officer)

Gallery

Nancy Giblett

David Giblett

Jocelyn Baister

Ananth Sankaran

Neal Webster

Mary Nixon

Ed Fallens

Jenny MacDonald

3.1 Apologies: Councillor Wade De Campo was absent from the meeting.

3.2 Leave of Absence: Nil.

4. DECLARATIONS OF INTEREST

The Chief Executive Officer advised that he received Impartiality declarations from Councillors Winfield and Eiby.

Councillor Winfield declared an Impartiality Interest in Item 9.16.1 as his wife is a member of the advisory committee.

Councillor Eiby declared an Impartiality Interest in Item 9.16.1 as she is an employee of Southern Forest Community Landcare, who hold a lease within the Manjimup Heritage Park.

5. PUBLIC QUESTION TIME

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time

5.2.1 Ananth Sankaran, Walpole

- I am representing Mohanji Foundation Australia.
- I would like to take this opportunity to thank Council members for considering Item 9.5.1.
- We took over the property two years ago and are converting it into a retreat centre.
- The Mohanji Foundation is registered in 18 countries and we are operating in 90 different countries.
- The focus for establishing a retreat centre here is basically to take people from sounds to silence both externally and internally.
- Councillor Jennifer Wilcox has been very helpful, sharing her knowledge about the local area with us.
- We also have had amazing interaction with the public and people from the Shire.
- We have started our rezoning exercise with the help of an external consultant. I am also here to seek support on this matter when it is tabled to Council. Please continue to help and guide us as we just want to do the right thing.

Shire President: Received as a deputation.

5.2.2 Mary Nixon, Wilgarup

- I would like to make a comment on the Unconfirmed Minutes of the 2023 Annual Meeting of Electors. I would like to encourage all Council members to understand that behind my motion was my concern for safety and wellbeing and also the environment.
- I attended a meeting held in the Manjimup Town Hall yesterday by the Balingup Railway Group, which is a group that is pushing for the passenger and commuter rail service.
- I was quite surprised to see that there were no Councillors or Shire representatives there except for the Shire President and Gail Ipsen Cutts.

- Manjimup wasn't listed in the list of Councils that had put money towards the rail feasibility project. I asked if Manjimup had been approached and I was told that the Shire had not been approached which I find remarkable considering a lot of it is a push for tourists.
- I would like to encourage Councillors to get very interested in this project because of its commuter and tourist potential, as well as freight. It is a golden opportunity and if Manjimup doesn't get active and support it we will really miss out. It is a possibility that it could run all the way to Northcliffe so we need to be very proactive.

Shire President: Received as a deputation.

6. PRESENTATIONS

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations

6.3.1 Gordon Smith, regarding Item 9.12.1 Lot 248 Forestry Glen and Lot 7488 Pemberton Arboretum, Pemberton

Mr Smith read from the prepared statement as showing in Attachment 6.3.1 (1).

Question from Councillor Winfield: I'm a bit surprised that a letter from the local DBCA office is enough to change the tenure of a piece of State Forest. Has that been looked into?

Director Works and Services: The purpose of this report is to start the process. By having support from the local DBCA office, it provides support to get the excision and dedication process commenced through both the Department of Biodiversity, Conservation and Attractions and the Department of Planning, Lands and Heritage.

6.4 Delegates' Reports: Nil.

6.5 Conference Reports: Nil.

7. CONFIRMATION OF MINUTES

MOVED: Omodei, P **SECONDED:** Willcox, J

29430

That the Minutes of the Ordinary Meeting of the Council held on 18 January 2024 be confirmed as a true and accurate record.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9. COUNCIL OFFICERS' REPORTS

MOVED: Omodei, P SECONDED: Winfield, C

29431

"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 73 of the Agenda with the exception of:

9.1.1	Unconfirmed Minutes of the 2023 Annual Meeting of Electors Held 16 January 2024
9.1.2	Nomination of Elected Member to Represent the Shire on External Committee - Climate Change Action Plan Implementation Reference Group
9.5.4	Proposed Extension to Existing Dam at Lot 25 (45) Jacksonii Avenue, Walpole
9.5.6	Proposed Building Envelope Variation for a Dwelling- Single at Lot 144 Karri Street, Walpole
9.9.1	Request Approval to Expend Reserve Funds - AquaCentre Plant Replacement
9.9.2	Request for 'Out-of-Round' Shire of Manjimup Community Grant Request: Southern Forests Campdraft Club
9.14.1	Request Approval to Expend Reserve Funds - Manjimup Heritage Park Playground
9.16.1	Review of the Manjimup Heritage Park Advisory Committee and Manjimup Town Activation Advisory Committee
9.16.2	Unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 22 November 2023

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Items passed by En Bloc Resolution

- 9.2.1 Proposed Lease from FES Ministerial Body - Reserve 26374 Banksia Street, Northcliffe
- 9.3.1 Shire Financial Payments for December 2023
- 9.3.2 Shire Financial Payments for January 2024
- 9.3.3 Monthly Statement of Financial Activity - December 2023
- 9.5.1 Proposed Change of Use - Community Purpose within Existing Outbuilding at Lot 4 (6845) South Coast Highway, Walpole

- 9.5.2 Request for Support to Proposed Scheme Amendment - Lot 112 (27) and Lot 113 (29) Bath Street, Manjimup
- 9.5.3 Proposed Overheight Outbuilding at Lot 5, 30 Collier Street, Manjimup
- 9.5.5 Delegated Planning Decisions January 2024
- 9.12.1 Proposed Land Dedication to Facilitate the Extension of Forsetry Glen Road through Lot 248 (245) Forestry Glen and Lot 7488 State Forest, Pemberton
- 9.13.1 Quarterly Report October to December 2023 - Works and Services

9.2.1 Proposed Lease from FES Ministerial Body - Reserve 26374 Banksia Street, Northcliffe

PROPONENT OWNER	Shire of Manjimup Crown (Management Order to FES Ministerial Body)
LOCATION / ADDRESS:	Reserve 26374, 10 (Lot 222) Banksia Street, Northcliffe
WARD:	Rural
ZONE:	Public Purposes
DIRECTORATE:	Business
FILE REFERENCE:	F240034
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	5 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The Shire of Manjimup leases a portion of Reserve 26374, 10 (Lot 222) Banksia Street, Northcliffe from FES Ministerial Body (formerly Fire and Emergency Services of WA).

Both the Shire and Department of Fire and Emergency Services (DFES) have constructed buildings and improvements on the site as an emergency services colocation. The Shire also contributed funding to the DFES building which has some shared use.

The lease has expired, and the Shire has been offered a new lease to continue the current arrangement.



PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

DFES has proposed the following for a new lease:

- Lease Term of 21 years, with no renewal option.
- Annual rent of \$1 per annum.
- Lease is exclusive for portion of the land with the Shire owned building, with lease conditions including access to common/shared areas on the remaining land, including portion of the DFES building and other improvements.
- Shire proportionate 60% share of utilities and general repair and maintenance outgoings for common/shared areas and improvements.

Given the importance of the infrastructure for emergency management, it is recommended to proceed with a new lease. The lease agreement will be prepared by DFES and reviewed by Shire officers prior to execution.

STATUTORY ENVIRONMENT

As it is Crown land the approval of the Minister for Lands is required in accordance with section 18 of the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS

Council Policy 1.2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of land to the Shire to be put before Council.

ORGANISATIONAL RISK MANAGEMENT

Nil – continuing current arrangement.

FINANCIAL IMPLICATIONS:

The annual lease fee is one dollar per annum. Outgoings and any other lease expenses are to be sourced from fire prevention operational budgets.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to execute a lease agreement from FES Ministerial Body to the Shire of Manjimup for portion of Reserve 26374, 10 (Lot 222) Banksia Street, Northcliffe for a term of 21 years.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29432

That Council authorise the Chief Executive Officer to execute a lease agreement from FES Ministerial Body to the Shire of Manjimup for portion of Reserve 26374, 10 (Lot 222) Banksia Street, Northcliffe for a term of 21 years.

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.3.1 Shire Financial Payments for December 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:	Judy Sutton
DATE OF REPORT:	31 January 2024
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.

Effective from 1 September 2023 local governments are required to disclose information about purchases made on purchasing cards, such as corporate cards, debit cards, store cards, fuel cards and taxi cards.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Accounts for payment totalling \$3,232,856.25 for the month of December 2023 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for November 2023 are attached.

ATTACHMENT: 9.3.1(1)

Payment by Fund	Amount
Municipal – December 2023	\$3,232,856.25
Trust Fund	\$0.00
Total	\$3,232,856.25

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Council Meeting of 15 February 2024.

Fund	Batch or cheque no.	Amount
Municipal Payments for Month December 2023		
Cheque payments	95464 – 95478	\$30,206.68
EFT	300 – 303	\$2,364,790.60
Direct Debits		\$19,734.07
Payroll – December 2023		\$818,124.90
Total Payments – December 2023		\$3,232,856.25

Direct Debit for Card Payments	Amount
Corporate Credit Cards – November 2023	\$2,951.66
Wright Express - Coles – November 2023	\$395.32
Total	\$3,346.98
Direct Debit payments included on Warrant Listing Report - December 2023.	

Fuel Card Payments	Amount
BP Cards – November 2023	\$9,643.85
Ampol Cards – November 2023	\$2,622.67
Total	\$12,266.52
Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – December 2023	

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 December 2023 accounts for payment totalling \$3,232,856.25, as detailed within Attachment: 9.3.1(1).

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29433

That Council note the December 2023 accounts for payment totalling \$3,232,856.25, as detailed within Attachment: 9.3.1(1).

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.3.2 Shire Financial Payments for January 2024**

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:	Judy Sutton
DATE OF REPORT:	1 February 2024
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.

Effective from 1 September 2023 local governments are required to disclose information about purchases made on purchasing cards, such as corporate cards, debit cards, store cards, fuel cards and taxi cards.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Accounts for payment totalling \$2,736,785.25 for the months of January 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for December 2023 are attached.

ATTACHMENT: 9.3.2(1)

Payment by Fund	Amount
Municipal – January 2024	\$2,736,785.25
Trust Fund	\$0.00
Total	\$2,736,785.25

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Council Meeting of 15 February 2024.

Fund	Batch or cheque no.	Amount
Municipal Payments for Month January 2024		
Cheque payments	95479 – 95499	\$16,437.94
EFT	304 – 308	\$1,468,233.12
Direct Debits		\$25,248.02
Payroll – January 2024		\$1,214,666.17
Contra Payments		\$12,200.00

Total Payments – January 2024 **\$2,736,785.25**

Direct Debit for Card Payments	Amount
Corporate Credit Cards – December 2023	\$7,021.62
Wright Express - Coles – December 2023	\$402.49
Total	\$7,424.11

Direct Debit payments included on Warrant Listing Report - January 2024

Fuel Card Payments	Amount
BP Cards – December 2023	\$10,074.62
Ampol Cards – December 2023	\$3,283.10
Total	\$13,357.72

Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – January 2024

Invoices Paid by Contra Arrangement	Amount
Invoices offset against monies owed during January 2024	\$12,200.00
Total	\$12,200.00

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 January 2024 accounts for payment totalling \$2,736,785.25, as detailed within Attachment: 9.3.2(1).

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29434

That Council note the January 2024 accounts for payment totalling \$2,736,785.25, as detailed within Attachment: 9.3.2(1).

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.3.3 Monthly Statement of Financial Activity - December 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:	2 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require monthly Statement of Financial Activity 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 Statement of Financial Activity report for the period to 31 December 2023 is attached. The report is summarised by "Type" with operating comments identifying departments with a reportable variance.

ATTACHMENT: 9.3.3 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The financial performance for the Shire of Manjimup to the 31 December 2023 is a projected surplus of \$365,285.

The projected profit is based on a conservative approach highlighting possible issues as they occur, which in most cases can be rectified or offset with under expenditure in other areas as the Shire progresses through the financial year.

The significant carry forward position has been created from the inclusion of the unbudgeted 2022/23 surplus of \$267,216 into the end of year position. Other than the 2022/23 surplus, there have been no significant issues

identified in the December 2023 accounts, however there are a series of moderate issue that are unlikely to be rectified by the 30 June 2024.

The items negatively affecting the end of year position are:

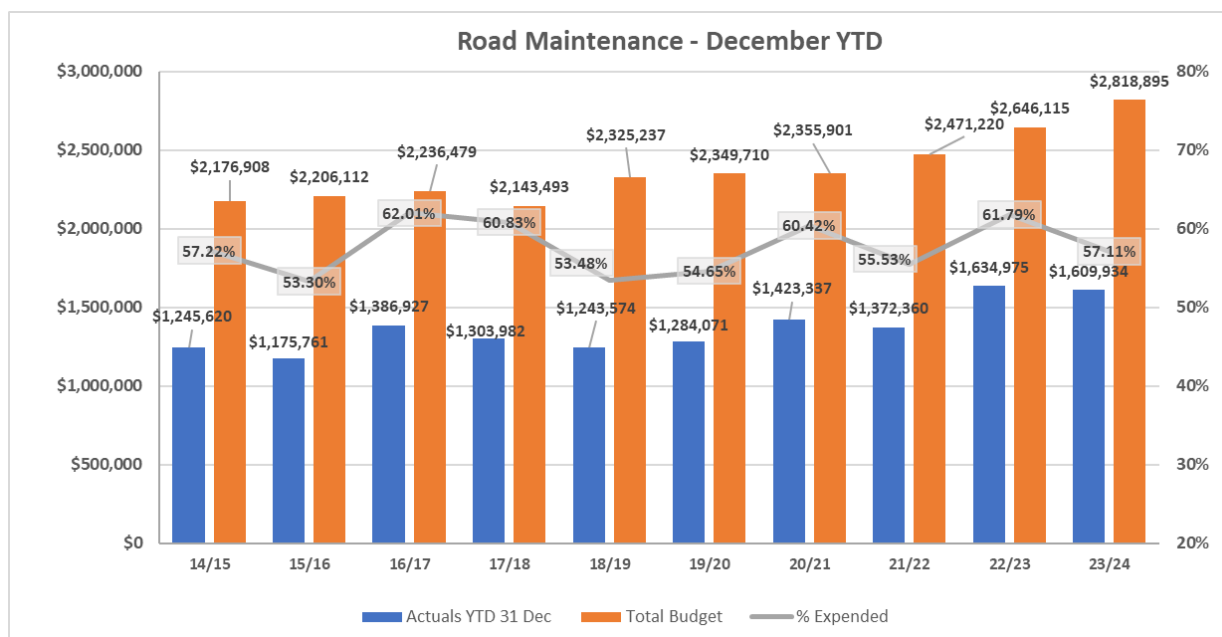
- Electricity Costs – Manjimup Regional AquaCentre \$40,000 – In August 2023 an inverter within the solar array was hit with a power spike and failed. The inverter supply and replacement took some time and was finally installed early January 2024;
- Insurance Premiums \$47,851 – Shire of Manjimup insurance premiums are higher than budgeted. The Shire received a workers compensation adjustment increase of \$13,391 based on last year's wages, with the remainder of the projected overspend being general premium increases;
- Power Up Electricity Museum Income \$40,000 - 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 \$23,984 behind the year-to-date budget; and
- General Purpose Grant Payment correction \$145,143 – In late September 2023 the Shire was advised that the Financial Assistance Grant was overpaid by \$145,143 in error, and the overpayment would be taken from next year's allocation.

Items that are positively affecting the end of year position are:

- Interest revenue \$180,000 - To 31 December 2023 actuals were \$429,901 with a whole year budget of \$324,969. 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 \$180,000 of additional income received;
- Finance costs \$161,063 – Shire Staff are going through the loan application process with Western Australia Treasury Corporation. This takes some time so it is expected that there will be savings within interest expense and principal repayments; and
- Development Application Fees \$30,000 – Planning applications fees are well ahead of budget to the 31 December 2023.

An area that is important to monitor at the halfway point of the year is road maintenance. July to November is traditionally a heavy road maintenance period, with drier weather triggering the move from road maintenance to the capital works program.

To 31 December 2023 road maintenance is at 57.11% expended, which is 4.68% lower than this time last year. The percentage spend is a normal seasonal pattern and with favourable weather conditions and a completed capital program, maintenance accounts should be sufficiently recovered to meet road maintenance in the last quarter of the financial year.



Other than those items listed above, no major discrepancies have come to light in the first six months after adopting the 2023/24 budget. If the surplus above is allocated through budget adjustments, with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2024.

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 Statement of Financial Activity Report for December 2023 as per Attachment: 9.3.3(1).

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29435

That Council receive the Monthly Statement of Financial Activity Report for December 2023 as per Attachment: 9.3.3(1).

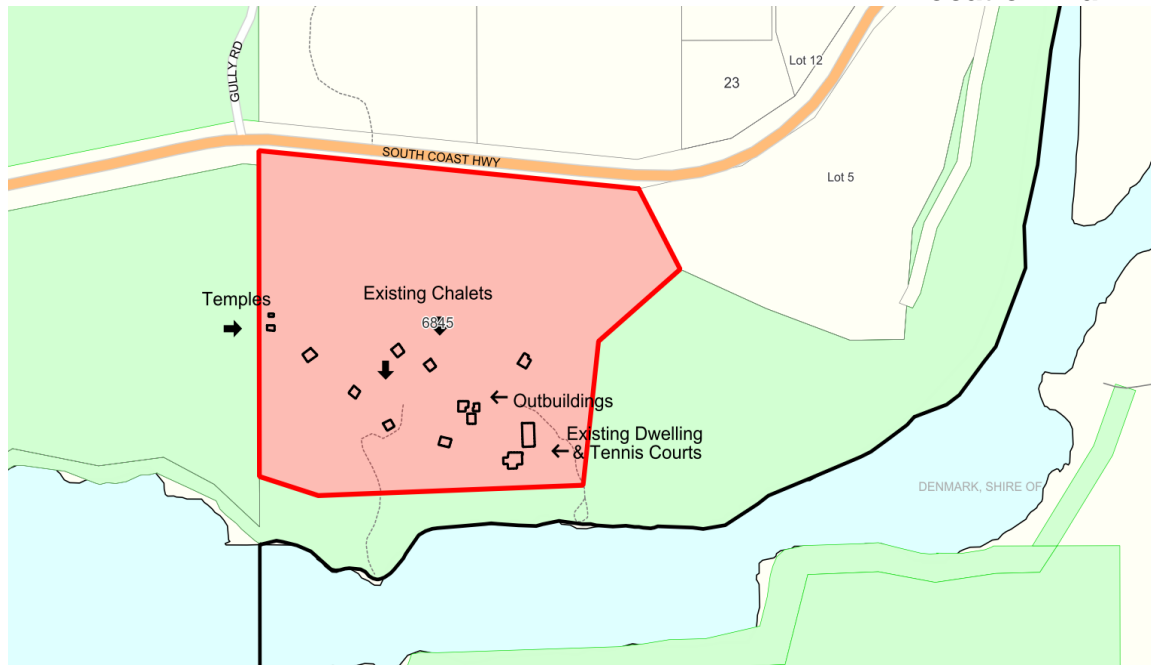
ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.5.1 Proposed Change of Use - Community Purpose within Existing Outbuilding at Lot 4 (6845) South Coast Highway, Walpole**

PROPONENT	South Pride Pty Ltd
OWNER	Mohanji Foundation Australia Ltd
LOCATION / ADDRESS:	Lot 4 (6845) South Coast Highway, Walpole
WARD:	Rural
ZONE:	Rural Residential
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	DA23/157; P52984
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	19 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The subject land is a 23.12ha property located on the southern side of the South Coast Highway, one property west of the Shire's eastern border. Previously known as Riverside Retreat, the property is developed with six chalets, a caretaker's cottage, some recreational facilities and two dams.

Location Plan

The application is seeking approval for a “Place of Worship” to be considered as an incidental land use on the site. The Place of Worship will be repurposed from existing outbuilding for the use of guests staying in the short stay accommodation only. Maximum occupancy of the temple shall not exceed 41 persons.

Council is requested to determine an application to change the use of the existing outbuilding to Community Purpose for religious ceremonies. A copy of the plans are attached.

ATTACHMENT: 9.5.1 (1)

It should be noted that Shire Staff have been contacted by the planning consultant representing the landowner regarding the potential to rezone the land to a zone that is reflective of the current activities on the property.

PUBLIC CONSULTATION UNDERTAKEN

The proposal was referred to Department of Biodiversity, Conservation and Attractions (DBCA) and Main Roads WA (MRWA) for comment given the proximity of the proposed structure to the Walpole-Nornalup National Park and the closeness to South Coast Highway. Both agencies have referred to previous comments made on a recent proposal for the subject property. Those comments are provided attached.

ATTACHMENT: 9.5.1(2)

COMMENT

The provisions of Local Planning Scheme No. 4 (the Scheme) include the land within the Rural Residential Zone and includes an Additional Use being Area No 11 within the Scheme and the local government is required to have 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;*
- (x) *the compatibility of a use or development with its setting, including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xvii) *whether the proposed means of vehicular access to an egress from the site are adequate and whether adequate provision has been made for loading, unloading, manoeuvring and parking of vehicles;*
- (xxvi) *the comments and submissions received from any authority that has been consulted; and*
- (xxvii) *any other planning consideration the local government considers relevant.*

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

Land Use Definition

The land use definition relevant to this determination of the submitted application, being:

“Community Purpose” – means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefits.”

The use of the existing outbuilding for Place of Worship would be consistent with the above definition.

Consistency with Current Zoning

The current zoning and Scheme provisions outline that a “Community Purpose” is an “A” use within the Rural Residential Zoning. That is a use that is not permitted unless special approval is granted after advertising of the proposal.

DBCA & MRWA History

Both DBCA and MRWA have previously supplied comments on previous applications and have stated that the same comments would apply for this application.

DBCA

Within their submission DBCA advise that they expect the structures to be constructed in accordance with the requirements in the Guidelines for Planning in Bushfire Prone Area, Version 1.4 December 2021. They advise that *“Water Supply and hazard separation zones should be provided on the property itself and there should be no expectation that any fire protection measures required for the hall will be provided on the adjacent department managed lands.”*

The Department’s preference is for the structure to be constructed at least 50m from the adjacent Walpole Nornalup National Park to minimise the risk of potential negative impacts from activities within the park, namely prescribed burning and wildfire.

Whilst the Department’s advice is supported for the proposed Baba Temple, as the Ganesh Temple is a simple un-enclosed structure, the structure will not be subject to the Planning for Bushfire Requirements. A 25m setback as proposed is therefore supported.

MRWA

MRWA made note in its submission of the unauthorised signs that have been installed within the road reserve, advising that the signs should be removed and the proponent may make application for compliant signs to MRWA.

The agency has recommended that the main access be upgraded including a 20m bitumen seal and that the secondary access be closed with the verge to be reinstated. This will be included as an advice note on any approval granted.

The advice from both agencies has been incorporated into the recommendation.

Conclusion

The proposed Change of Use to Community Purpose is considered to be a use providing a place of worship for the guests of the Short Stay Accommodation.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

The proposal and associated use of the subject land is consistent with Community Strategy B7 as outlined within the Shire of Manjimup's Community Strategic Plan being *"to encourage wellness industries related to rehabilitation, mental and physical health, aged and disabilities related to services and wellness tourism."*

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Approval to the application will allow the landowners to provide the occupants of the existing development with opportunities for passive recreation on-site.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Local Planning Scheme No. 4 approve the proposed Change of Use – Community Purpose within an Existing Outbuilding at Lot 4 South Coast Highway, Walpole (Application TP150/2023) as shown at Attachment 9.5.1 (1) and subject to the following conditions and advice:

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.	Development Application and Information	18 October 2023

2. The Community Purpose building hereby approved shall not be occupied by more than 41 persons at any one time unless otherwise approved by the Shire of Manjimup; and
3. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- a. This development approval is NOT a building permit. A Certified Building Permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b. It is recommended that the applicant have regard to the advice received from Main Roads Western Australia regarding the:
 - (i) upgrading to a 20m bitumen seal of the existing main entrance;
 - (ii) closure of the secondary access; and
 - (iii) removal of the signs within the road reserve to the satisfaction of Main Roads WA;
- c. The Department of Biodiversity Conservation and Attraction advises that there should be no expectations that any fire protection measures will be provided by its agency on the adjacent managed lands;
- d. The development the subject of this planning approval must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and the Shire of Manjimup Health Local Laws 2020; and
- e. The development must comply with the requirements of the *Health (Public Buildings) Regulations 1992*. Regardless of whether a building permit is required, application shall be made to the Shire of Manjimup's Environmental Health Services for assessment and approval prior to the commencement of development.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29436

That Council in accordance with Part 10 of Local Planning Scheme No. 4 approve the proposed Change of Use – Community Purpose within an Existing Outbuilding at Lot 4 South Coast Highway, Walpole (Application TP150/2023) as shown at Attachment 9.5.1 (1) and subject to the following conditions and advice:

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.	Development Application and Information	18 October 2023

2. The Community Purpose building hereby approved shall not be occupied by more than 41 persons at any one time unless otherwise approved by the Shire of Manjimup; and
3. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- a. This development approval is NOT a building permit. A Certified Building Permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b. It is recommended that the applicant have regard to the advice received from Main Roads Western Australia regarding the:
 - (i) upgrading to a 20m bitumen seal of the existing main entrance;
 - (ii) closure of the secondary access; and
 - (iii) removal of the signs within the road reserve to the satisfaction of Main Roads WA;
- c. The Department of Biodiversity Conservation and Attraction advises that there should be no expectations that any fire protection measures will be provided by its agency on the adjacent managed lands;
- d. The development the subject of this planning approval must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and the Shire of Manjimup Health Local Laws 2020; and
- e. The development must comply with the requirements of the *Health (Public Buildings) Regulations 1992*. Regardless of whether a building permit is required, application shall be made to the Shire of Manjimup's Environmental Health Services for assessment and approval prior to the commencement of development.

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.5.2 Request for Support to Proposed Scheme Amendment - Lot 112 (27) and Lot 113 (29) Bath Street, Manjimup**

PROPONENT	Lateral Planning
OWNER	Uniting Church of WA
LOCATION / ADDRESS:	Lot 112 (27) and Lot 113 (29) Bath Street, Manjimup
WARD:	Urban
ZONE:	Clubs and Institutions
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P51699, P51698
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	22 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The subject properties have an area of 1,011m² each and are located on the northwestern side of Bath Street, Manjimup with Lot 112 having the church and hall, while Lot 113 is vacant.

As shown on the location plan below, the property is surrounded by residential zoned properties as well as Town Centre zoned lots and other lots that are zoned Clubs and Institutions being the St Joseph's Parish Centre and Anglican Church Hall.

Location Plan

The Shire is in receipt of a request from the landowner to consider a Scheme Amendment to rezone the subject property from "Clubs and Institutions" to "Town Centre". A copy of the request received from the applicant on behalf of

the landowners stating the purpose and intent of the rezoning is provided attached.

ATTACHMENT: 9.5.2(1)

The properties were the subject of a subdivision application in 2023 which was granted conditional approval by the WAPC. The application consisted of a boundary realignment due to some of the structures being located over the boundary. The approved plans now show that all structures are located on Lot 112 (27) and a copy is attached.

ATTACHMENT: 9.5.2 (2)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

To assist Council in considering the request for a Scheme Amendment, the following information is offered:

Zoning History

The subject property was previously zoned "Private Clubs, Institutions and Places of Public Worship" under Town Planning Scheme No. 2. The Zoning was changed to "Clubs & Institutions" when the current Local Planning Scheme No 4 (the Scheme) was gazetted in 2010.

The zoning of the land surrounding this property is mainly Residential with a density of R30 and Town Centre Zone.

Current Zoning

As identified in the Background Section of this agenda item, the provisions of the Scheme currently include the land within the Clubs and Institutions zone.

Zone Purpose

The purpose of the Clubs and Institutions is, as outlined in clause 4.14.1 of the Scheme 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."*

Zone Objectives

Consistent with the above purpose, the Scheme identifies the following objective of the Clubs and Institutions zone:

Objective in managing and guiding land use, development and subdivision within the Clubs and Institutions zone will provide for the establishment and ongoing use of a diverse range of activities which are either private or publicly owned, and the associated infrastructure to fulfil community requirements.

The current zoning allows for "Public Assembly – Place of" and "Place of Worship" which both require planning approval.

Proposed Zoning

The Town Centre zoning allows for the establishment and ongoing use of a range of developments which includes residential activities as well as commercial and community activities. By changing the zoning this will provide some flexibility with respect to the use and development of the site.

Consistency with Local Planning Strategy

The proposed amendment to the zone is consistent with the 2003 Local Planning Strategy as the proposed rezoning will provide adequate provision for the development of commercial and community uses. It also recognises that town centres do not simply refer to commercial zones but are, in fact, a mixture of different uses and these may include residential and grouped residential.

Heritage

The Uniting Church and Hall are listed on the Shire of Manjimup Local Heritage Survey and has a management category of “B” which means:

“worthy of a high level of protection and provide maximum encouragement to the owner under the Shire of Manjimup Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any major redevelopment.”

The Uniting Church was operating since 1925 and was decommissioned as a church on 24 November 2019, after nearly 100 years of use and was closed due to structural concerns.

Amendment Process

Council is being requested to initiate the Amendment. Until such time that initiation occurs the proposal remains outside of the legislative process that is dictated by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. There is not avenue for appeal in the event that Council does not initiate an amendment.

Should Council resolve to initiate the Amendment, it needs to be mindful that once this act occurs, the Amendment is required to be processed and determined. Therefore, it is prudent that Council is satisfied that the Amendment is sufficiently justified and contains an appropriate level of detail for it to be determined by the Western Australian Planning Commission (WAPC). This is necessary in order to provide a high degree of confidence that the resultant development will meet the objectives of orderly and proper planning.

If the amendment is not finalised prior to the adoption of a new Planning Scheme being Local Planning Scheme No. 5, then the rezoning will be incorporated into that process.

Should Council support the applicant’s request, Shire staff will liaise with the landowner over the preparation of suitable scheme amendment documents. Once these documents are available, a further report will be prepared for

Council to consider adoption and advertising of the amendment in accordance with requirements of the *Planning and Development Act 2005*.

Conclusion

The proposed amendment is considered to be consistent with the surrounding developments and will allow a range of other purposes which would be consistent with the current land uses and the Scheme. Whilst the existing building could be used as a Place of Worship, adaptive reuse and conservation of the building through the amendment process is encouraged.

STATUTORY ENVIRONMENT

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Manjimup Local Planning Scheme No. 4.

POLICY / STRATEGIC IMPLICATIONS

The amendment is consistent with the Shire's Local Planning Strategy as discussed above.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

Should Council resolve to proceed with the Scheme Amendment as requested, all costs will be borne by the proponent.

SUSTAINABILITY

Environmental: Nil.

Economic: The development has the potential of generating economic activity in the area through lot creation and building activity.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Resolve to advise the landowner that it is prepared to consider the proposed Scheme Amendment over Lots 112 (27) and 113 (29) Bath Street, Manjimup subject to the following matters being addressed:**
 - a. **Preparation of a standard Scheme Amendment document in accordance with the requirements of *Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015*; and**
 - b. **Payment of fees of \$630.00 for the consideration of support for the amendment.**

2. Defer the consideration of the adoption and advertising of the Scheme Amendment referred to in Point 1 above, pending a further report to Council following the receipt of amendment documentation to the satisfaction of the Chief Executive Officer; and
3. Should the Amendment process not be completed prior to the advertising of Local Planning Scheme No. 5, incorporate the rezoning in that process.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29437

That Council:

1. Resolve to advise the landowner that it is prepared to consider the proposed Scheme Amendment over Lots 112 (27) and 113 (29) Bath Street, Manjimup subject to the following matters being addressed:
 - a. Preparation of a standard Scheme Amendment document in accordance with the requirements of *Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015*; and
 - b. Payment of fees of \$630.00 for the consideration of support for the amendment.
2. Defer the consideration of the adoption and advertising of the Scheme Amendment referred to in Point 1 above, pending a further report to Council following the receipt of amendment documentation to the satisfaction of the Chief Executive Officer; and
3. Should the Amendment process not be completed prior to the advertising of Local Planning Scheme No. 5, incorporate the rezoning in that process.

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT

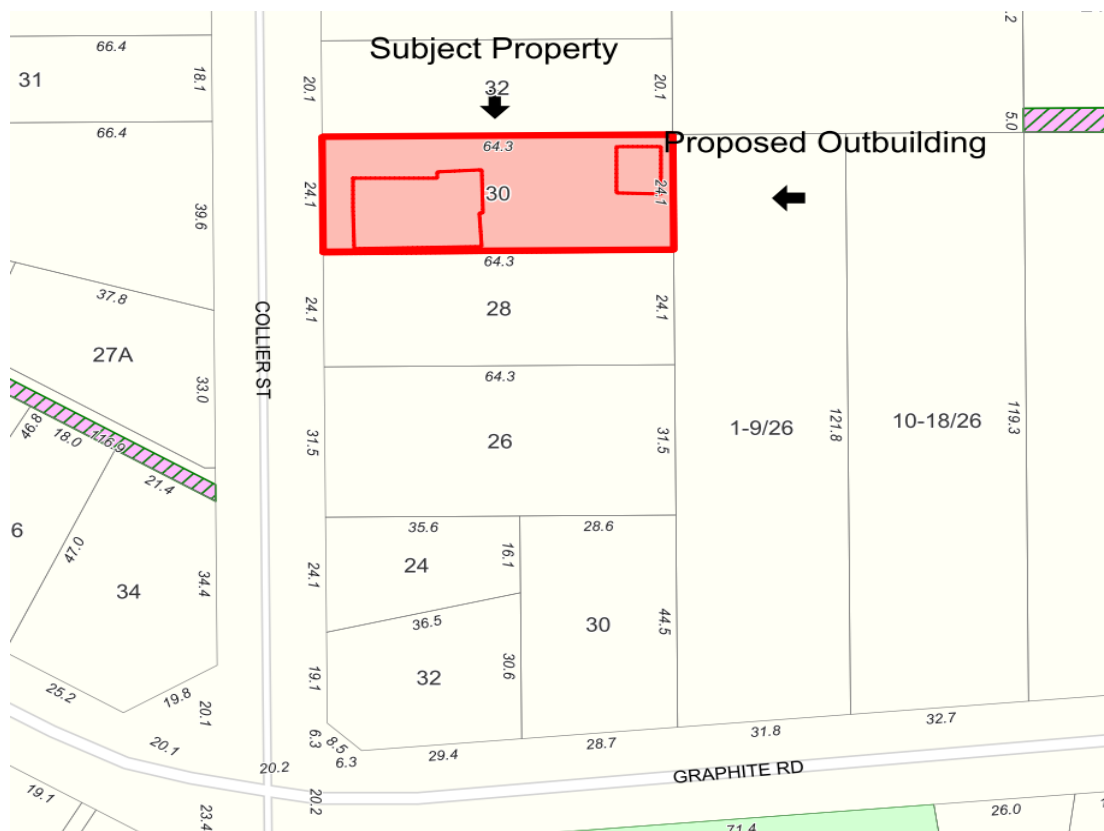
9.5.3 Proposed Overheight Outbuilding at Lot 5, 30 Collier Street, Manjimup

PROPONENT	Mr L R Blechynden
OWNER	Mr L R Blechynden
LOCATION / ADDRESS:	Lot 5, 30 Collier Street, Manjimup
WARD:	Urban
ZONE:	Residential R20
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/183 TP174/2023 P50120
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	30 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

Council is requested to consider an application for an over height Outbuilding at Lot 5 (30) Collier Street, Manjimup. The property currently comprises of a single dwelling and has an area of 1,552m². A location plan is shown below.

Location Plan



The applicant is proposing a 129m² Outbuilding, setback 2m from the rear boundary and 2.5m from the northern side boundary. The height of the walls are proposed to be 3.8m, with a ridge height of 4.95m. A copy of the application is attached.

ATTACHMENT: 9.5.3 (1)

The proposed wall height is greater than the variation limits of the deemed to comply requirements for residential Outbuildings as outlined in Local Planning Policy 6.1.3 Outbuildings (the Policy) and therefore the application is presented to Council for determination.

PUBLIC CONSULTATION UNDERTAKEN

The application was advertised in accordance with Clause 9.6 of the Local Planning Scheme No. 4 (Scheme) for a period of 21 days to the neighbouring landowners. No submissions were received as a result of the advertising period.

COMMENT

The property is zoned Residential with a density of R20 by the Scheme. The proposed development is required to comply with the requirements relating to R20 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's local planning policy for Outbuildings.

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...*
- (xv) *the preservation of the amenity of the locality; and*
- (xxvi) *any relevant submissions received on the application.*

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

R-Codes

The proposed Outbuilding is to be setback 2m from the rear boundary and 2.5m from the northern boundary. Table 2a – Boundary Setback – Walls with no major openings, requires a setback distance of 1.5m, for a wall that is 15m long and 3.8m high. The Outbuilding complies with the setback requirements.

Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in a Residential Zone, replacing section 5.4.3 of the R-Codes due to the construction of Outbuildings in the Shire of Manjimup being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an Outbuilding should not exceed 3m in wall height and 4.2m in ridge height, with an availability of a 10% variation subject to no objections. In this instance the Outbuilding exceeds this variation by 500mm in wall height and 330mm ridge height. The proposed Outbuilding was advertised to the adjoining landowners, and no comment was received raising concern to the proposed variation. As the variation is greater than 10%, Shire Staff do not have delegation to determine the proposal.

Impact on Amenity

In this instance, the increased overall bulk and scale of the Outbuilding is 330mm above the ridge height requirements of the Policy. The Outbuilding is to house a caravan requiring a higher wall and ridge height. The larger sized lots within that area of Manjimup generally allow for a greater distance between built developments. In this instance, it is considered that the height of the proposed Outbuilding will have a minimal impact on the adjacent neighbouring properties.

Conclusion

The proposed Outbuilding meets the objectives of the Scheme and the Policy. The location of the Outbuilding will not detract from the streetscape of Collier Street, due to the size of the surrounding properties. Also, as no concerns were raised by the neighbouring landowners regarding the proposed height of the Outbuilding it is considered the proposed bulk and scale of the Outbuilding is in keeping with the community's expectations.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

Local Planning Policy 6.1.3 Outbuildings.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The development application fee in accordance with the Shire of Manjimup's 2023/2024 Fees and Charges Schedule has been paid.

SUSTAINABILITY

Environmental: No vegetation is proposed to be removed for the construction of the outbuilding.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grant planning approval for an overheight Outbuilding at Lot 5 (30) Collier Street, Manjimup, application (TP174/2023), in accordance with the plans and specifications at 9.5.3(1) subject to the following conditions:

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	15 December 2023
2.	Elevation Plan	15 December 2023

2. The approved outbuilding is not to be used for human habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained;
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; and
4. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- 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.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29438

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grant planning approval for an overheight Outbuilding at Lot 5 (30) Collier Street, Manjimup, application (TP174/2023), in accordance with the plans and specifications at 9.5.3(1) subject to the following conditions:

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	15 December
2.	Elevation Plan	15 December

2. The approved outbuilding is not to be used for human habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained;
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; and
4. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- 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.

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.5.5 Delegated Planning Decisions January 2024**

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005 Local Government Act 1995</i>
AUTHOR:	Sue Brown
DATE OF REPORT:	2 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Scheme No 4 (the Scheme) and adopted Planning Policy.

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A register of Delegated Development Approvals, detailing those decisions made under delegated authority in January 2024 is attached.

ATTACHMENT: 9.5.5 (1)

PUBLIC CONSULTATION UNDERTAKEN

Where required, applications were advertised in accordance with the Scheme and Council's adopted Local Planning Policy, as detailed in the Policy/Strategic Implications section below.

COMMENT

During January 2024, seven (7) development applications were determined under delegated authority. Table 1 shows the number and value of development applications determined under both delegated authority and by Council for January 2024

Table 1: Planning Decisions Made January 2023 and January 2024

	January 2023	January 2024
Delegated Decisions	6 (\$81,500)	6 (\$1,548,987)
Council Decisions	2 (\$48,000)	1 (\$2,000,000)
Total	8 (\$129,500)	7 (\$3,548,987)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2022-23 and 2023-24

	YTD 2022-23	YTD 2023-24
Delegated Decisions	77 (\$5,440,186)	53 (\$10,291,483)
Council Decisions	40 (\$5,162,774)	19 (\$5,543,370)
Total	117 (\$10,602,960)	72 (\$15,834,853)

During January 2024, six (6) development applications were determined under delegated authority. One refusal determination was made by Council.

Whilst the number of applications determined has decreased in comparison to those of last Financial Year, it should be noted that the value and the level of complexity of applications have increased, as has the number required to be publicly advertised.

During January 2024, comments were provided to the Western Australian Planning Commission on one proposed subdivision.

STATUTORY ENVIRONMENT

The Scheme is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations. Part 8 of the Scheme states that prior planning approval is required for all developments (including proposed land use), except those developments identified within Part 8.4 as being Permitted Development.

In accordance with Part 11.3 of the Scheme, Council has delegated a number of planning powers to the Chief Executive Officer. These powers have been on-delegated by the Chief Executive Officer to other Shire Officers in accordance with clause 11.3.3 of Local Planning Scheme No 4.

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

POLICY / STRATEGIC IMPLICATIONS

Applications for Development Approval must be assessed against requirements of the Scheme and Local Planning Policies that have been adopted in accordance with Part 2 of the Scheme. These Policies include Local Planning Policy LPS4 6.1.2 *Advertising of Planning Proposals*, which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, where required, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for January 2024 as per Attachment: 9.5.5 (1).

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29439

That Council receives the report on Delegated Development Approvals for January 2024 as per Attachment: 9.5.5 (1).

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT APPENDIX

9.12.1 Proposed Land Dedication to Facilitate the Extension of Forestry Glen Road through Lot 248 (245) Forestry Glen and Lot 7488 State Forest, Pemberton

PROPONENT OWNER	Gordon Smith Department of Biodiversity, Conservation and Attractions
LOCATION / ADDRESS:	Lot 248 (24)5 Forestry Glen and Lot 7488 DP225888, Pemberton I
WARD:	Rural
ZONE:	Public Purposes; State Forest and Other Forest Reserves
DIRECTORATE:	Works and Services
FILE REFERENCE:	F240013
LEGISLATION:	<i>Local Government Act 1995, Land Administration Act 1997 and Native Title Act 1993</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	6 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The proponent, acting on behalf of Kayelo Equity Pty Ltd, is seeking Council's support for the excision of portions of land on two separate reserves to be dedicated as road for management by the local government. The excision and road dedication is to support the development and subdivision of land described as Lot 7489 (107) Burma Road, Pemberton, the former Gloucester Ridge Winery. It is a requirement of the Western Australian Planning Commission (WAPC) that the road reserve linking Lot 7489 with Forestry Glen be provided to assist with bushfire management.



The proposal will require excising approximately 548 square metres from Lot 248 (245) Forestry Glen and excising approximately 3,751 square metres from Lot 7488 State Forest and then dedicating a single 20 metre wide road reserve linking Forestry Glen to the boundary of Lot 7489 (107) Burma Road Pemberton, as shown in the diagram above.

Amendment 24 to Local Planning Scheme No. 4 included the amendment to this State Forest and Public Purpose Reserve to Local Road Reserve on the Scheme Map. Further to this, Council endorsed the proposal at its Ordinary Meeting of 13 August 2020 with the recommendation from resolution 28215.

d. Rezone portion of Lot 7488 on Deposited Plan 225888 Forestry Glen, Pemberton 6260 (Certificate of Title LR3015/389) from 'State Forest and Other Forest Reserves' to 'Local Roads'.

The full 13 August 2020 Council agenda item is appended.

APPENDIX: 0.0 (A)

As the Department of Planning, Lands and Heritage required a specific Council resolution to dedicate the road under Section 56 of the *Land Administration Act 1997*, Council is requested to support the proposal to excise portions of land on the two reserves to then be dedicated as local road for management by the local government.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Lot 7849 (107) Burma Road Pemberton is currently the subject of a subdivision application with the WAPC. The request by the proponent is a direct response to the WAPC requirement for a road reserve linking Lot 7489 with Forestry Glen. As such in order for the subdivision application to proceed the road dedication needs to occur.

Both lots subject of the land excision requests are managed by the Department of Biodiversity, Conservation and Attractions (DBCA). On 11 September 2023 DBCA endorsed the proposal to excise portion of Lot 248 Forestry Glen and Lot 7488 State Forest for road dedication. The correspondence is attached.

ATTACHMENT: 9.12.1 (1)

Given the land managers consent to the land excise of portions of land from two properties for the purpose of road dedication and that request is to support the subdivision and development of land in the Pemberton area, Council is requested to support the recommendation.

STATUTORY ENVIRONMENT

- *Local Government Act 1995.*
- *Land Administration Act 1997* section 46, 'Care, Control and Management of Reserves'.

- *Land Administration Act 1997* section 56 'Dedication of land as road'.
- *Native Title Act 1993*

Section 56 of the *Land Administration Act 1997*, a local government can request the Minister for Lands to dedicate a portion of land as road. The local government is required to indemnify the Minister for Lands against any claim for compensation.

The land excision and road dedication will also require Native Title search and adherence to the *Native Title Act 1993*.

POLICY / STRATEGIC IMPLICATIONS

The Shire's Corporate Business Plan 2023-2027 identifies Community Goals:

- 1.2 Development is managed sustainably and our environment is valued through policy and regulation; and

2.4 Industry and development is not hindered by excessive or complex compliance regulations.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

All costs associated with the dedication will be fully funded by the proponent. However, though the Shire is under no obligation to construct the road, once built the road will become a Shire management responsibility.

SUSTAINABILITY

Environmental: There are considered to be no substantial environmental issues arising from the proposal as any vegetation clearing will be managed by the Department of Water and Environmental Regulation which will likely require vegetation offsets.

Economic: The proposal supports development of land in the Pemberton area.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council support the request by Kayelo Equity Pty Ltd to excise portion of Lot 248 (245) Forestry Glen and portion Lot 7488 State Forest to then be dedicated as local government road reserve.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29440

That Council support the request by Kayelo Equity Pty Ltd to excise portion of Lot 248 (245) Forestry Glen and portion Lot 7488 State Forest to then be dedicated as local government road reserve.

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.13.1 Quarterly Report October to December 2023 - Works and Services**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F160966
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	24 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

A report outlining activities for the quarter ending 31 December 2023 for the Works and Services Directorate is attached.

ATTACHMENT: 9.13.1 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The report outlines progress on key activities undertaken by the Works and Services Directorate during the reporting period. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising on those activities.

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS

Nil.

ORGANISATIONAL RISK MANAGEMENT

There is a medium risk with insignificant consequence to the organisation when not regularly reporting the directorate's progress to Council.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the October to December 2023 Quarterly Report – Works and Services as contained in Attachment: 9.13.1 (1).

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29441

That Council receive the October to December 2023 Quarterly Report – Works and Services as contained in Attachment: 9.13.1 (1).

ADOPTED BY EN BLOC RESOLUTION: 8/0

ATTACHMENT**9.1.1 Unconfirmed Minutes of the 2023 Annual Meeting of Electors
Held 16 January 2024**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Shire of Manjimup Council Chambers, Corner Rose and Brockman Streets, Manjimup
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F161546
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	23 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The 2023 Annual Meeting of Electors was held in the Shire of Manjimup Council Chambers on Tuesday 16 January 2024, commencing at 6:30pm. Attendees to the meeting are listed below:

Shire President / Councillors	Electors / Attendees	Executive Officers
Donelle Buegge (Shire President & Meeting Chair)	Keith Liddelow	Benjamin (Ben) Rose
Cr Steve Miolin (Deputy Shire President)	Robyn Bowles	Greg Lockwood
Cr Paul Omodei	Mary Nixon	Gail Ipsen Cutts
	Alan Lloyd	Gaye Burrridge
	Kathy Dawson	
	Colin Crombie	

The Minutes of the Meeting are attached for Council consideration.

ATTACHMENT: 9.1.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Notice of the Annual Meeting of Electors was advertised for the required 14 days (minimum) in the Manjimup - Bridgetown Times and it was also placed on the Shire website.

COMMENT

There was one motion arising from the meeting which requires a decision of Council. The motion was supported unanimously and reads as follows:

Moved: M Nixon

Seconded: A Lloyd

“That the Manjimup Shire Council make every effort to improve the safety of our community and the longevity of our environment by committing to working with the State Government to bring the proposed southwest railway to Manjimup Shire for both freight and passenger transport.”

Whilst the recommendation has merit, its wording makes clear assumptions that delivering a railway will indeed improve community safety and environmental longevity. These assumptions, at this time, have not been substantiated. Staff recommend a more investigative (data driven) approach, being one of committing to engaging with the State Government to investigate the social, economic and environmental benefits of extending the proposed southwest railway line to Manjimup for both freight and passenger transport.

In essence the recommendation still supports the initial motion but takes a more holistic approach to how the Shire engages and determines the benefits of a rail extension to Manjimup.

STATUTORY ENVIRONMENT

Sections 5.27, 5.29 and 5.33 of the *Local Government Act 1995* require an Annual Electors Meeting to be held for each financial year and for motions raised at such meeting to be considered by the Council.

POLICY / STRATEGIC IMPLICATIONS

Whilst there is no existing policy or strategy pertaining to re-activating the rail link to Manjimup, the assumed social, economic and environmental benefit resulting from a rail extension to Manjimup is supported by the Strategic Community Plan 2021 – 2031:

Our Natural Environment

- 1.2 Development is managed sustainably, and our environment is valued through policy and regulation; and
- 1.3 Our region is recognised for its iconic, world-class natural environment that can be enjoyed by all.

Our Prosperity

- B9. Encourage and support initiatives to encourage extended service provision and activate town centres;
- B12. Provide development opportunities and support local small businesses to thrive; and.
- B14. Encourage and support quality Southern Forests visitor servicing and marketing.

Our Community:

- 3.1 The range of support services in our community are useful, empowering and aligned to community needs now and in the future; and
- 3.4 A range of efficient, safe and accessible public transport options are provided across the region.

Our Infrastructure:

- 4.2 Community infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future; and
- 4.9 Transport infrastructure and networks provide for the safe movement of all users.

ORGANISATIONAL RISK MANAGEMENT

There is some reputational risk should the Council not support a proposal to engage with the State Government to better understand the economic, environmental and community benefits of an extended rail link.

FINANCIAL IMPLICATIONS

Engagement with State Government on this matter would be regarded as well within the existing operational remit of Staff.

SUSTAINABILITY

Environmental: Proposed engagement is indicative of the Shires commitment to environmentally sustainable practices.

Economic: Proposed engagement allows economic benefits of an extended rail link to be identified.

Social: Proposed engagement will allow for deeper consideration of social impacts in respect of an extended rail link to Manjimup.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive the Unconfirmed Minutes of the 2023 Annual Electors Meeting held 16 January 2024 as shown at 9.1.1 Attachment: 9.1.1(1) and note the matters raised by electors at the meeting;**
2. **Receive and acknowledge the Motion moved by M Nixon and seconded by A Lloyd as follows:**

“That the Manjimup Shire Council make every effort to improve the safety of our community and the longevity of our environment by committing to working with the State Government to bring the proposed south west railway to Manjimup Shire for both freight and passenger transport”; and
3. **Direct the Chief Executive Officer to engage with the State Government to seek the State Government to investigate the social, economic and environmental benefits of extending the proposed southwest railway line to within the Shire of Manjimup for both freight and passenger (including tourism rail) transport.**

AMENDED RESOLUTION:**MOVED:** Darin, J**SECONDED:** Miolin, S**29442****That Council:**

1. Receive the Unconfirmed Minutes of the 2023 Annual Electors Meeting held 16 January 2024 as shown at 9.1.1 Attachment: 9.1.1(1) and note the matters raised by electors at the meeting;
2. Receive and acknowledge the Motion moved by M Nixon and seconded by A Lloyd as follows:

“That the Manjimup Shire Council make every effort to improve the safety of our community and the longevity of our environment by committing to working with the State Government to bring the proposed south west railway to Manjimup Shire for both freight and passenger transport”; and

3. Direct the Chief Executive Officer to engage with the State Government to seek the State Government to investigate the social, economic and environmental advantages and disadvantages of extending the proposed southwest railway line to within the Shire of Manjimup for both freight and passenger (including tourism rail) transport.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

SUSPENSION OF STANDING ORDERS:**MOVED:** Eiby, W**SECONDED:** Miolin, S**29443****That Council suspend Standing Orders.****CARRIED: 8/0**

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Standing Orders were suspended at 5.52pm.

RESUMPTION OF STANDING ORDERS:**MOVED:** Eiby, W**SECONDED:** Darin, J**29444****That Council resume Standing Orders.****CARRIED: 8/0**

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Standing Orders were resumed at 5.53pm.

9.1.2 Nomination of Elected Member to Represent the Shire on External Committee - Climate Change Action Plan Implementation Reference Group

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160572
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jessica Winters
DATE OF REPORT:	1 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

A review of appointments / reappointments of Council delegates to other bodies was undertaken following the Ordinary Election held on 21 October 2023. Appointments were made at the Extraordinary Meeting of Council on 24 October 2023; however, the Climate Change Action Plan Implementation Reference Group Warren Blackwood Alliance of Councils committees was unintentionally omitted.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Full details of the required nominations and representative officer to the committee are listed in the table under Officer's Recommendation. This committee is convened by the Warren Blackwood Alliance of Councils. It is judicious for the Shire to have a representative on this committee to allow input and feedback to the Shire of information that is relevant to the district.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS

That Council's representation on this group is considered desirable.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY

Environmental: The Committee oversee the implementation of the Warren Blackwood Alliance of Councils sub-regional Climate Change Policy and Action Plan.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council appoint the following Council Delegates to the Warren Blackwood Alliance of Councils Climate Change Action Plan Implementation Reference Group for the period 15 February 2024 to 18 October 2025 (or such shorter term as determined by the Group):

Warren Blackwood Alliance of Councils Climate Change Action Plan Implementation Reference Group	
Cr	Councillor
Cr	Councillor
Ann Bentley	Non-Voting Representative (Officer)

COUNCIL RESOLUTION:**MOVED:** Eiby, W**SECONDED:** Miolin, S**29445**

That Council appoint the following Council Delegates to the Warren Blackwood Alliance of Councils Climate Change Action Plan Implementation Reference Group for the period 15 February 2024 to 18 October 2025 (or such shorter term as determined by the Group):

Warren Blackwood Alliance of Councils Climate Change Action Plan Implementation Reference Group	
Cr Wendy Eiby	Councillor
Cr Donelle Buegge	Councillor
Ann Bentley	Non-Voting Representative (Officer)

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

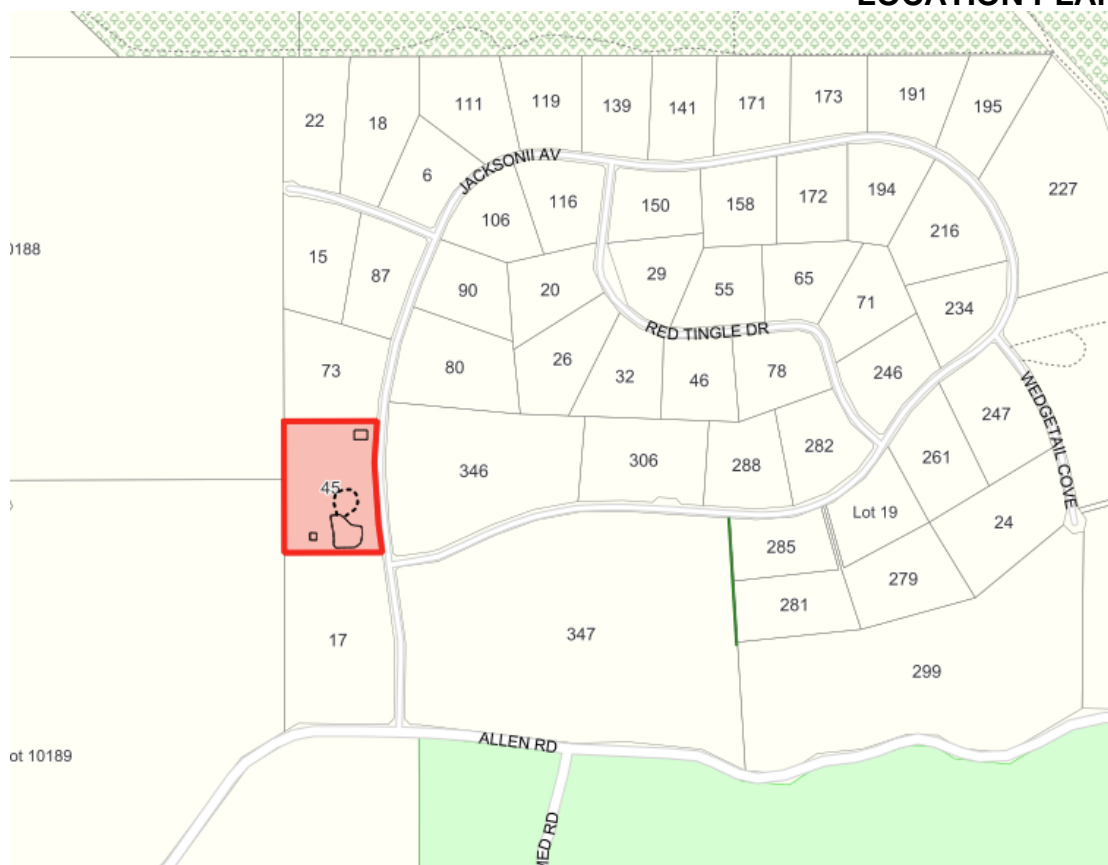
Against: Nil.

ATTACHMENT**9.5.4 Proposed Extension to Existing Dam at Lot 25 (45) Jacksonii Avenue, Walpole**

PROPONENT	Ms E L Ardon
OWNER	Mr M Lutz and Ms E L Ardon
LOCATION / ADDRESS:	Lot 25 (45) Jacksonii Avenue, Walpole
WARD:	Rural
ZONE:	Rural Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/169 P51628
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	2 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

An application has been received to extend an existing Dam at Lot 25 (45) Jacksonii Avenue, Walpole. The subject property is 4.2ha and consists of a Dwelling, an Outbuilding, a Dam and remnant vegetation. A location plan is provided below.

LOCATION PLAN

In February 2022 Council considered and approved (Resolution 28716) an application by the landowners to split a Building Envelope to allow the Outbuilding and Dwelling to be located at opposite sides of the property.

The landowners are now seeking permission to extend the Dam on the property to increase its capacity, provide water access to stock and for firefighting and resolve an area that is prone to flooding. If approved the Dam will have a capacity of 1,080KL. The applicants are not proposing to alter the wall of the Dam, however the length will increase to 105m and the extension will be 20m in width. Plans and information submitted with the proposal are attached. **ATTACHMENT: 9.5.4 (1)**

Council is requested to consider the proposal given the development is outside of the Building Envelopes and an objection has been received from neighbouring landowners.

PUBLIC CONSULTATION UNDERTAKEN

The application was advertised in accordance with Clause 9.6 of the Local Planning Scheme No. 4 (the Scheme). Copies of the proposal were referred to the adjoining landowners for 21 days, and also to the Department of Water and Environmental Regulation (DWER) for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Two submissions were received from neighbouring landowners raising objections to the proposal. DWER provided comments with regards to water quality, clearing permits and risk assessments. A copy of the submissions are attached and comments provided below.

ATTACHMENT: 9.5.4 (2)

COMMENT

The provisions of the Scheme include the subject land within the Rural Residential zone and labelled RR8 under Schedule 2.

As prescribed in clause 10.2 of the Scheme, local government is required to have regard to various matters when determining an application for planning approval. These matters include but not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme and operating within the Scheme area;*
- (ii) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under clause 2.4....;*
- (x) *the compatibility of a use or a development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration of a Special Control Area;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being like to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk.*

The following comments are offered to assist Council in determining the application:

Zoning Purpose

The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

RR8 of the Scheme states that subdivision and development is to be generally in accordance with the Subdivision Guide Plan. The Tingleview Estate Guide Plan provides each lot with an allocated building envelope.

Clause 5.36.3.1 of the Scheme states that planning approval is required for development where that development is outside of the building envelope prescribed for that lot. As the proposed Dam extension falls outside of the building envelope, prior planning approval is required.

Building Envelopes

The Scheme includes provisions which allows the local government to approve development or buildings outside of a building envelope or vary the building envelope if it is satisfied that the amenity of the area, privacy of adjoining properties and the landscape or environment will not be detrimentally affected.

As articulated above, the proponent is proposing development outside of the building envelope. An assessment on the effects of the Dam extension is provided below.

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 the 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.”*

To assess the effect upon the locality, the proposal was assessed against the Local Planning Policy for Dams.

Policy Assessment

The application has been assessed against the provisions of Local Planning Policy 6.1.22 – Dams (the Policy). The policy applicated to the construction of all dams within the Shire, where the Shire’s Development Approval is required. The risk assessment (overleaf) indicates that the dam would be considered a high risk given size of the property and other Dams downstream.

Risk Category	Score
Construction Type (On-stream)	3-5
Volume (1ML)	3
Wall Height (0-5m)	3
Dam Wall Design (designed by others)	3
Infrastructure Downstream (Other dams)	4
Overflow infrastructure proposed (dam bypass by others)	2
TOTAL	17-20

In accordance with the provision 6.3 of the Policy, dams that score above 15 when assessed against the risk matrix are considered high risk. A score of high has been achieved due to the property size, rather than the risk of the size of the dam, height of the wall or dam designer.

Whilst the current dam configuration on the property has existed at least since 2004 (as confirmed by available Shire aerial imaging) an assessment of the risk has been completed based on the proposed extension and how it relates to the existing capacity of the Dam.

Usually where a Dam risk assessment score 15 or more the application shall be supported by the following information:

- a) A certified report on the dam structure by a suitably qualified engineer;
- b) A Dam overflow system or spillway designed by a suitably qualified engineer; and
- c) Detailed plans including a cross-section, topographic map/site feature survey and locality plan.

In this instance the minor modifications will increase the Dam capacity and therefore increase the loading against the dam wall structure. There has been no information provided that the structure has been designed to withstand the extra loading and failure could have a flow-on or 'cascade' effect on downstream Dams. It is recommended that the applicant review the overflow infrastructure and wall stability before increasing the capacity of the Dam. Whilst point c) above is not appropriate in this case, a condition has been included for the spillway and wall to be certified.

Submissions Received

Two public submissions were received from one adjoining property. Both submissions objected on the grounds that the proposed Dam extension would be clearing native (riparian) vegetation. Both submissions make reference to an environmental assessment.

As mentioned above, the proposal was also referred to DWER for comment. DWER advised that the proposal has the potential to impact on the environment and/or water resource values and/or management. It recommended that the Shire's provisions, relating to Stream Protection Areas, should be applied to reflect contemporary waterway protection measures, even though Tingle Creek is not identified on the approved Subdivision Guide Plan for protection. DWER also referred to the requirements for permits for

clearing and to interfere with the bed and banks. Whilst DWER mention encouraging the applicant to create an alternative Dam in an off-stream location, Shire Staff do not consider that this will achieve the intent of the proponent to reduce the 'boggiess' of the site.

It is recommended that the applicant be advised to contact DWER to gain the necessary permits or licences from that agency to address the environmental impacts.

Conclusion

The proposal is a minor modification to an existing Dam and will include some clearing of vegetation. The risk score for the Dam has been assessed as high and therefore to mitigate any risks associated with the additional loading on the wall, a review of the overflow infrastructure and wall stability is recommended.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

The proposal has been assessed against Local Planning Policy 6.1.22 Dams as discussed above.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The applicant has paid the development application fee in accordance with the 2023/2024 Annual Budget.

SUSTAINABILITY

Environmental: The clearing of native vegetation and interference with the bed and banks of a water course requires further environmental assessment and review by DWER.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grant development approval to the proposed Dam extension at Lot 25 (45) Jacksonii Avenue, Walpole (TP161/2023) in accordance with the plans and specifications attached at 9.5.4 (1) and subject to the following conditions:

1. The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Submitted Plans	19 October 2021
2.	Additional information for dam construction	19 October 2021

2. The setbacks shown on the approved plans are to be measured from the water and banks of the dam;
3. Water from the dam is prohibited from accumulating across property boundaries;
4. Due to the high risk score of the Dam, within 90 days the applicant shall provide to the Shire of Manjimup certification by a suitably qualified engineer that the existing dam wall and overflow infrastructure is adequate to cater for the additional storage capacity of the dam, hereby approved.

Advice to Applicant:

- a. Construction of the dam is recommended to be in accordance with the Water Quality Protection Note No. 53 'Dam Construction and Operation in Rural Areas'; and
- b. It is recommended that the applicant liaise with the Department of Water and Environmental Regulation over any licensing or other requirements in respect of the taking of surface water.

MOTION:

MOVED: Omodei, P SECONDED:

That Council, in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grant development approval to the proposed Dam extension at Lot 25 (45) Jacksonii Avenue, Walpole (TP161/2023) in accordance with the plans and specifications attached at 9.5.4 (1) and subject to the following conditions:

1. The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Submitted Plans	19 October 2021
2.	Additional information for dam construction	19 October 2021

2. The setbacks shown on the approved plans are to be measured from the water and banks of the dam;
3. Water from the dam is prohibited from accumulating across

property boundaries;

Advice to Applicant:

- a. Construction of the dam is recommended to be in accordance with the Water Quality Protection Note No. 53 'Dam Construction and Operation in Rural Areas'; and
- b. It is recommended that the applicant liaise with the Department of Water and Environmental Regulation over any licensing or other requirements in respect of the taking of surface water.

MOTION LAPSED DUE TO LACK OF SECONDER

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Darin, J

29446

That Council, in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grant development approval to the proposed Dam extension at Lot 25 (45) Jacksonii Avenue, Walpole (TP161/2023) in accordance with the plans and specifications attached at 9.5.4 (1) and subject to the following conditions:

1. The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Submitted Plans	19 October 2021
2.	Additional information for dam construction	19 October 2021

2. The setbacks shown on the approved plans are to be measured from the water and banks of the dam;
3. Water from the dam is prohibited from accumulating across property boundaries;
4. Due to the high risk score of the Dam, within 90 days the applicant shall provide to the Shire of Manjimup certification by a suitably qualified engineer that the existing dam wall and overflow infrastructure is adequate to cater for the additional storage capacity of the dam, hereby approved.

Advice to Applicant:

- a. Construction of the dam is recommended to be in accordance with the Water Quality Protection Note No. 53 'Dam Construction and Operation in Rural Areas'; and
- b. It is recommended that the applicant liaise with the Department of Water and Environmental Regulation over any licensing or

other requirements in respect of the taking of surface water.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

ATTACHMENT**9.5.6 Proposed Building Envelope Variation for a Dwelling- Single at Lot 144 Karri Street, Walpole**

PROPONENT	H J Heil
OWNER	H J Heil
LOCATION / ADDRESS:	Lot 144, 58 Karri Street Walpole
WARD:	Rural
ZONE:	Residential R10
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/174 P57558
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown; Jocelyn Baister
DATE OF REPORT:	5 February 2024
DECLARATION OF INTEREST:	Nil

This item was presented to Council at its Ordinary Meeting held 18 January 2024, where it was resolved:

“That Council defer this item to the next meeting pending further information in relation to the levels on the block.”

Revised plans were received on 5 February 2024 from the applicant, showing the existing contours of the subject property and proposed new site works. The proposed site works seek to remove approximately 200mm of fill toward the western rear corner of the subject site and recontour the land at a lesser gradient toward the rear of the property. A copy of the revised plans are attached.

ATTACHMENT: 9.5.6(3)

These revised plans were sent to the neighbouring property owner who raised concern at the Council Meeting held 18 January 2024, in regard to the lack of accurate site survey plans as part of the planning application for their consideration.

It is advised that, Shire Staff have assessed the revised plans and consider the proposed Dwelling design is compliant with State Planning Policy 7.3 Residential Design Codes. The additional information has not altered the recommendation of the assessment.

BACKGROUND

A Planning Application has been received for Building Envelope Variation and a new Dwelling at Lot 144, 58 Karri Street, Walpole.

The property has an area of 1,295m² and is located on the northern side of Karri Street, near the McCallum Way intersection. A 3m easement for sewer exists to the rear of the property. A location plan is provided overleaf.

LOCATION PLAN

Shire records indicate that approval was granted in October 2021 for retrospective fill and a proposed outbuilding. This application seeks approval to amend the Building Envelope by increasing its size and orientation to include the existing outbuilding and a proposed residence. The new building envelope has a reduced side setbacks from 7m to 2.5m to the southern boundary, keeping similar alignment of the existing Building Envelope and with a projection toward the rear boundary to include the existing outbuilding. A copy of the proposal is attached.

ATTACHMENT: 9.5.6 (1)

Council is requested to consider the proposal due to concerns raised from a neighbouring landowner during the consultation period.

PUBLIC CONSULTATION UNDERTAKEN

The application was referred to the adjoining landowners for a 28 day comment period, including a 7 day grace period for the Christmas and New year holiday period.

One comment was received from an adjoining landowner, who raised concerns about the reduction to the side boundary setback from 7m to 2.5m advising that they felt the setback to the proposed dwelling would be too close to the boundary. A copy of the submission is provided attached and the comments are discussed below.

ATTACHMENT: 9.5.6 (2)**COMMENT**

Lot 144 is zoned Residential with a density of R10 under the provisions of Local Planning Scheme No. 4 (the Scheme). The lot is situated in a planning precinct – Walpole 1 Boronia Ridge Residential Estate. The objective of the planning precinct is to recognise the environmental significance and to ensure retention of the character of the precinct as a whole and buildings within.

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 within the Scheme area;*
- (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; and*
- (xv) *the relationship of the proposal to development on adjoining and 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.*

An assessment against the above criteria is provided within the balance of this agenda item and consideration needs to be given as to whether a condition should be imposed requiring some additional revegetation of the property.

Scheme Provisions

The purpose of the Residential Zone is to provide for the adequate provision of suitable located land to provide for varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas.

Building Envelope

The subject property has a building envelope that has a 7.5m front, 10m rear setback and 6.8m side setbacks. The intent of the building envelopes in Boronia Ridge Estate was to maximise the retention of vegetation on the property to protect:

- (i) *The visual amenity of the area, both on-site and from other vistas around the Walpole Inlet; and*
- (ii) *The habitat of flora and fauna in the area.*

The dwelling is proposed to be setback 2.5m from the southern boundary, reducing the setback of the building envelope by 3.5m.

The Scheme allows for a variation to the position, shape, or size of a building envelope. Local Planning Policy 6.1.15 Boronia Ridge Development Standards provides guidance on the assessment of proposed building envelope variations based on site, vegetation or land conditions warranting a change. No justification to that effect has been supplied from the landowner, however given the site is predominantly clear of vegetation, enforcing the building envelope has limited effect.

Setbacks

In an absence of a prescribed building envelope, development setbacks would be required to be in accordance with the R-Codes. The prescribed side setbacks for development of an R10 density would be in accordance with Table 2a and 2b of the R-Codes which is 1.5m without major openings. In this instance the proposed setback of 2.5m is compliant with the R-Codes.

Bush Fire Prone Area

The subject property is within a Bush Fire Prone Area, the BAL assessment identifies the site as a BAL 12.5, which is considered a low risk.

Submission Received

As mentioned above, a submission was received by the neighbour who raised concerns regarding the earthworks on the property, with the assumption that these had not be approved. Concerns were also made with regard to the variation to the building envelope, stating that 2.5m is too close to the boundary. As stated above for a residential zone of this density, the setback is compliant with the R-codes. In addition, adjacent properties have received a reduced side setback of 2.5m therefore support for this variation would not impact on the existing streetscape.

It should also be noted that the adjoining neighbour has received approval for a dwelling which proposes a carport setback 4.5m from the common boundary resulting in a setback to their property greater than 10m. The total separation between dwellings will be almost 13m.

Conclusion

The proposed variation to the building envelope is supported as the reduced setback is compliant with the R-Codes and density of the area and is consistent with the existing streetscape.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

Nil.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The applicant has paid the fees in accordance with Shire of Manjimup's 2023/24 Fees and Charges Schedule.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 and clause 5.5 of Local Planning Scheme No. 4 grant planning approval for the proposed Dwelling – Single and building envelope variation at Lot 144 (58) Karri Street, Walpole 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, as marked 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
A102	Site Plan with proposed Site Works	5 February 2024
A202	Floor Plan	5 February 2024
A301	Elevations A - B	5 February 2024
A302	Elevations A - B	5 February 2024

2. 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;
3. 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;
4. 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;
5. 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;
6. All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of material or of a colour, which is considered by the Shire of Manjimup to be detrimental to the character of the natural landscape of the locality;
7. 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; and

8. 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. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system; 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.

ALTERNATIVE RESOLUTION:

MOVED: Eiby, W

SECONDED: Willcox, J

29447

That Council in accordance with Part 10 and clause 5.5 of Local Planning Scheme No. 4 grant planning approval for the proposed Dwelling – Single and building envelope variation at Lot 144 (58) Karri Street, Walpole 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, as marked 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
A102	Site Plan with proposed Site Works	12 February 2024
A202	Floor Plan	5 February 2024
A301	Elevations A - B	5 February 2024
A302	Elevations A - B	5 February 2024

2. 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;
3. 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;
4. 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;

5. 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;
6. All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of material or of a colour, which is considered by the Shire of Manjimup to be detrimental to the character of the natural landscape of the locality;
7. 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; and
8. 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.
9. The proposed earthworks are to maintain the Natural Ground Level for 500mm from the common boundary of Lot 143 Karri Street, Walpole prior to being battered at a ratio of 1:3 toward the highest ground level within the subject property to the satisfaction of the Shire of Manjimup.
10. To stabilise the proposed earthworks, landscaping is to be installed 90 days following the occupation of the subject Dwelling and permanently maintained 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. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system; 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.
- iv. In certain circumstances, the landscaping works (such as those brought about by adverse seasonal conditions, for example) may be allowed to be deferred for up to a maximum six (6) months

subject to the arrangements forming the subject of a prior application to and approval by Shire of Manjimup in writing.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

9.9.1 Request Approval to Expend Reserve Funds - AquaCentre Plant Replacement

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Rutherford Street, Manjimup
WARD:	Urban
ZONE:	Public Purposes
DIRECTORATE:	Community Services
FILE REFERENCE:	F161088
LEGISLATION:	<i>Local Government Act (1995)</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	31 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

Following the failure of vital plant equipment at the Manjimup Regional AquaCentre ('AquaCentre'), the acquisition of replacement equipment is required. Temporary solutions are currently in place to maintain the functionality of the facility; however, these solutions are inadequate for the long term and may pose a risk to the operation and safety of the facility.

The items of plant that require replacement are:

- Two (2) pre-pump strainers (also referred to as 'lint pots').
- One (1) acid dosing pump.

The purpose of this report is to seek Council approval to expend funds from the AquaCentre Plant Reserve to replace the above plant items.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The AquaCentre circulation system maintains pool water quality through the removal of pollutants and distribution of filtered/disinfected water throughout the pool. Lint pots are a vital part of this system. The purpose of a lint pot is to act as a pre-pump strainer and remove larger debris from the pool water (such as hair, clothing lint and other small items) prior to it being recirculated through the circulation pumps. As such, the lint filters preserve the life of the circulation pumps and reduce the frequency of backwashing filters.

The AquaCentre circulation system includes two lint pots, both of which were installed during construction of the facility and have reached the end of their useful life. One of the existing pots has degraded to the point that it is unusable, while the other is showing signs of degradation (pin holes in the bottom of the pot), and its structural integrity is compromised. Temporary repairs have been made to this pot, however these will not last long term.

Should the functioning lint pot degrade any further, the circulation system will shut down which will result in the closure of the pool.

The AquaCentre's chemical dosing system controls the chemical levels in the pool to ensure the safest possible swimming conditions and to keep the pool clean. The acid dosing pump is an essential part of this system as it automates the release of acid into the water circulation system to control the alkalinity of the pool water to maintain optimal water balance and chemistry.

The current acid dosing pump is not functioning, rusted and beyond repair. Whilst the pump has been inoperative, AquaCentre staff are manually adding acid to the circulation system however this practice can lead to inaccurate acid dosing and safety risks for both staff and pool patrons and is therefore unsuitable for the long term.

Initial quotes have been obtained for the replacement of these plant items and are summarised below:

Item	Replacement Cost (ex. GST)
2 x Pre-Pump Strainers	\$20,700
1 x Acid Dosing Pump	\$4,990
Total	\$25,690

It is recommended that the replacement of the above plant items be approved, with funding to be obtained from the AquaCentre Plant Reserve which is set aside specifically for this purpose. With this in mind, and in keeping with the Shire Purchasing Policy it is recommended that Council approve a maximum draw down from the Reserve of \$30,000.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Reserve accounts (Financial Management, 6.11).

POLICY / STRATEGIC IMPLICATIONS

The proposal is consistent with the following goals and strategies from the Shire of Manjimup Strategic Community Plan 2021 – 2031:

- 4.2 – Community infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future.
- D5 – Develop and maintain community infrastructure to a service-level that meets the community's needs.

ORGANISATIONAL RISK MANAGEMENT

There are several organisational risks to consider in relation to this request:

- Aquatic facility water filtration and treatment is required to continuously ensure the facility is available for use. Insufficient circulation and filtration present risks including significant health and safety risks to community.

- If plant equipment is not replaced in a timely manner there is a risk that other existing plant equipment will fail which may lead to prolonged closure of the facility. Subsequently this may lower public perception of the facility.
- Whilst the manual work-around that staff have been undertaking in order to acid dose the pool water has been effective in the short term, it is a time-consuming process. Additionally, the manual process exposes staff members to more risk as they are required to handle acid more frequently.

FINANCIAL IMPLICATIONS

The purpose of the AquaCentre Plant Reserve is to set aside monies for the replacement of AquaCentre plant and equipment, in particular the pumps, heat pumps and air conditioning plant. The current balance of the Reserve is \$45,595. The proposed expenditure of \$25,690 will result in a remaining balance of \$19,905 in the Reserve. Whilst initial quotes have been obtained, further quotes will be sought in accordance with the Shire's Purchasing Policy to achieve the best price for the supply and installation of the required items. Any unspent funds from the proposed expenditure of \$25,690 will remain in the Reserve.

SUSTAINABILITY

Environmental: Nil.

Economic: Timely replacement of AquaCentre plant will minimise the risk of facility closures and further plant failure and ensure optimal water filtration and chemical distribution.

Social: Adequate filtration and treatment of swimming pools in the AquaCentre will ensure sustained customer satisfaction and meet community expectations.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve:

1. A budget amendment to fund the replacement of the lint pots and acid dosing pump at the Manjimup Regional AquaCentre as outlined in the table below:

Description	Current Budget	Amended Budget	Variation
Transfer from AquaCentre Plant Reserve	\$0	(\$30,000)	(\$30,000)
Replacement of lint pots and acid dosing pump - Manjimup Regional AquaCentre	\$0	\$30,000	\$30,000
Net Rate Funds			\$0

2. That the AquaCentre Plant Reserve funds only being drawn to the extent of the actual expenditure, to a maximum of \$30,000.

COUNCIL RESOLUTION:

MOVED: Darin, J

SECONDED: Eiby, W

29448

That Council approve:

1. A budget amendment to fund the replacement of the lint pots and acid dosing pump at the Manjimup Regional AquaCentre as outlined in the table below:

Description	Current Budget	Amended Budget	Variation
Transfer from AquaCentre Plant Reserve	\$0	(\$30,000)	(\$30,000)
Replacement of lint pots and acid dosing pump - Manjimup Regional AquaCentre	\$0	\$30,000	\$30,000
Net Rate Funds			\$0

2. That the AquaCentre Plant Reserve funds only being drawn to the extent of the actual expenditure, to a maximum of \$30,000.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

ATTACHMENT**9.9.2 Request for 'Out-of-Round' Shire of Manjimup Community Grant Request: Southern Forests Campdraft Club**

PROPONENT	Southern Forests Campdraft Club
OWNER	Southern Forests Campdraft Club
LOCATION / ADDRESS:	Ralston Road Manjimup WA 6258
WARD:	Urban
ZONE:	NA
DIRECTORATE:	Community Services
FILE REFERENCE:	F160252
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	1 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND

The Shire of Manjimup community grants programme opens in early February and closes end of March each year as part of the annual budget process. Each year applications for financial assistance exceed the allocated budget amount and as such Council needs to make determination on how the limited financial resources are distributed.

From time-to-time financial assistance requests are presented to Council 'out-of-round', essentially being after the budget has been adopted and grant funds allocated. This agenda item addresses one such request being from the Southern Forest Campdraft (SFCDC) seeking financial assistance to host the inaugural Australian Bushmen's Campdraft and Rodeo Association Western Australian Championships (Championships) in March 2024.

Initial correspondence requesting financial assistance was received from the SFCDC on 29 November 2023 and Council was briefed on the request at the Information Briefing held on 18 January 2024. A formal out-of-round grant request seeking \$3,500 was received on the 30 January 2024. Initial correspondence is attached.

ATTACHMENT: 9.9.2 (1)

The purpose of this report is to seek Council determination on the request for out-of-round funding support received from the SFCDC.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The SFCDC will host the inaugural Championships which will be held to coincide with their annual Campdraft 3-day event held between Friday 8 to Sunday 10 March 2024. The anticipated increase in participants and competition over the weekend has resulted in an increase in associated costs.

Hosting the Championship is a significant opportunity for the Club and presents an opportunity for the region to be showcased to a broader range of visitors from across Western Australia. The Club have requested \$3,500 to assist with additional ambulance costs which have been quoted between \$6,000 and \$9,000. An option has also been extended to the Shire of Manjimup to sponsor a special award at the event such as the Highest Scoring Local Rider.

Events play a key role in the Shire, with the visitor economy bringing both direct and indirect benefit to the region. The annual Campdraft and Championship event has a projected budget spend in 2024 of \$179,370.

In conclusion Staff recommend approval of the out-of-round grant request as the event will bring both economic and social benefits to the region.

STATUTORY ENVIRONMENT

Local Government Act (1995) s6.7.

POLICY / STRATEGIC IMPLICATIONS

Policy 3.1.3 Community Funds Allocation:

The Community Funds Policy aims to support community groups, projects, and events to carry out their own activities. These activities, however, also serve to support Council in fulfilling the objectives of various Council Plans and Strategies including the Shire of Manjimup Strategic Community Plan 2021 – 2031.

Specifically, the increased active participation, visitor economy and tourism benefits of the Campdraft event are supported by the Strategic community Plan as follows:

- Our Prosperity, 2.6 The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination; and
- Our Community, 3.7 Our community is vibrant, dynamic and fun because we have access to a broad range of art, cultural, social and recreational opportunities.

ORGANISATIONAL RISK MANAGEMENT

Council's Community Fund policy was established to foster as an open and transparent process to ensure grant seekers had equitable opportunity to apply for Shire funding assistance. The organisations reputation may be impacted if this process was perceived as being disregarded by some grant seekers.

In saying the above, it is also important from the organisation's reputational perspective, that Council remains open to considering requests for financial assistance whereby a significant event or opportunity arises post budget adoption.

FINANCIAL IMPLICATIONS

The appropriate budget allocation for the funds would be from Community Grant, however only \$616 remains unallocated. A review of the Community Grants budget has identified that the 'Transport' allocation will likely be underspent this financial year due to less demand for the provision of free bus transport between communities for events and youth activities.

Should Council support the request by the SFCDC, the \$3,500 could be transferred from the 'Transport' allocation. This would retain \$2,116 in the 2023/24 Community Grants budget (\$1,500 Transport & \$616 Unspecified) for youth and event transport activities for the remainder of the financial year.

It is important to note that whilst, in this instance, there is capacity within the Community Grants budget to support this out-of-round funding request, grant seekers need to be reminded that there is a formal grant round and requests submitted outside of this may not be supported.

SUSTAINABILITY

Environmental: Nil.

Economic: The SFCD & Championships will attract over 680 participants and support crew from across Western Australia along with many spectators over the three-day event. There will be significant economic benefits from increased media exposure, and the visitor economy (both direct and indirect spend).

Social: Access to a range of events, activities and sporting opportunities are significant contributors to a community's vibrancy and culture. The SFCD event and opportunity to host the inaugural Championships will contribute to the communities sense of pride and identity.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Congratulate the Southern Forests Campdraft Club on being awarded the opportunity to host the inaugural 2024 Australian Bushmen's Campdraft and Rodeo Association Western Australian Championships held;**
- 2. Allocate \$3,500 amount of the 2023/24 Community Grants to the Southern Forest Campdraft Club as follows;**

Description	Current Budget	Amended Budget	Variation
Transfer from Community Grants Transport	\$5,000	\$1,500	(\$3,500)
Southern Forest Campdraft Club	\$0	\$3,500	\$3,500
Net Rate Funds			\$0

3. Requests that sponsorship of a special award, at the 2024 Australian Bushmen's Campdraft and Rodeo Association Western Australian Championships, shall be included in the allocated funds; and
4. Advise the Club that any future request for event funding should be submitted as part of the annual Shire of Manjimup Community Grant Program.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Miolin, S

29449

That Council:

1. Congratulate the Southern Forests Campdraft Club on being awarded the opportunity to host the inaugural 2024 Australian Bushmen's Campdraft and Rodeo Association Western Australian Championships held;
2. Allocate \$3,500 amount of the 2023/24 Community Grants to the Southern Forest Campdraft Club as follows;

Description	Current Budget	Amended Budget	Variation
Transfer from Community Grants Transport	\$5,000	\$1,500	(\$3,500)
Southern Forest Campdraft Club	\$0	\$3,500	\$3,500
Net Rate Funds			\$0

3. Requests that sponsorship of a special award, at the 2024 Australian Bushmen's Campdraft and Rodeo Association Western Australian Championships, shall be included in the allocated funds; and
4. Advise the Club that any future request for event funding should be submitted as part of the annual Shire of Manjimup Community Grant Program.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

9.14.1 Request Approval to Expend Reserve Funds - Manjimup Heritage Park Playground

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Lot 628 Edwards Street, Manjimup
WARD:	Urban
ZONE:	Parks and Recreation
DIRECTORATE:	Works and Services
FILE REFERENCE:	F161489
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers; Kelsie Brown
DATE OF REPORT:	2 February 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

To ensure compliance with Australian Standards for playground construction, all play equipment and play areas require what is known as softfall. Typical softfall products are rubber, sand or mulch and are designed to absorb a falling human body's impact and soften the landing, thereby reducing or eliminating the likelihood of serious injury. The softfall surfacing at the Manjimup Heritage Park (MHP) requires replacing of 168 tonne of sand that meets the Australian Standard AS4422:2016 Playground Surfacing.

The purpose of this report is for Council to consider the replacement of the softfall sand with funds being redirected from the Playground Major Repair Reserve.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The MHP playground was constructed in 2013 and uses a combination of rubber and softfall sand for its surfacing. Over this time quantities of sand deplete from normal everyday use and weather conditions. Previously, the softfall has required very minor replacement of relatively small volumes of sand, the cost of which has been absorbed by the MHP maintenance budget. As this is the Shire's highest use and highest profile playground

The Shire's most recent playground audit has identified the need to replace a depth of 150mm of softfall sand across all playground areas that use softfall sand as its surface. 150mm of sand across this large area equates to 168 tonnes of sand. As the nearest supplier of Australian Standard AS4422:2016 Playground Surfacing Certified sand is in Dardanup, there is significant cost in the supply and delivery, which cannot be absorbed by the MHP maintenance budget. As such Council is requested to approve the transfer of \$20,000 from the Playground Major Repair Reserve.

It is worth noting that there are already considerable quantities of softfall sand around the MHP playground areas, but not at the depth that meets the Australian Standards. Furthermore, the Shire are unable to use any of the other softfall products to top up the existing sand, without having to replace the product entirely at a much greater cost (i.e. replacement of the softfall sand with rubber) or risk not being compliant (i.e. only softfall sand to be used under the flying fox). For example, there is approximately 500m² requiring softfall playground surfacing that does not include the area under the flying fox. The cost for supply and installation only of softfall rubber for this area is approximately \$120,000 with a useful life expectancy of 10 to 15 years.

A quote has been obtained for the replacement of the softfall sand and installation costs summarised below:

Item	Replacement Cost (ex GST)
Replacement of softfall sand (168 tonne)	\$15,909
Installation Costs (<i>estimated costs only</i>)	\$ 4,090
Total	\$20,000

It is recommended that Council approve the replacement of the softfall in the Manjimup Heritage Park with funding obtained from the Playground Major Repair Reserve, which is set aside specifically for this purpose.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Reserve accounts (Financial Management, 6.11)

POLICY / STRATEGIC IMPLICATIONS

The proposal is consistent with the following goals and strategies from the Shire of Manjimup Strategic Community Plan 2021 – 2031:

- Community Goal 4 – Our Infrastructure
 - i. D5. Develop and maintain community infrastructure to a service-level that meets the community needs; and
 - ii. D10. Provide for public parks and playgrounds that are accessible and attractive with well-maintained amenities and equipment.

ORGANISATIONAL RISK MANAGEMENT

By using products that meet the Australian Standards, the Shire can ensure that its facilities and equipment are fit for use, thereby limiting risk. Failure to replace the softfall in a timely manner may present a heightened safety risk to visitors of serious injury and may result in the closure of the playground for a period of time.

FINANCIAL IMPLICATIONS

Council transfer \$15,000 annually into the Playground Major Repair Reserve. The purpose of this Reserve is to set aside monies for the replacement of playground equipment across the Shire, as it ages and wears. The current

balance of the Reserve is \$46,700. The proposed expenditure of \$20,000 will result in a remaining balance of \$26,700 in the Reserve.

SUSTAINABILITY

Environmental: Nil.

Economic: The Manjimup Heritage Park plays a significant role in attracting and retaining visitors to the locality of Manjimup. The Park assists with increasing the length of stay for visitors, whilst growing the visitor economy for the hospitality and business sectors, increasing direct spend into the region. Timely replacement of the softfall will ensure the above outcomes are being achieved.

Social: The Manjimup Heritage Park is an important location within the Shire for social, recreational, and historical purposes.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve the transfer of \$20,000 from the Playground Major Repair Reserve to fund the replacement of the softfall sand, as shown in the table below, with the Reserve funds only being drawn to the extent of the actual expenditure, to a maximum of \$20,000.

Description	Current Budget	Amended Budget	Variation
Transfer from Playground Major Repair Reserve	(\$39,300)	(\$59,300)	(\$20,000)
Manjimup Heritage Park Softfall Sand Replacement	\$0	\$20,000	\$20,000
Net Rate Funds			\$0

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Winfield, C

29450

That Council approve the transfer of \$20,000 from the Playground Major Repair Reserve to fund the replacement of the softfall sand, as shown in the table below, with the Reserve funds only being drawn to the extent of the actual expenditure, to a maximum of \$20,000.

Description	Current Budget	Amended Budget	Variation
Transfer from Playground Major Repair Reserve	(\$39,300)	(\$59,300)	(\$20,000)
Manjimup Heritage Park Softfall Sand Replacement	\$0	\$20,000	\$20,000
Net Rate Funds			\$0

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

SUSPENSION OF STANDING ORDERS:

MOVED: Eiby, W

SECONDED: Miolin, S

29451

That Council suspend Standing Orders.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Standing Orders were suspended at 6.06pm.

RESUMPTION OF STANDING ORDERS:

MOVED: Eiby, W

SECONDED: Miolin, S

29452

That Council resume Standing Orders.

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Standing Orders were resumed at 6.23pm.

Councillors Winfield and Eiby declared an Impartiality Interest in this Item. Councillor Winfield's wife is a member of the advisory committee. Councillor Eiby is an employee of Southern Forest Community Landcare, who hold a lease within the Manjimup Heritage Park. Councillors Winfield and Eiby declared that they would consider this matter on its merits and vote accordingly.

ATTACHMENT APPENDIX

9.16.1 Review of the Manjimup Heritage Park Advisory Committee and Manjimup Town Activation Advisory Committee

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F170453 / F170454
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Kelsie Brown
DATE OF REPORT:	6 December 2023
DECLARATION OF INTEREST:	The Shire's Temporary Senior Governance Officer holds the position of Community Representative on this Committee and was not involved in the preparation or assessment of this agenda item.

BACKGROUND

At the Special Council meeting of 24 October 2023, during which all Council Committees were reviewed, the Manjimup Town Activation Advisory Committee and its Terms of Reference were endorsed. The current Terms of Reference is appended for Council's reference.

APPENDIX: 9.16.1(A)

In relation to the Manjimup Heritage Park Advisory Committee, Council requested, through Resolution 29304, the investigation of a potential amalgamation of the Manjimup Heritage Park (MHPAC) and the Manjimup Town Activation (MTAAC) Advisory Committees.

29304

That consideration of the item be deferred pending a further report to Council on the potential of amalgamation of the Manjimup Heritage Park Advisory Committee and the Manjimup Town Activation Advisory Committee.

CARRIED: 9/0

The Terms of Reference for the MHPAC prior to the Special Council meeting held 24 October 2023 are appended for Council's information.

APPENDIX: 9.16.1(B)

Council's reasoning behind potential amalgamation of the committees is that at current, there are a great number of Committees of Council that require Councillor representation, administration, and Staff involvement. Therefore, the availability of Shire resources becomes limited, thus affecting the provision of service to the committee and wider community. Essentially, an amalgamation would reduce the number of Council Committees, as well as reduce the burden on community/group representatives, in turn making it easier to achieve a quorum at each meeting.

The purpose of this item is to determine Council's preference moving forward on the future of both committees.

PUBLIC CONSULTATION UNDERTAKEN

There was no public consultation however all committee members (with the exemption of Councillors due to it being their request) were presented with three options moving forward. Ten responses were received with five of these responses received from Staff and the remaining five responses by other committee representatives.

COMMENT

Shire Staff proposed the following options for consideration to the members of each committee on 14 November 2023 for their feedback on the below options:

1. Keep the two committees separate due to their different functions. As the MHPAC mostly consists of lease holder representatives within the Manjimup Heritage Park (the Park), it is proposed that they meet every quarter. It is proposed that the MTAAC reduce their meetings to twice yearly;
2. Amalgamate the two committees by combining their functions; or
3. Any alternative suggestions to the above.

In summary, committee members from both committees were not supportive of amalgamating the two committees as they feel both committees have very different functions.

Furthermore, an additional meeting with core stakeholders of the Park was held on 17 January 2024. The below changes to the current MHPAC Terms of Reference are being proposed for Council's consideration;

Proposed Changes	Staff Comments
Addition of 2 new functions of committee being; <ul style="list-style-type: none"> • To implement projects and initiatives as outlined in the Manjimup Heritage Park 	The MHPAC and its members have a specified interest connected to the adopted Manjimup Heritage Park Management and Development Plan 2022-2027. At current, there is no

<p>Management and Development Plan; and</p> <ul style="list-style-type: none"> To engage and consult with the Aboriginal and Torres Strait Islander community in relation to activation and development of the Park. 	<p>reference to this Plan within the Terms of Reference.</p> <p>Ensuring the traditional custodians of the lands are informed and engaged with Park projects will recognise that all historical and cultural practises are respected, thus providing a stronger connection to community and sense of belonging for first nations people.</p>
<p>Removal of indigenous representative position on the committee.</p>	<p>The position has proven difficult to fill and has been vacant for some time. This commitment of ongoing consultation and engagement with the Aboriginal and Torres Strait Islander community is reflected with the addition of the above committee function.</p>
<p>Reduction of meeting frequency to 3 meetings per year.</p>	<p>Essentially, the MHPAC is a working group of community lessees and stakeholders of the Park. Members require a platform to discuss upcoming projects, potential collaboration ideas and common issues, however it has always been encouraged that members raise any time sensitive matters as they arise.</p> <p>Reducing the meeting frequency will provide the committee with a better opportunity to achieve a quorum and will reduce the burden on community/group representatives and staff resources. It is envisioned that smaller working groups are established on the upcoming developments and projects within the Park.</p>
<p>Addition of Southern Forests Community Landcare to the MHPAC membership.</p>	<p>As a new community lessee of the Park, it is important that the Southern Forests Community Landcare are represented on the committee.</p>

The proposed Terms of Reference for the MHPAC is attached for Councils consideration.

ATTACHMENT: 9.16.1(1)

In conclusion it is recommended that the MTAAC and MHPAC not be amalgamated. Further it is recommended that the MHPAC Terms of Reference be amended to reflect the outcomes of the Committee review.

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

POLICY / STRATEGIC IMPLICATIONS

The Strategic Community Plan 2021-2031 and Corporate Business Plan 2023-2027 identifies the relevant themes and strategies relating to both committees.

ORGANISATIONAL RISK MANAGEMENT

It should be noted that given there are 21 Management, Advisory and/or Occasional Committees of Council that require administration and can, at times, add pressure to the Shires limited resources. In saying this however advisory committees provide a critical connection between the Shire, community members and volunteers as well as empowering stakeholders to take ownership and participate in related functions. Cessation of an advisory committee could send a negative message to the broader community being that the Shire is not interested in collaboration.

FINANCIAL IMPLICATIONS

The Committees are Advisory Committees only and therefore not responsible for the management of any budget. Any financial implications are to be determined by Council as they arise.

SUSTAINABILITY

Environmental: Nil.

Economic: Townscape improvements are recognised as contributing towards investment and economic activity.

Social: Attractive townscapes diminish the incidence of vandalism and provide the community with a sense of pride and place. In addition to this, the Manjimup Heritage Park is an important location within the Shire for social, recreational, and historical purposes.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Not support an amalgamation of the Manjimup Town Activation Advisory Committee and the Manjimup Heritage Park Advisory Committee;**
- 2. Retain the Manjimup Town Activation Advisory Committee with its current Terms of Reference;**
- 3. Pursuant to Section 5.10 of the *Local Government Act 1995* make the following appointments to the Manjimup Heritage Park Advisory Committee for the remainder of the biennial period 15 February 2023 to 18 October 2025; and**

Cr.	Councillor
Cr.	Councillor (Proxy)

Kelsie Brown	Community Development Officer
Gail Ipsen Cutts	Director Community Services (Proxy)
Vacant	Manager Parks Operations
Michael Leers	Director Works and Services (Proxy)
Marie Manns	Community Garden Representative
Ann Bentley	Community Garden Representative (Proxy)
Samantha Cleveland	Manjimup Visitor Centre
Peter Casonato	Manjimup Visitor Centre (Proxy)
Ian Wilson	Historical Society
Vacant	Historical Society (Proxy)
Kathy Dawson	Southern Forests Community Landcare
Melissa White	Southern Forests Community Landcare (Proxy)
Yvonne Pegrum	Wood Turners
Vacant	Wood Turners (Proxy)
Vicki Winfield	Community Representative
Jessica Winters	Community Representative

4. Appoint the following Councillor's to the Manjimup Heritage Park Advisory Committee for the period 15 February 2024 to 18 October 2025:

Cr	Councillor
Cr	Councillor

5. Confirm the Terms of Reference for the Manjimup Heritage Park Advisory Committee as provided in Attachment: 9.16.1(1) including nominations contained in point 3 and 4 above.

AMENDED RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29453

That Council:

1. Not support an amalgamation of the Manjimup Town Activation Advisory Committee and the Manjimup Heritage Park Advisory Committee;
2. Retain the Manjimup Town Activation Advisory Committee with its current Terms of Reference;
3. Pursuant to Section 5.10 of the *Local Government Act 1995* make

the following appointments to the Manjimup Heritage Park Advisory Committee for the remainder of the biennial period 15 February 2024 to 18 October 2025; and

Cr.	Councillor
Cr.	Councillor (Proxy)
Kelsie Brown	Community Development Officer
Gail Ipsen Cutts	Director Community Services (Proxy)
Vacant	Manager Parks Operations
Michael Leers	Director Works and Services (Proxy)
Marie Manns	Community Garden Representative
Ann Bentley	Community Garden Representative (Proxy)
Samantha Cleveland	Manjimup Visitor Centre
Peter Casonato	Manjimup Visitor Centre (Proxy)
Ian Wilson	Historical Society
Vacant	Historical Society (Proxy)
Kathy Dawson	Southern Forests Community Landcare
Melissa White	Southern Forests Community Landcare (Proxy)
Yvonne Pegrum	Wood Turners
Vacant	Wood Turners (Proxy)
Vicki Winfield	Community Representative
Jessica Winters	Community Representative

4. Appoint the following Councillor's to the Manjimup Heritage Park Advisory Committee for the period 15 February 2024 to 18 October 2025:

Cr Wendy Eiby	Councillor
Cr Donelle Buegge	Councillor (Proxy)

5. Confirm the Terms of Reference for the Manjimup Heritage Park Advisory Committee as provided in Attachment: 9.16.1(1) including nominations contained in point 3 and 4 above.

CARRIED: 8/0

ATTACHMENT APPENDIX

9.16.2 Unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 22 November 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F220159
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Ann Bentley
DATE OF REPORT:	15 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND

The Sustainability Advisory Committee is an Advisory Committee of Council, formed under the provisions of the *Local Government Act 1995*. The functions of the Committee as outlined in the current Terms of Reference are:

1. *Identification of opportunities for activation of sustainability practices in the Shire of Manjimup;*
2. *Liaison with other relevant community groups and / or service agencies over potential sustainability projects;*
3. *Communicate and inform the local community about activities of the Committee;*
4. *To provide advice to Council on the development, management, and promotion of sustainability practices in the Shire of Manjimup;*
5. *To make recommendation to Council in regard to matters that will improve sustainability in the Shire of Manjimup for the benefit of the broader community; and*
6. *To provide advice on trends in sustainability (e.g., technologies, government policy).*

The purpose of this report is to present the unconfirmed minutes of the Sustainability Advisory Committee meeting held 22 November 2023 and revised Terms of Reference, as attached, for Council consideration..

ATTACHMENT: 9.16.2(1)

ATTACHMENT: 9.16.2(2)

The previous committee Terms of Reference are appended for Councillors information.

APPENDIX: 9.16.2(A)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Only one decision made by the Committee requires consideration by Council as an outcome of the meeting. The Committee voted unanimously to appoint Shire President, Donelle Buegge as Chair. The committee's Action Sheet was discussed and revised.

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS

The Strategic Community Plan 2021-2031 and Corporate Business Plan 2023-2027 identifies the relevant themes and strategies.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY

Environmental: The Advisory Committee will make recommendations to Council and the Shire on various environmental improvements the Shire could potentially make to address sustainability measures.

Economic: The measures put in place by the Shire on advice from the Advisory Committee has the potential to introduce savings to the Shire's operational budget.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive and note the appointment of Shire President, Donelle Buegge, as Chair and the unconfirmed minutes of the Sustainability Advisory Committee Meeting held 22 November 2023 as shown at Attachment: 9.16.2 (1); and**
2. **Adopt the revised Terms of Reference for the Sustainability Advisory Committee as shown at Attachment: 9.16.2 (2).**

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29454

That Council:

1. **Receive and note the appointment of Shire President, Donelle**

Buegge, as Chair and the unconfirmed minutes of the Sustainability Advisory Committee Meeting held 22 November 2023 as shown at Attachment: 9.16.2 (1); and

- 2. Adopt the revised Terms of Reference for the Sustainability Advisory Committee as shown at Attachment: 9.16.2 (2).**

CARRIED: 8/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

10. LATE REPORTS

Nil.

11. QUESTIONS FROM MEMBERS

11.1 Response to questions from members taken on notice.

At the 24 October 2023 Ordinary Council Meeting, Councillor Wade De Campo posed the following questions:

1. How many planning or condition changes, if have been given approval under delegated authority, from the point of proposal of the hotel site to today?

2. Have the proponents, in any formal or informal way, had contact with any Shire staff to potentially open the facility early and incomplete?

These questions were not responded to at the time, or at any following Ordinary Council Meeting.

At the 18 January 2024 Ordinary Council Meeting, Councillor Wade DeCampo requested follow up to his question asked at the 24 October 2023 Ordinary Council Meeting a response from staff regarding the following question:

“How many conditions changes, either formally or informally asked for, has there been any formal or informal requests for opening early and how many planning changes were formally or informally asked for or given to the developers of the Gallery Hotel.”

In response to Councillor De Campo's questions, the following information is offered:

Background

At its October 2020 Ordinary Meeting, Council granted conditional approval to a Hotel development at 80 Rose Street, Manjimup that included a swimming pool, gymnasium, reception and 55 accommodation units. The developer did not proceed with the approval and subsequently lodged a new application in October 2021.

Council then granted conditional approval in November 2021 for 78 accommodation units and a club house consisting of a combined reception, bar, café and amenities including an indoor swimming pool, gymnasium, small souvenir store, three food tenancies external to the building along with an alfresco dining area.

Planning Condition Status

The 2021 Council approval included conditions for the life of the development and others that needed to be complied with at certain trigger points.

	Condition (summarised)	Status	Staff Recommendation
1.	Development to be generally in accordance with plans.	Ongoing	Staff to review prior to Occupation.
2.	Plans to be amended to address parking and access.	Expected prior to Occupation	Shire Staff to remind applicant.
3.	Facilities (other than the food tenancies) only for guests.	Ongoing	Shire Staff to monitor.
4.	Landscaping and Reticulation plan to be submitted.	Reticulation outstanding.	Shire Staff to follow up if reticulation proposed in verge.
5.	Landscaping to be implemented.	Ongoing	Staff to review prior to Occupation.
6.	Parking and access to be constructed and line marked	Expected prior to Occupation	Staff to review prior to Occupation.
7.	Construction Management Plan to be submitted.	Outstanding	Shire Staff to follow up for next stage of construction.
8.	Seating for Café/Club house limited to 120 seats.	Ongoing.	Shire Staff to monitor.
9.	External lighting plan to be submitted.	Outstanding.	Shire Staff to follow up and review prior to occupation.
10.	Waste Management plan to be submitted.	Outstanding	Shire Staff to follow up and review prior to occupation
11.	Stormwater is to be retained on property or connected to Shire drainage system.	Ongoing.	Shire Staff to monitor.
12.	Signage strategy is to be submitted.	Pending Occupation	Staff to review prior to Occupation.
13.	Development to connect to sewer.	Ongoing.	Shire Staff to monitor.
14.	Details of proposed fencing to be submitted with any associated artwork.	Prior to fencing installation.	Shire Staff to remind applicant.

In September 2022, Council considered a request for the landscaping and reticulation plan, the lighting plan and waste management plan to be submitted within 60 days of building permit and the construction management plan to be submitted prior to construction. Each of these plans were previously required prior to Building Permit.

A Landscape Master Plan including construction details was received in November 2022 prior to issue of Building Permit.

A certified building permit for 72 accommodation units and an assembly building was lodged with the Shire in September 2022 and a licence granted in November 2022.

To date the following plans remain outstanding:

- Reticulation Plan
- Lighting Plan
- Waste Management Plan
- Construction Management Plan.

These outstanding plans will be followed up with the developer for submission to the Shire administration in due course.

Condition Changes

Current Shire staff have no information as to whether there have been any informal requests to change conditions, however, it should be noted that Condition 1 does allow some flexibility in how the development takes shape, with construction to be 'generally in accordance' with the plans submitted. For example, the stonework wall provided in the approved plans has been constructed in brick, and the roofline of the accommodation units has been slightly altered. These changes are considered to meet the intent of being 'generally in accordance' with Condition 1 of the approval.

Shire Officers have no delegated authority to issue approval to alter any conditions. Records indicate that there has been no amendment of the conditions of approval granted under delegated authority by Shire staff across the life of the development.

Any reconsideration of any conditions of approval granted for this development must be considered and determined by Council.

Opening Early Requests

In terms of requests to open early, a request was received from the hotel developer, seeking approval to utilise 8 completed units to provide on-site accommodation for tradesmen associated with the construction work which was considered by Council on 15 June 2023. Council granted approval for 6-month period, expiring December 2023. Despite Council approval being granted, the developer did not apply for a Temporary Occupancy Permit to house workers on site.

Contained within that same request was a comment related to the staging of the development. The developer has indicated that the first 24 rooms are considered Stage 1 of the development. However, the Shire has received no formal documentation as to what Stage 1 looks like, and how many further stages to this development there may be.

11.2 Questions from members.

Question from Councillor Omodei:

My question is in relation to the Aboriginal Reconciliation Advisory Committee. If I recall at the meeting directly after the elections we didn't have a nominee to chair that meeting. Is it the Shire President's intention to chair that meeting?

Shire President response to Councillor Omodei:

Yes, I will be chairing that meeting.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Moved by Councillor Eiby:

That Council instructs the Chief Executive Officer to:

1. Investigate options and cost-benefits for improved drought (water) resilience at the Northcliffe Recreation Grounds.
2. Present the investigated findings and recommendations to Council by no later than 30 June 2024, for consideration in the 2024/25 Shire budget process.

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

Nil.

14. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

15. CLOSURE

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.25pm.

SIGNED:.....DATE:

**Donelle Buegge
Shire President**

**PRESENTATION TO COUNCIL MEETING TO BE HELD AT 5.30PM ON THURSDAY 15TH
FEBRUARY 2024**

**AGENDA ITEM 9.12.1 – LOT 248 FORESTRY GLEN AND LOT 7488 PEMBERTON
ARBORETUM, PEMBERTON**

My name is Gordon G Smith and I am resident at 14 Wattlebird Grove, Pemberton.

I have been engaged by Mr John Li of Kayelo Equity Pty Ltd, the owner of Lot 7489 Burma Road, Pemberton (formerly Gloucester Ridge Winery), to act in the capacity of planning consultant in respect of subdivision and development proposals for his property.

One of the proposals that is currently being considered by the Western Australian Planning Commission (WAPC) is an Application for Approval to Subdivide the property into two lots as shown on the plan attached. This is to achieve separation between the respective parts of the land which are zoned Tourist Enterprise for Proposed Lot 1 and Future Development for Proposed Lot 2.

When the land was rezoned by way of Local Planning Scheme No 4 Amendment No 24 in October 2022, creating the current classifications, the need for a road reserve from the north-western corner of the land to Forestry Glen was recognized and included in the Amendment as a road reserve as shown on the Proposed Zoning Map which is also attached.

The proposed subdivision was lodged by me on behalf of the owner with the WAPC on 23rd February 2023 with the Department of Planning, Land and Heritage (DPLH) officers subsequently advising that the proposed subdivision was not acceptable unless a road reserve is dedicated in the position shown on the plan in the report prepared by the Director: Works and Services.

It will be noted that there are two portions of land required to create the road reserve by way of excision from their respective Government Reserves (both under the Care, Control and Management of the Department of Biodiversity, Conservation and Attractions (DBCA)). DBCA has not objected to the proposed excisions. The power to dedicate the road reserve lies with Council.

For the purpose of the present subdivision, it is expected that the road reserve will be dedicated and an emergency accessway constructed by the Applicant within the reserve to provide a secondary egress route from the land.

In the future, the expectation of the DPLH Planning Officer is that, among other things, the applicant will, as a condition of subdivision, enter into a legal agreement with Council requiring that he construct the road to full road specification standard as and when further development or subdivision proposals of sufficient intensity are pursued on either or both of the proposed lots.

There is no suggestion that the Council should be involved in the construction of the road within the proposed reserve.

The road dedication process the subject of this report is to enable the subdivision to proceed and the interim emergency accessway to be provided as a requirement of any subdivision approval granted

The recommendation in the report now before Council is therefore fully supported.

Gordon G Smith

Town Planner and Chartered Surveyor (Rtd)

15th February 2024