



# AGENDA

## ORDINARY MEETING OF COUNCIL

11 APRIL 2024

Our Community Vision

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

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

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

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

**SHIRE OF MANJIMUP – ORDINARY MEETING OF COUNCIL AGENDA**

**11 APRIL 2024**

**NOTICE TO ALL COUNCILLORS**

**An Ordinary Meeting of Council has been called for Thursday 11 April 2024 commencing at 5:30pm in the Council Chamber.**



**Benjamin Rose  
CHIEF EXECUTIVE OFFICER**

**5 April 2024**

**DISCLAIMER**

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

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

- 1. Please note this meeting may be electronically recorded.**
- 2. Decisions made in this meeting are unable to be acted upon by the person who has been granted the authorisation unless and until the decision is able to be implemented by the Interim Chief Executive Officer and in any event not before the afternoon of the first business day following this meeting. If you are in any doubt about a decision please contact the Shire prior to making any commitments.**
- 3. Please be advised that if you provide notes on your presentation to Council, they will be included in the Minutes of this meeting as an Attachment.**

**SHIRE OF MANJIMUP**  
**ORDINARY MEETING OF COUNCIL**  
**THURSDAY 11 APRIL 2024**  
**TO BE HELD**  
**IN THE COUNCIL CHAMBER**  
**COMMENCING AT 5:30PM**  
**AGENDA**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

**2. ANNOUNCEMENTS BY THE PRESIDENT**

To be advised at the Meeting.

**3. ATTENDANCE**

**3.1 Apologies**

Nil at time of publication.

**3.2 Approved Leave of Absence**

Nil.

**4. DECLARATIONS OF INTEREST**

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

**5. PUBLIC QUESTION TIME**

**5.1 Response to public questions taken on notice**

### 5.1.1 Response to Questions taken on notice

At its Ordinary Meeting on 14 March 2024 Council received seven questions relating to a proposed notice of motion by Cr Eiby (item 12 in the Minutes). At the Meeting Shire President Cr Buegge confirmed.

*“We will compile a list of responses to all of those questions and it will be included in the Agenda document on the Shire website 8 April 2024.”*

Below is a list of questions, extracted from the minutes:

Paul Martin

1. Does the Shire believe that safety of the public is their first priority?
2. Why is the Shire purposely delaying a previously approved project that will improve the public safety?

Ken Lawrence

3. We have two other roads in need of major maintenance Channybearup and Vasse Hwy both these roads will need major clearing. The Vasse Hwy which is a major link and heavily used by double trailer trucks and caravans, buses and tourists. Will these road constructions be stopped as well.

Kirsty Martin

4. How a project that was approved and started, using a very democratic process – is now being considered to be reversed and overrule a previous decision.
5. Will it take an equally aggressive maneuver to tell the media our side of the story?
6. How safety is being overlooked and that the money that has already been spent on this project has been wasted and that grant money received for this project would need to be repaid?

Dean French

7. Are you willing stand by your election and be a President for the outer towns and endorse the sealing of Old Vasse Road?

#### *Response to Question 1*

Public safety is a priority of the Shire of Manjimup. Road safety is particularly addressed by our Strategic Community Plan (Strategy D15) but is also determined by the *Local Government Act 1995*, which presumes local governments are, in general, to maintain and enforce the protection of public safety.

#### *Response to Question 2*

The Notice of Motion presented at the Ordinary Council Meeting on 13 March is an act of tabling the Motion to be voted on at the next Ordinary Council Meeting on 11 April. As such, the Motion is yet to be voted on, and subsequently actioned.

This Motion is as per clause 5.3 of the *Shire of Manjimup Standing Orders Local Law 2013*, and in keeping with the *Local Government Act 1995* and associated Regulations.

The project works are currently continuing as planned. Between the aforementioned Ordinary Council Meeting dates, procurement and on ground works have been undertaken as scheduled.

*Response to Question 3*

Channybearup Road works are ongoing and continue as part of the Shire's Regional Road Group funded Road Construction Program.

Vasse Highway is Main Roads WA asset and therefore the maintenance is not managed by the Shire of Manjimup.

*Response to Question 4*

Same response to Question 2.

*Response to Question 5*

No. Persons who are interested in the outcome of any motion presented to Council, including this item which is tabled to be voted on at the 11 April 2024, can engage directly with their representative Elected Members to ensure their concerns are reflected in the outcome of the motion.

*Response to Question 6*

If the Notice of Motion in question was passed by Council, the funding already spent on works (including design) remains with the project and does not need to be returned to the State Government. The status of the unspent funds will be subject to the discretion of the Regional Road Group, on recommendation from the Council. The outcome of the deliberation of this group could be that the funds are returned or redirected to another Shire road project within the same program.

*Response to Question 7*

As part of my role as the Shire President, I am the Shire President for the Shire in its entirety and as part of that role I need to ensure that equal representation is had for all peoples of the Shire.

## **5.2 Public Question Time**

*[Under meeting procedure determined by the Shire of Manjimup Standing Orders Local Law 2013, this is the only opportunity for members of the public to ask up to a maximum of two questions of Council. There is no further opportunity to question the Shire of Manjimup during the meeting. Questions can be asked on any Shire*

*matter, not just on issues included in the meeting agenda and each person shall have up to 3 minutes to ask their questions which may be extended by an additional 3 minutes where considered appropriate by the Presiding Member. Persons asking questions are entitled to a response unless the question is declared “out of order” by the Presiding Member. If a matter requires further investigation, that response may be in writing. Any person asking questions of Council must state their correct name and address as this will form part of the public record of this meeting]*

## **6. PRESENTATIONS**

### **6.1 Petitions**

Nil.

### **6.2 Presentations**

Nil.

### **6.3 Deputations**

**6.3.1** Jodi Johnston – Chair – District Health Advisory Council (DHAC) Warren Health Service – DHAC consumer representation group.

**6.3.2** Dean French - Resident of Old Vasse Road.

### **6.4 Delegate Reports**

Nil at time of publication.

### **6.5 Conference Reports**

Nil at time of publication.

## **7. CONFIRMATION OF PREVIOUS MINUTES:**

\_\_\_\_\_ / \_\_\_\_\_

**That the Minutes of the Ordinary Meeting of the Council held on 14 March 2024 be confirmed as a true and accurate record.**

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

### 8.1 Notice of Motion (Cr Eiby) - Proposed Consultation for Upgrade of Old Vasse Road

#### ATTACHMENT

### 8.1 Notice of Motion (Cr Eiby) - Proposed Consultation for Upgrade of Old Vasse Road

<b>PROPONENT</b>	Cr Wendy Eiby
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Old Vasse Road, Yeagarup
<b>WARD:</b>	Rural
<b>ZONE:</b>	Road Reserve
<b>DIRECTORATE:</b>	Works and Services
<b>FILE REFERENCE:</b>	F200431
<b>LEGISLATION:</b>	Local Government Act 1995, The Roads Act 1902, Land Administration Act 1997, Land and Public Works Legislation Amendment Act 2023 and Environmental Protection Act 1986
<b>AUTHOR:</b>	Michael Leers
<b>DATE OF REPORT:</b>	21 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

## COUNCILLOR COMMENT

Councillor Eiby has provided the following comments as background to the Notice of Motion.

*"I put forward this motion as I don't believe all Councillors and the wider community are fully informed of the scale of cost to ratepayers, the total number of old-growth trees that will need to be removed (estimated to be in the hundreds), or the timeframe involved in sealing the entire length of Old Vasse Rd. Old Vasse Rd has immense heritage value as the original convict-built road for the area and it is the gateway to one of WA's oldest and most picturesque national parks with significant conservation values. The Shire's Natural Environment Strategy states in its opening line that 'The biota is by far the most important aspect of the integrity of this region'. I believe we need to consult with the community to find a solution to upgrading the quality of Old Vasse Rd without destroying trees to the detriment of future generations and in doing so, preserving the Shire's 'clean, green' reputation so often promoted by our tourism and agricultural sectors."*

## BACKGROUND

At the Ordinary Meeting of Council held 14 March 2024, Cr Eiby advised of the following Notice of Motion to be considered at the next Council meeting:

**That Council instruct the Chief Executive Officer to:**

- 1. Temporarily pause actions associated with implementing the Old Vasse Road Construction Project.**
- 2. Undertake community consultation, which is representative of the diversity of the community of the district, in relation to the proposed Old Vasse Road Construction Project.**
- 3. Present the results of the representative community consultation to Council, for Council to resolve further action/s on the project, by no later than July 2024.**

This report will provide data and information available to assist Council with its consideration of the Notice of Motion. Much of the information and data can be found in the PowerPoint presentation attached and introduced to Council on 27 March 2024 as part of the information session for Old Vasse Road.

**ATTACHMENT: 8.1 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil public consultation undertaken in relation to the Notice of Motion (by Staff).

## **COMMENT**

Old Vasse Road (OVR) is an unsealed local government road just over 9km in length that links the Vasse Highway to the Pemberton Northcliffe Road and cuts through the Warren National Park. The road services some 27 businesses and residences. The road also provides access to Department of Biosecurity, Conservation and Attractions assets such as the Bicentennial Tree and Heartbreak Trail. Please see below for statistics showing number of visitors to these two assets.

<b>Financial Year</b>	<b>Bicentennial Tree (visitors)</b>	<b>Heartbreak Trail (visitors)</b>
20/21	49,019	46,808
21/22	56,207	42,161
22/23	105,443	45,284

Over the last two decades there have been numerous discussions between the Shire, Councillors and community members about upgrading OVR to a sealed road. As a result of recommendations from the Shire's Road Infrastructure Advisory Committee in 2018, Council approved the inclusion of OVR onto its Forward Capital Works Plan for upgrade to a sealed road. At the same time the Shire sought funding from Main Roads Western Australia Regional Road Group (RRG) for a feasibility study on upgrading the entire 9.42 kilometres of road to a 6 metre wide sealed standard. This study was used to secure OVR onto the RRG program for funding for the following ten years. RRG provides two thirds of any funding required to a local government member for an approved road project, up to the capped amount of \$500,000 per project.

## Works To Date

Since 2020, the Shire has been actively working with Department of Biosecurity, Conservation and Attractions Rationalising those sections of road



that deviate outside of their gazetted boundary. Making up almost 10 hectares, the entire area of land requires a boundary adjustment either through excision or relinquishing sections of land so that the road construction can occur within a titled gazetted road boundary.

Further to this, the Shire has been, and is still, carrying out its programmed works between the Hawke road intersection and approximately one kilometre east towards the Vasse Highway in preparation for road sealing. These works include:

- Preparation of two separate Traffic Management Plans;
- Identification of below ground assets;
- Removal of four trees, including one imminently dangerous tree;
- Installation of three culverts;
- Removal of two culverts;
- Extension of one large 1050 culvert along with installation of a number of headwalls; and
- Purchase and stockpile of 3,052 tonnes of road construction specification gravel.

#### Project Scope

The project intends to upgrade OVR to a sealed road that meets AustRoads Standards and the Shire's own Road Hierarchy Policy for a distributor road. Given the length of the road and the approximate \$6.6million cost of construction in today's money, alongside the capped RRG funding, Council is staging the works over 10 years in order to be able to allocate its one third contribution each year to the RRG funding that's best serves the project and Council's other ongoing budgetary requirements. The Shire typically caps its contribution at \$150,000 per RRG road construction project per year. By staging these works, the project can be completed having regard to RRG capping of funding to \$500,000 per road project and having the least possible impact on the Shire's other road projects and maintenance programs.

A necessary part of the works to upgrade OVR to a 6 metre wide sealed running surface that meets AustRoads Standards is removing a number of trees. Given the Shire only completes its detailed 'For Construction' designs of small, 1km sections at a time, the entire road upgrade has not yet been designed. Therefore, it is difficult to say with any certainty how many trees will need to be removed. Having said that, in line with the approved road construction design, the Shire has approval to remove 24 trees though anticipates the need to only remove up to 15 trees in the 1km section that is on the 2023/24 Road Construction Works Program. This does not include any tree removal associated with the:

- Vasse Highway upgrade, that will require 973m<sup>2</sup> of Conservation Commission land to be excised and added to the road reserve; and
- Pemberton-Northcliffe Road intersection upgrade.

#### Consultation

It is not standard practice for any local government to carry out Shire or district wide consultation on any of its Council approved and budgeted road construction programs. Having said that, it is common practice for the Shire of

Manjimup to advise any adjacent property owners of its intent to carry out construction work on any of its roads. Consultation on OVR was carried out by DWER in relation to removal of trees as part of the Vegetation Clearing Permit process.

Having said that, Council may consider a number of options for community consultation or engagement that could include pointed specific consultation over this particular road project or a more broad approach that takes into account a number of topical road projects. This information can then be used to better inform Council about its road constriction and/or maintenance projects.

#### Pause Of Works

Currently Staff understand point 1 of the Notice of Motion to mean briefly stop any on-ground works on the road itself, such as tree removal, pavement construction and application of bitumen seal while consultation is carried out and pending further decision from Council. However other works would still proceed, such as road design beyond the current works program, road rationalisation and Vegetation Clearing Permit applications.

Council is now requested to consider the Notice of Motion as presented in the recommendation to Council at the end of this report.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995, The Roads Act 1902, Land Administration Act 1997, Land and Public Works Legislation Amendment Act 2023 and Environmental Protection Act 1986.*

### **POLICY AND STRATEGIC IMPLICATIONS**

Corporate Business Plan 2023 – 2027

- D5.2 Implement the *15-year Forward Capital Works Program 2021 - 2036* in relation to local road and bridge upgrades and renewals.
- D15. 1 Work with relevant state departments to upgrade and provide safe, sustainable road infrastructure that assists the movement of industry, agricultural products and tourism.

Council policies - 2.3.5 Purchasing Policy, 9.1.21 Road Traffic Safety

### **ORGANISATIONAL RISK MANAGEMENT**

The organisation may be open to a number of risk categories irrespective of which action it decides. There is a risk of losing grant funding by not completing this project on schedule and then having to seek RRG to either carry forward the funds to another year or transfer then to another RRG approved road project. Either action incurs the risk that RRG does not provide approval and requests that the grant funding be returned to the RRG pool of funds. Alternatively, the Shire could apply for the use of RRG funds for a changed

scope of works that does not sealing all of OVR, but still requires some type of upgrade to the current road surface of OVR.

The Shire also faces a high risk of reputational damage if it does not proceed with upgrading OVR as the Shire could be seen as not carrying out a core function in building or maintaining a safe local road network. There is equally a risk of reputational damage if it proceeds with the road upgrade works and removes a number of native Karri trees and is then seen as not abiding by its Strategic Community Plan objective of managing and protecting the natural environment.

## **FINANCIAL IMPLICATIONS**

The upgrade of all of Old Vasse Road to a sealed surface is estimated to cost approximately \$6.6million in today's money to be staged over ten years. Pending Council approval, the annual Works Infrastructure Budget is able to accommodate the required one third contribution to RRG two thirds grant funding.

As the funding amounts are unlikely to change during the whole of project time period, there will be less linear amounts of road work completed per dollar. This will mean the project is either extended, pending RRG approval, for as long as it takes to complete the whole road upgrade project, or Council decides to short track the project life by combining its funding from other projects to allow a great amount of funds be spent each year on OVR, taking into account the RRG cap of funds at \$500,000 per project per year.

## **SUSTAINABILITY**

Environmental: Upgrade of Old Vasse Road will require removal of a large number of large and likely remnant trees. There is also potential for damage to other environmentally sensitive flora. These works will require permission and oversight from the relevant State Government Departments to ensure the environment suffers the least impact and/or any impact is compensated through the use of environmental offsets.

Economic: Though the works will come at a significant cost over a long period of time, upgrade of the road will improve travel times for industry using this road as well as an increase in tourism traffic.

Social: Upgrade of the road network is generally seen as providing a better service to the community. Upgrading any road to conform with AustRoads Standards improves road safety.


**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**COUNCILLOR MOTION:**

**That Council instruct the Chief Executive Officer to:**

- 1. Temporarily pause actions associated with implementing the Old Vasse Road Construction Project.**
- 2. Undertake community consultation, which is representative of the diversity of the community of the district, in relation to the proposed Old Vasse Road Construction Project.**
- 3. Present the results of the representative community consultation to Council, for Council to resolve further action/s on the project, by no later than July 2024.**

**ATTACHMENTS**

- |  |  |                     |
|--|--|---------------------|
| <b>1</b>  | <b>Old Vasse Road Councilor Information Session March 2024</b> | <b>54<br/>Pages</b> |
|--|--|---------------------|

## 9. OFFICER REPORTS:

For the interest of the Gallery, I will explain how we are about to consider the agenda items for this meeting.

All Councillors have had the agenda for one week giving us time to thoroughly review each item.

This meeting is the only time that Councillors are able to formally debate agenda items. Soon I will read out each item listed in the Agenda and any Councillor will be able to identify an agenda item they wish to debate. These items will be listed on the board behind me.

All items not identified by Councillors to be debated will be moved in accordance with the Officers Recommendation in one motion as listed in the agenda and moved en bloc for voting purposes.

If your item is not listed on the board and is moved en bloc it will be passed as per the Officer Recommendation. Following this Council will consider the remaining items in agenda order.

VOTING TYPE	ITEM	OFFICER REPORTS	Page No.
<b>OFFICE OF CEO</b>			
	<b>9.1</b>	<b>OFFICE OF CEO</b>	
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<b>DEVELOPMENT AND REGULATION DIRECTORATE</b>			
	<b>9.5</b>	<b>STATUTORY PLANNING</b>	

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	9.5.5	Proposed 12 Grouped Dwellings at Lot 101 (51) Johnson Street, Manjimup	76
	9.5.6	Proposed Overheight Outbuilding at Lot 19 (18) Springall Street, Manjimup	84
	9.5.7	Proposed Caravan Park (Nature Based) at Lot 534 (1221) Junction Road, Perup	89
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<b>Absolute</b>	9.9.1	Request for Financial Contribution to the Southern Forests Food Council Inc.	115
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	<b>9.10</b>	<b>HACC SERVICES</b>	
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<b>Absolute</b>	9.15.1	Unconfirmed Minutes of the Airfield Management Committee Held 13 March 2024	129
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<b>Absolute</b>	9.16.3	Unconfirmed Notes of the Manjimup Recreation Advisory Committee Meeting held 25 March 2023	137

\_\_\_\_\_ / \_\_\_\_\_

“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 139 of the Agenda with the exception of those on the board:

**ATTACHMENT****9.1.1 Proposed New Council Policy 1.1.8 Livestreaming and Recording of Council Meetings**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Office of CEO
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Jessica Raper
<b>DATE OF REPORT:</b>	15 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

In May 2023 the *Local Government Amendment Act 2023* (the Amendment Act) was passed that included a number of changes as part of 'Tranche 1' of the Local Government Reforms. The intention of these changes was to strengthen local democracy and provide greater transparency and accountability.

News section 5.23A of the *Local Government Act 1995* (the Act) and associated sections of the *Local Government (Administration) Regulations 1996* (the Regulations) addresses electronic broadcasting (livestreaming) and video and audio recording of council meetings.

One of the changes in the Amendment Act is the requirements for all Class 1 and Class 2 local governments to livestream meetings of Council. The requirement applies to meetings of Council held on or after 1 January 2025.

The purpose of this report is to adopt Council Policy 1.1.8 *Livestreaming and Recording of Council Meetings*, as attached.

**ATTACHMENT: 9.1.1(1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil

**COMMENT**

The Amendment Act introduces new section (5.23A) that specifies:

**5.23A. *Electronic broadcasting and video or audio recording of council meetings***

(1) *In this section —*



**council meeting** means a meeting of a council or committee;  
**electronic broadcasting** means broadcasting by way of the Internet or other electronic means;  
**recording** means a video recording or an audio recording.

- (2) Regulations may require, regulate or otherwise make provision in relation to any of the following —
- (a) the electronic broadcasting of council meetings (either live or with a delay);
  - (b) the making or retaining of recordings of council meetings;
  - (c) the making of recordings of council meetings publicly available;
  - (d) the provision of, or otherwise making available of, recordings of council meetings to any person (on the person's request or otherwise).
- (3) Regulations made for the purposes of subsection (2) cannot require or authorise —
- (a) the electronic broadcasting of any part of a council meeting that is closed to members of the public; or
  - (b) a recording of any such part of a council meeting —
    - (i) to be made publicly available; or
    - (ii) to be provided to, or otherwise made available to, any person other than the Departmental CEO or a person authorised by the Departmental CEO.
- (4) Without limiting section 9.57A(2) or subsection (2), regulations made for the purposes of subsection (2) may provide for a local government, or any other person, to be not liable to an action for defamation in prescribed circumstances.

Whilst the Amendment Act and Regulations do not explicitly outline that Council is to adopt a policy regarding electronic broadcasting and recordings, the draft Council policy purpose is to outline the Shire of Manjimup's position in relation to livestreaming and recording of Council Meetings.

Detail and breadth of Live Streaming policies vary between local governments, primarily because the operational functions of livestreaming and recording are stipulated by the Regulations. The purpose of this policy is not to necessarily repeat every clause of the Regulations but to highlight the essential functions of the activity of livestreaming and recording at Council Meetings.

#### Standard Provisions

Listed below are some of the policy measures that are standard provisions stipulated by the Regulations:

- Where Council has closed a meeting to members of the public, the live streaming will cease but recording (for internal record purposes, not publishing) will continue. Further, the Presiding Member (President) may opt to cease livestreaming at any point in the meeting (conditional).

- Meetings will be audio recorded if a failure has occurred with the live streaming technology.
- Recordings will be published on the Shire website within 14 days of the meeting(s).
- The Shire is not liable for defamation.

#### Policy Content

The following policy measures have been specifically identified in the draft policy as they respond to specific needs/abilities of the Shire of Manjimup (but still meet legislative requirements):

- All Council Meetings and Annual Meetings of Electors held at the Manjimup Council Chambers (usual meeting place) will be livestreamed (audio and video).
- Meetings that will be audio recorded only include Council Meetings not held in the Manjimup Council Chambers and Committees of Council.
- Camera positioning is intended to only capture elected members and staff but incidental capture of members of the public may occur.
- Members of the public presenting during Public Question Time are not required to state their full address, but just their locality of residence. A full address must be provided in writing for Shire of Manjimup records.
- Members of the public presenting during Public Question Time or giving a Deputation may request the Presiding Member (president) reads out their prepared statement or question if they do not wish to appear on the livestream/recording.
- The Shire retains copyright of the recordings.

#### Conclusion

This proposed new Policy has been prepared in light of the changes brought about by the *Local Government Amendment Act 2023*. It is recommended that Council adopt Council Policy 1.1.8 Livestreaming and Recording of Council Meetings as attached at **9.1.1 (1)** by Absolute Majority, and commence live streaming of meetings as early as the Ordinary Council Meeting scheduled for 2 May 2024.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995, Local Government Amendment Act 2023 and Local Government (Administration) Regulations 1996.*

### **POLICY AND STRATEGIC IMPLICATIONS**

The following strategies are in our Strategic Community Plan 2021-2031:

*E7: Keep the community well informed about Shire activities and provide genuine opportunities for the community to participate in decision making.*

*E8. Increase elected member interactions with constituents to better represent the diverse needs and priorities of the different communities within the Shire.*

*E11. Embrace and increase the use of new technologies to better deliver services and communicate with the community.*

## **ORGANISATIONAL RISK MANAGEMENT**

The Shire will be required to commence livestreaming of Council meetings with/or without an adopted policy. However, adopting a policy provides guidance and removes ambiguity of interpretation of the legislation for both staff and councillors.

## **FINANCIAL IMPLICATIONS**

The installation of the cameras has already been undertaken as part of the 2023/24 budget. Some minor installations need to be finalised by the staff however hardware has already been purchased and the required software licences are paid.

## **SUSTAINABILITY**

Environmental: Nil

Economic: Nil

Social: Adoption of the proposed Policy will contribute towards greater transparency of organisational activities and improve the accountability of Council. Further, it can help reduce any geographic and/or personal barriers that prevent members of the public physically attending a council meeting.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Adopt Council Policy 1.1.8 Livestreaming and Recording of Council Meetings.**
- 2. Endorse the commencement of livestreaming of Council Meetings from the Ordinary Council Meeting held on 2 May 2024.**

**ATTACHMENTS**

1 ➡	Draft Council Policy 1.1.8 Livestreaming and Recording of Council Meetings	3 Pages
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**ATTACHMENT****9.1.2 Proposed Update of Windy Harbour Management Plan**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Reserve 38881 Windy Harbour Road, Windy Harbour
<b>WARD:</b>	Rural
<b>ZONE:</b>	Special Use Zone No.5
<b>DIRECTORATE:</b>	Office of CEO, Development & Regulation
<b>FILE REFERENCE:</b>	F160393
<b>LEGISLATION:</b>	<i>Land Administration Act 1997, Local Government Act 1995</i>
<b>AUTHOR:</b>	Phillip St John, Jason Giadresco
<b>DATE OF REPORT:</b>	20 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Windy Harbour Management Plan 2007 – 2017 (WHMP) was adopted by the Council in 2007. Owing to the range and cost of the matters addressed by the plan, the Council considered and adopted priorities in June 2009. The Council further considered the plan in December 2017 where it resolved to continue with the progressive implementation of the current plan recommendations, with an emphasis on:

- (a) The rationalisation of the boundaries of the Windy Harbour Road Reserve and Reserve 38881 with the view to incorporating that portion of road reserve to be closed within the Windy Harbour Camping Ground; and
- b) Finalisation of lease arrangements associated with the Windy Harbour Water Supply.

Considerable progress has been made on the implementation of recommendations and actions of the plan however a number of actions are still yet to be completed.

Although the review date set at the original adoption WHMP is well past, consideration needs to be given to the need for a full review in the context of the following factors:

- (a) The extent to which the current plan may is determined to be 'out of date' either in terms of various actions and / or recommendations (particularly those relating to policy positions) no longer being relevant or supported by the Council and community.
- (b) Whether a meaningful change has occurred to the physical circumstances / conditions of the site or the data / knowledge available when the plan was prepared.

A decision is now required to be made about whether to:

- (a) Conduct a review of the Management Plan, or
- (b) Update the current plan, with a priority focus on implementation of outstanding actions in the current plan.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

### Content of the plan

The WHMP contains 36 'Plan Statements'. These can be categorised as follows:

- Strategy and policy positions of the Council (such as the Vision Statement)
- 'On the ground' physical actions proposed to be undertaken.
- Actions that involve further research and / or decision making relating to a discrete aspect of Windy Harbour.

In terms of whether a comprehensive review of the Management Plan is necessary, or simply an update, it is pertinent to consider the extent to which the plan statements that relate to Strategy and policy positions of the Council are still relevant and supported by the Council.

A table summarising all Management Plans statements (including those relating to policy positions and those relating to actions) is shown in attachment 1.

## **ATTACHMENT: 9.1.2(1)**

### Summary of the key policy recommendations from the Management Plan (excludes 'action' statements)

Plan statement 1:	Vision
Plan statement 2:	Sustainability objectives
Plan statement 3:	Role and function of the settlement
Plan statement 4:	Tenure
Plan statement 10:	Local Laws
Plan statement 11:	Potable water supply
Plan statement 12:	Support individual or collective alternative power supply
Plan statement 16:	Responsibility for the boat ramp
Plan statement 17:	Effluent disposal
Plan statement 18:	Waste transfer station
Plan statement 19:	Building inspection regime.
Plan statement 21:	Environment (management)
Plan statement 26:	Fisherman's leases to continue as ancillary component of the settlement.

- Plan statement 27: Short stay accommodation
- Plan statement 28: Presumption against commercial development
- Plan statement 29: Council positive attitude itinerant traders
- Plan statement 30: Ethnographic and archaeological surveys.
- Plan statement 33: Use of Nelson Loc 13304 for provision of infrastructure
- Plan statement 34: Consultation
- Plan statement 35: Matters not detailed in Management Plan

There have been discussions for a number of years about the ongoing relevance of the Fisherman's leases. The current WHMP recommendation in this regard is that 'The operations of the professional fishermen will continue as an ancillary component of the settlement'. It is open to the Council to reconsider this aspect and consider the ongoing appropriateness of these leases, but this work would be more effectively done as a stand alone project and is not considered sufficient to justify a full review of the current WHMP.

#### Physical and knowledge changes since the WHMP was prepared.

The Shire is currently preparing a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Windy Harbour coastal settlement. Windy Harbour has been identified as a 'hot spot' for coastal erosion by the Department of Transport. The main objectives of the CHRMAP are to increase knowledge and understanding of coastal hazard risks and identify risk management and adaptation measures. It will guide future development and infrastructure planning at Windy Harbour.

The CHRMAP will not contain definitive actions and some of the plans will need further detail investigations and feasibility studies prior to implementation.

Once completed Council will be asked to endorse/support the findings of the CHRMAP, and it will be referenced in the WHMP to be given due regard when making relevant decisions.

#### Concluding remarks and ongoing relevance of plan statements relating to actions

Although a number of the plan statements relating to actions have been completed, there are a number still outstanding. Those that have been completed can be deleted from the plan. It is an effective use of corporate resources to focus on the implementation of the outstanding actions through development of a Windy Harbour Implementation Plan.

## **STATUTORY ENVIRONMENT**

Section 49 (1) of the *Land Administration Act 1997* the management body for the reserve (in this case, the Shire) may, as opposed to 'shall', prepare and submit a management plan for a reserve. Section 49 (2) provides that the Minister for Lands may request that the management body prepare a management plan, however no such request of the Shire has been made.

Consequently, there is no statutory obligation to prepare a new WHMP.

## **POLICY AND STRATEGIC IMPLICATIONS**

The decision to update, as opposed to comprehensively review, the WHMP, will see the current plan continue to provide a guidance of policy and works at Windy Harbour into the future, as it does now. It is recommended that the new Windy Harbour Implementation Plan be prepared to enable prioritisation of outstanding actions in the plan, providing the community with confidence about the likely timing and implementation of actions.

The one policy issue from the WHMP that has been identified as requiring review, this being the question of the ongoing use of the Fisherman's leases, can be accommodated as an action in the Implementation Plan. The priority for this action will be determined by the Council when preparing this plan.

## **ORGANISATIONAL RISK MANAGEMENT**

Risk rating has been assessed as insignificant.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Update the Windy Harbour Management Plan 2007 - 2017 by:**
  - (a) Incorporating any changes in legislation, physical environment, or infrastructure,**
  - (b) Deletion of actions which have been completed as shown in Attachment 9.1.2(1).**
  - (c) Deletion of plan statement 26 (Fisherman's leases to continue as ancillary component of the settlement) and this being replaced by an action to read as follows 'The use of**



**Fisherman's leases as an ancillary component of the settlement be reviewed'.**

- (d) The Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) be included as a reference document to the updated Plan.**
- 2. The draft updated Windy Harbour Management Plan (as updated above) be submitted to Council for final approval.**
- 3. A draft Implementation Plan be prepared incorporating:**
  - (a) outstanding actions from the Management Plan as shown in Attachment 9.1.2(1) and new actions identified as necessary based on changes in legislation, physical environment, or infrastructure,**
  - (b) the costs / resources required to implement these actions,**
  - (c) the priorities and timeframes for the implementation of these actions.**
- 4. A draft of the Implementation Plan referred to above be subject of a Council workshop to enable consideration of priorities based on costs, risk assessment, corporate capacity and interrelationships / interdependencies between actions.**
- 5. The draft Implementation Plan be subject to community engagement prior to further consideration and final adoption by Council.**

## **ATTACHMENTS**

- 1 ➡ Summary of Windy Harbour Management Plan statements 9 Pages**

## ATTACHMENT APPENDIX

### 9.1.3 Proposed Building Works - 5D (Lot 45) Brockman Street, Manjimup

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	5D (Lot 45) Brockman Street, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Town Centre
<b>DIRECTORATE:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	F210296
<b>LEGISLATION:</b>	Local Government Act 1995
<b>AUTHOR:</b>	Phillip St John (Project Manager)
<b>DATE OF REPORT:</b>	21 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

The purpose of this report is to enable the Council to consider the works to be undertaken at 5D Brockman Street, Manjimup. The background and Council documents relevant to this matter are shown below.

2016: The entire property at 5 Brockman Street was purchased by the Shire for the purpose of providing a location for a Community Information and Project Management office during the Revitalisation of the Manjimup Town Centre project. In the medium term, a further intent was to provide an opportunity for the location of commercial hospitality providers to be located within the area identified in the Town Centre Project as the Brockman Street Food and Beverage precinct.

13 February 2020: The Council resolved (28114) to call for an Expression of Interest (EOI) for the use of the upper level commercial tenancy (number 5D) for a business involving the provision of food / beverage service. The report at this time expressed a need to use this process to 'test the market' with a view to activating this site as part of the revitalisation project. One submission was received in response to this EOI.

17 December 2020: Council resolved (28329) to lease the property to the current tenants. The salient conditions of the lease included.

- a) term to be two years with two further options of five years each.
- b) fees of \$32,040 (ex GST) per annum subject to Perth CPI adjustments commencing and continuing from the third anniversary of commencement and a market review at the seventh anniversary (if the first of the five year options is exercised).
- c) Outgoings including Shire Rates paid by the lessee.
- d) Commencement date was date of granting of the Occupancy Permit (this subsequently happened in Sept 2022).
- e) Lease fees and rates fully waived for the first year and fees 50% waived (with full rates) in year two.

The decision was silent on the specific responsibilities for works, although the officer report from this time stated that *"It is anticipated that \$420,000 (ex GST) will be required to upgrade 5D Brockman Street, Manjimup to a suitable condition to conform to the applicant's submission. This funding has already been assigned as part of a budget amendment passed by Council on 5 November 2020"*.

18 November 2021: Council granted planning approval (Resolution 28637) to all works including the two storey rear extension, lift, kitchen, and rear deck over the car park. The report and decision deals with the granting of Planning Approval and does not deal with responsibilities for the various components of the works, although the officer report prepared at the time states that *"In December 2020 Council resolved (Resolution 28327) to lease the first floor, otherwise known as 5D Brockman Street to Easy Peel Pty Ltd, trading as Gatsby's Skyline. The purpose of the lease being to allow the establishment of an entertainment venue. In order to facilitate the use of the building for the proposed purpose, modification of the existing building is required in order to establish a passenger lift service and accessible compliant toilet on the second floor. As part of these works, the tenant requested that consideration be given to extending the second floor to accommodate additional storage/food preparation and a balcony at the rear of the building."*

18 November 2021: Council considered a tender submission (Resolution 28640) to undertake the following works at the property;

- a) Structural Repairs of the existing parapet wall and window lintels.
- b) Demolition and modification of existing structures and relocation of existing plant such as air conditioners in the rear courtyard of the ground floor to facilitate a two storey extension.
- c) A two storey extension at the rear of the building, incorporating a passenger lift, accessible toilet and additional storage/food preparation/kitchen facilities area; and
- d) The supply and installation of a 15.4 metre by 6 metre roof covered deck extending over the rear carpark.

The tender assessment undertaken at the time and reported to Council noted as follows;

*"Having regard to the value of the tender and the available budget, it appears it will not be possible to proceed with the proposed rear deck at this time. That said, the value of items 1 to 3 as detailed above, result in a total price of \$401,560 being some \$100,000 above the available budget. Discussions and an on-site meeting have been held with the tenderer regarding the potential for the Shire to award items 1 and 3 only, with Shire Officers potentially undertaking the works associated with item 2. During these discussions:*

- a) It became evident that the submitted tender did not in fact allow for the replacement of all lintels as detailed on the Structural Engineering drawings; and*
- b) In providing their price, the tenderer had not priced each item independently, relying on spreading some costs across the full scope of works (i.e required scaffolding).*

*The tenderer has now submitted revised prices for Items 1 and 3, being \$89,710 and \$147,520 respectively (total price \$237,230). However to achieve these prices, the tenderer has proposed to vary the scope of works to limit structural repairs to the parapet wall and the rear section of the building abutting the extension only. The revised scope also excludes costs associated with electrical and plumbing works including fixtures and fittings, fixtures and fit out of the accessible toilet and kitchen, including floor and wall tiling, water proofing, sealing, painting and caulking, footing preparation, the removal of spoils and relies on the Shire supplying the required concrete.*

*In terms of these exclusions, the Tenderer has advised that without the works associated with item 2, it was difficult to separate out the plumbing and electrical works for item 3.*

*As a result of the above exclusions and the costs that would be incurred through the Shire undertaking the works associated with item No 2, it is considered that the value of the works would still significantly exceed the approved budget”*

Consequently, the Council decided not to award the tender and requested that the CEO arrange for the works to be subcontracted and supervised by Shire officers. As part of this decision, Council specifically resolved not to proceed with the rear deck.

The works proposed in the tender are shown attached.

**ATTACHMENT: 9.1.3 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

No consultation has occurred over this issue, although the proposal to lease was subject to consultation in November 2020.

## **COMMENT**

### Lift and universal access toilet

A conditional certificate of building compliance, prepared by an independent building inspector, was issued in September 2022. The salient condition on this certificate required the lift and universal access toilets to be completed within a satisfactory period. The certificate does not specify a time period for these works to be completed. Consequently, for the time being the building is compliant. However further significant delays to the installation of the lift and toilet could create the situation where it could be argued that the period of time to complete the works was beyond a period that could be deemed to be ‘satisfactory’. This lack of clarity creates a compliance risk for the Shire that can only be fully mitigated by the construction of the lift and universal access toilet.

### Other compliance issues

There are other compliance issues associated with the building, primarily related to the need for a fire wall to separate 5D Brockman from the adjacent

property. These issues are unrelated to the current tenant but it is desirable to resolve these as part of this process.

#### Kitchen space

There is no obligation to provide the kitchen space in the lease or Building Code, nor is there any absolute commitment to this in the various Council resolutions. However, the provision of the kitchen space would significantly enhance the building asset, and additional rent could be charged for the space from year 7 of the lease and in perpetuity thereafter.

Construction of the kitchen space would also provide the opportunity to resolve the other compliance issues noted above, in particular the need to provide a fire wall on the western boundary of the site. These compliance works are required to be undertaken in any event and, as these could be incorporated into the kitchen works, the additional cost of the kitchen space can be mitigated to some extent.

#### Rear deck

The Council decision on the tender of November 2021 categorically stated that the deck would not be proceeded with. On this basis this can be considered as a separate issue and the building design enables it to be relatively easily added to the building at a future stage should this be desired in future and justified by a business case.

#### Indicative costs and budget

The indicative costs of the works have been estimated as follows.

- Extensions and compliance work including kitchen space      \$451,000
- Extensions and compliance work excluding kitchen space      \$391,000

For the purposes of budget allocations, it is suggested a 20% contingency be added. This can be reviewed once the works are designed and a professional Quantity Surveyor estimate is obtained.

On the current estimates this would make an overall indicative project cost for budgeting purposes of \$469,000 (without the kitchen space) or \$541,000 (with the kitchen space).

The remaining amount in the 2023/24 Budget for this project is \$260,873. As part of the March Council meeting agenda there is a budget adjustment proposal to transfer \$678,136 to the Strategic Asset Reserve. One of the points of discussion at the Informal Budget allocation session at Council's previous meeting, the funding was set aside in Reserve in preparation of plans to rectify a number of outstanding issues. 5D Brockman Street was discussed at that time as one of those issues requiring additional budgeting.

#### Business case for the works

These works primarily associated with building compliance and, to some extent, they are required to be done whilst the building is used for its current purpose. Furthermore, there is an intent in the earlier Council reports and decisions that the two storey rear extension, lift and kitchen space be built. Had the tender

costs fallen within the allocated budget in November 2021, it is reasonable to assume that the works would have been commenced at that time.

Whilst therefore, building compliance works are, to some extent, justified by legal and risk factors, there is a risk that the costs of the works (and particularly those relating to the kitchen space), once tendered, will exceed the capacity of these to be offset by increased rental revenue and / or value of the property. This risk can be mitigated by the preparation of a business case, based on professional market appraisal of the property and Quantity Surveyors estimates.

It is for this reason that the recommendation before Council proposed that Council resolve an intent to undertake the works at this time. This does not bind the Council and enables the business case to be prepared and submitted to Council for further consideration before it makes any final decision to undertake the works.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995 / Building Act 2011*

## **POLICY AND STRATEGIC IMPLICATIONS**

The extension of this building to enable its long term commercial use is consistent with the intent of the Council at the time of purchase of the property. Its continued use for hospitality purposes represents a significant contribution to the Revitalisation of the Manjimup Town Centre.

## **ORGANISATIONAL RISK MANAGEMENT**

The Organisational Risk associated with this decision has been assessed as Minor. Council could be exposed to a more significant risk at the time of making a final commitment to carry out this project, hence the recommendation to prepare a detailed business case assessment of the works prior to a final decision being made.

## **FINANCIAL IMPLICATIONS**

The estimated indicative cost of these works is between \$469,000 and \$541,000, although these estimates will be refined after professional design of the extensions. The recommendation currently before the Council commits to expenditure on design and documentation of the works (estimated to be in the order of \$30,000) and on the business case preparation (estimated to be approximately \$3,000-\$4,000).

## SUSTAINABILITY

Environmental: Nil

Economic: An Economic Impact Assessment of the use of this site for a Function Centre was prepared in June 2020. A copy of this report is attached.

### APPENDIX: 9.1.3 (A)

Social: Nil

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council:

- 1) Agree its intent, subject to satisfactory budget allocation, tender submission, and business case, to undertake the two storey extension at the rear of 5D Brockman Street, Manjimup, (including a lift, universal access toilet and kitchen space but excluding the proposed deck) as shown conceptually on the plans attached at 9.1.3 (1).
- 2) Reaffirm its decision of 18 November 2021 to not proceed with the installation of a roofed deck at the rear of the premises.
- 3) Determine that it will be prepared to reconsider the decision of 18 November 2021 regarding the installation of a deck based on a satisfactory business case being submitted by the tenants to justify this.
- 4) Request that the Chief Executive Officer commence the process of design, documentation, approval for the works listed in part 1 of this decision.
- 5) Request that the Chief Executive Officer prepare a business case in relation to the proposed works, based on a professional valuation estimate of the sale and rental value of the building both before and after the works are completed, and the cost of works based on Quantity Surveyors estimates.
- 6) Request that the matter of the two storey extension at the rear of 5D Brockman Street, Manjimup, (including a lift, universal access toilet and kitchen space but excluding the proposed deck) be presented to Council for further consideration when the business cases referred to in part 5 above is completed.

### ATTACHMENTS

1 ➡ 5D Brockman Street - Proposed works 4 Pages

### APPENDICES

A ➡ Economic Impact Assessment (June 2020) 20 Pages

**ATTACHMENT****9.1.4 Australian Local Government Association 2024 - National General Assembly**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Not Applicable
<b>LOCATION / ADDRESS:</b>	Not Applicable
<b>WARD:</b>	Not Applicable
<b>ZONE:</b>	Not Applicable
<b>DIRECTORATE:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	F240062
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Jessica Raper
<b>DATE OF REPORT:</b>	28 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The 2024 National General Assembly of Local Government (NGA) incorporating the Regional Cooperation and Development Forum (herein collectively referred to as 'the conference') will be held in Canberra 2-4 July 2024.

The conference is an annual event held by the Australian Local Government Association (ALGA) and provides an opportunity for Elected Members and senior Local Government staff to attend a wide range of forums relevant to Local Government as well as opportunities to directly engage with Federal Government.

The purpose of this paper is to propose, and seek Council endorsement, the following representatives from the Shire of Manjimup attend the conference: Chief Executive Officer Benjamin (Ben) Rose, President Donelle Buegge and Deputy President Steven Miolin.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil required.

**COMMENT**

The theme of the 2024 NGA is "Building Community Trust" which acknowledges the critical importance of trust in our democracy's different levels of government, its institutions, and amongst its citizens.

The conference program features a range of high profile and engaging speakers who will explore ideas about what creates trust, and how we nurture it.



Specifically, attendees will be exposed to the following forums:

- Regional Cooperation and Development Forum.
- Sessions on national priorities including housing, disaster resilience, and energy transition.
- Federal Parliamentary, policy voting, and other sessions.
- The Australian Council of Local Government (ACLG).
- Several networking opportunities, all held in a Parliamentary sitting week, providing opportunity to meet with Federal Ministers, MPs, and senators.

The agenda for the conference is relevant to several pressing issues experienced in the Shire of Manjimup. Further, the networking opportunities will provide occasion for attendees to advocate for issues specific to our region including, but not limited to:

- Childcare,
- Economic transition from forestry,
- Regional infrastructure,
- Housing, and
- Airfield development.

Advocacy opportunities will be augmented by the known attendance by several other south-west Western Australian Local Governments, as well as our local Federal MP Rick Wilson.

#### **ATTACHMENT: 9.1.4 (1)**

### **STATUTORY ENVIRONMENT**

The *Local Government Act 1995* instructs local governments to prepare and adopt continuing and professional development of council members and enables the payment of associated fees. The resultant Council Policy (1.1.4) specifically identifies the ALGA conference and/or conferences sponsored by ALGA as relevant eligible activities for continuing professional development.

The *Local Government (Administration) Regulations 1996* further stipulates payment or reimbursement of Council members continuing professional development must be only when the activity is relevant to the council's/council members role.

All payments and reimbursements will be made in accordance with the above Act, Regulation and Policy, as well as the WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members (where relevant).

## **POLICY AND STRATEGIC IMPLICATIONS**

### Conference Expenses

The attendance of Elected Members to the conference and associated events may incur additional (reasonable) expenses such as travel (e.g. taxi fares) and meals (excluding alcohol) which cannot be pre-paid or charged to a Shire credit card. As per Council Policy 1.1.2, these expenses will be subject to formal consideration by the Council.

The CEO allowable expenses are stipulated by an operational Management Policy.

### Advocacy and Professional Development

The conference and associated events are considered a strategic opportunity for the Shire of Manjimup.

The following actions are in our current Corporate Business Plan 2023-2027 and directly relevant to the identified theme and discussion items during the conference:

*A22: Advocate for sustainable energy support and security for our local communities.*

*C9: Plan and develop a diverse range of affordable housing options to meet the needs of older people, people with disabilities and other vulnerable groups.*

*C13: Plan for emergency and natural disaster response, management, evacuation and recovery.*

The conference provides a significant opportunity to advocate for the above strategic priorities as well as other regional concerns as mentioned above in 'Comments'.

The conference also provides a substantial Continuing Professional Development (CPD) opportunity for all Shire attendees. This CPD, as per Council Policy 1.1.4, aligns with the strategic direction of the Shire, and the categories of: Health & Wellbeing, leadership, and Professional Skill Development.

## **ORGANISATIONAL RISK MANAGEMENT**

As the proposed attendance aligns with the relevant legislation, Council policy and management policy, there is no perceived organisational risk. There is a potential risk for not attending and advocating for the Shire of Manjimup, particularly at a time of increasing economic and social pressures for both the Shire and its residents.

## FINANCIAL IMPLICATIONS

The estimated cost of attendance, inclusive of all conference registration fees, flights, miscellaneous transport, accommodation, and meal expenses, is approx. \$5,000 (including GST) per person. These expenses will be incurred in the 2024/25 financial year.

The cost of sending two (2) Elected Members (approx. \$10,000 including GST) will be spent from the relevant budget – “Members Expenses – Members – Conferences”. After the conference expenses and a planned carry forward of unspent funds in the 2023/24 financial year, this budget will have approximately \$15,000 (excluding GST) remaining in the 2024/25 financial year for other relevant expenses.

The cost of sending the CEO (approx. \$5,000 including GST) will be spent from the relevant budget – “Office of CEO – Staff – Conference”. After the conference expenses and a planned carry forward of unspent funds in the 2023/24 financial year, this budget will have approximately \$5,000 (excluding GST) remaining in the 2024/25 financial year for other relevant expenses.

## SUSTAINABILITY

Environmental: There are carbon emissions associated with air travel. The Shire will pay for carbon offset as a part of their airline ticket. This cost is considered reasonable given the opportunity to advocate for the Shire of Manjimup in areas such as sustainable energy resourcing.

Economic: The cost of attending the conference is within budget. The opportunity to advocate for the future sustainability of the Shire and the region is high.

Social: The conference and associated events provide a valuable opportunity for the CEO and Elected Members to network with other local government representatives and relevant industry representatives, contributing to their continued learning and professional development.

## VOTING REQUIREMENTS: SIMPLE MAJORITY


### OFFICER RECOMMENDATION:

**That Council:**

1. **Endorse attendance of the following Elected Members at the 2024 National General Assembly of Local Government (NGA) held in Canberra 2 - 4 July 2024:**
  - **Shire President Cr Donelle Buegge;**
  - **Councillor \_\_\_\_\_; and**

- Councillor \_\_\_\_\_.
2. Acknowledge the attendance may require minor reimbursement of expenses from attending Elected Members as per Council Policy.

## ATTACHMENTS

- |   |   |            |
|---|---|------------|
| 1  | Australian Local Government Association 2024 Nation<br>General Assembly Program | 3<br>Pages |
|---|---|------------|

## ATTACHMENT APPENDIX

### 9.1.5 Proposed Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	All
<b>ZONE:</b>	All
<b>DIRECTORATE:</b>	Office of CEO
<b>FILE REFERENCE:</b>	F170066
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Jessica Raper / Todd Ridley
<b>DATE OF REPORT:</b>	28 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

### BACKGROUND

Council adopted the *Shire of Manjimup Bush Fire Brigade Local Law 2023* (the Local Law) at its Ordinary Council Meeting held 17 August 2023. A copy of the Local Law as gazetted is appended.

#### APPENDIX: 9.1.5 (A)

A copy of the gazetted Local Law and its Explanatory Memorandum was forwarded to the Joint Standing Committee on Delegated Legislation (the Committee) on 6 September 2023.

Upon the Committee's review of the Local Law and Explanatory Memoranda on 11 October 2023, it was identified the Local Law requires amendment to one clause of the Local Law that will need to be corrected prior to the Local Law being supported by the Committee. The correspondence from the Committee was presented to at the Ordinary Council Meeting held 26 October 2023 where Council resolved unanimously the following:

**“That Council, with regard to the Shire of Manjimup Bush Fire Brigades Local Law 2023, resolves to undertake to the Joint Standing Committee on Delegated Legislation that:**

- 1. Within six months, amend the Bush Fire Brigades Local Law 2023 by deleting clause 9 and inserting clauses dealing with the matters set out in section 62(1)(a) of the *Bush Fire Act 1954*;**
- 2. Not enforce the Bush Fire Brigades Local Law 2023 to the contrary before it is amended in accordance with undertaking;**
- 3. Ensure all consequential amendments arising from the undertaking will be made; and**

**4. Where the Bush Fire Brigades Local Law 2023 is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.”**

The purpose of this report is to request Council to consider amending sections of the Local Law. The proposed Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024 (the Amendment Local Law) has been prepared for Council’s consideration. A copy of the draft Amendment Local Law is attached.

**ATTACHMENT: 9.1.5 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil at this time. Should Council determine to advertise the draft Amendment Local Law, Shire Officers will release it to the public and relevant Minister for a period of 6 weeks to seek any comment.

**COMMENT**

Proposed Amendments

To amend a local law, it is necessary to create an Amendment Local Law. The proposed adjustments are described below.

The proposed amendments are to satisfy the undertaking as required by the Committee. These amendments delete Clause 9 of the Local Law as gazetted and insert clauses based of the model Bush Fire Brigade Local Law which address the functions and duties of Chief Bush Fire Control Officers and Bush Fire Control Officers and matters around the membership of Bush Fire Brigades.

Amendment Process

The process for amending an existing local law is the same as if making a new one. Section 3.12 of the *Local Government Act 1995* sets out the process to be followed as given in the following Table:

Step	Status
Drafting of an amendment local law;	Done – refer Attachment (1)
Council resolving to amend a local law and the presiding member to give notice of the purpose and effect of the local law;	The purpose of this agenda item
Providing State wide public notice summarising and calling for submissions within a specified time frame of no less than six weeks;	TBD
Providing a copy of the proposed amendment local law to the Department of Local Government for submission to the relevant Minister;	TBD
Council resolving by absolute majority to make the amendment local law taking into consideration any submission made;	TBD

Publishing the amendment local law in the Government Gazette;	TBD
Providing State wide public notice that the amendment local law is to come into effect; and	TBD
Providing an explanatory memorandum to the Joint Standing Committee on Delegated Legislation for assessment;	TBD

If at any stage during this process the Local Government alters a local law (including an amendment local law) significantly from what was originally proposed the process must recommence from the beginning. The alterations subject of the amendment are considered to keep within the intent of the Local Law as it has been gazetted.

Therefore, it is proposed that Council makes Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024 and undertakes the above amendment process.

## **STATUTORY ENVIRONMENT**

Section 3.12 of the *Local Government Act 1995*.

*Bush Fire Act 1954*

## **POLICY AND STRATEGIC IMPLICATIONS**

The proposed amendments are deemed essential to satisfy the undertakings stipulated by the Join Standing Committee on Delegated Legislation. The original correspondence from the Committee required the undertakings to be completed within six months. There have been delays in executing the amendment process due to staff turnovers and the Christmas shut down period. As such, the final step in the adoption process will likely be June 2024 (as opposed to April 2024). This has been communicated to the Committee, with no expressed concerns on their behalf.

## **ORGANISATIONAL RISK MANAGEMENT**

The proposed Amendment Local Law is in keeping with the undertaking requirements from the Committee, and ensures that the final Local law and Amendment Local Law are:

- Supported by the Committee;
- Appropriate for administration by removing any ambiguity in interpretation; and
- Is within the power of Local Government.

## FINANCIAL IMPLICATIONS

Costs associated with amending the Local Law will be borne by Council's adopted budget.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION:


That Council:

1. Resolves to commence the process to create the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024* in accordance with section 3.12 of the *Local Government Act 1995*, as attached at 9.1.5 (1);
2. Pursuant to the *Local Government Act 1995* section 3.12(3) and (3a), and all other legislation enabling it, give Statewide and Local public notice that it intends to make the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024*, as shown at 9.1.5 (1) with the following purpose and effect:  
  
 Purpose – The purpose of the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024* is to amend the *Shire of Manjimup Bush Fire Brigade Local Law 2023* to improve its interpretation  
  
 Effect – The effect of the amendment to *Shire of Manjimup Bush Fire Brigade Local Law 2023* is to ensure that matters set out in section 62(1)(a) of the *Bush Fire Act 1954* are suitably addressed within the Local Law.
3. Advertise the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024* as referred to in point 2 above for a period of not less than 6 weeks in accordance with Statewide and Local public notice provisions;
4. In accordance with the *Local Government Act 1995* section 3.12(3) advise the Ministers for Local Government of the proposed amendment local law; and



5. Await a further report on the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024* following the completion of the advertising period referred to in point 2 above.

#### ATTACHMENTS

- 1  Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024 4 Pages

#### APPENDICES

- A  Shire of Manjimup Bush Fire Brigade Local Law 2023 3 Pages

## ATTACHMENT

### 9.2.1 Expiry of Management Order for Reserve 19566 Brockman Street, Pemberton

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Crown (Management Order to Shire)
<b>LOCATION / ADDRESS:</b>	Reserve 19566
<b>WARD:</b>	Rural
<b>ZONE:</b>	Town Centre and Public Purposes
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F161123, F220096
<b>LEGISLATION:</b>	<i>Land Administration Act 1995</i> <i>Local Government Act 1997</i>
<b>AUTHOR:</b>	Jasmine Bamess
<b>DATE OF REPORT:</b>	27 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

### BACKGROUND

The Shire of Manjimup has a fixed term Management Order for Reserve 19566 (Lot 557) Brockman Street, Pemberton for the purpose of Community Centre.

The Management Order replaced a former lease arrangement and was initially for a five year term from 1 May 2012 to 30 April 2017 to allow time for the future use of the former school buildings thereon to be determined, having been leased to the visitor centre, community resource centre and arts group. The Management Order has been extended multiple times while the Pemberton Community Hub (now on Reserve 46734) was being designed and constructed and the community groups relocated. The subject reserve also contains the park, including the public toilets, war memorial, playground and car park.

The Management Order now expires 30 April 2024. This agenda item is for Council to consider proposed subdivision of the former school building site and the park into two separate reserves and the tenure options for each.



## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

With the community groups recently being relocated to the new Pemberton Community Hub there is no current Shire use for the former school buildings. The Shire assets in the park area are operated and maintained separately to the building site and will continue to have community use. Although the current Management Order is due to expire, the Shire can consider retaining management of the relevant park portion of the reserve by requesting a new arrangement from the Department of Planning, Lands and Heritage (DPLH).

The Shire previously requested from DPLH an option to consider obtaining the former school building portion of the reserve (approximately 4540m<sup>2</sup>) as freehold land. There are various factors that would be involved with such an option, including decisions on either restoration or demolition of whole or part of the buildings and rehabilitation of the land including soil contamination after any building demolition. The option was requested to determine if there was an opportunity to obtain the land at a reduced purchase price if expected building demolition and site restoration costs were factored in and then to redevelop the site for either Shire use or resale. The full extent of work required and full costs have not been ascertained, however are expected to be significantly higher than the value of the land. It may have been possible to obtain the land at a reduced cost or at no cost, with the buildings and site in the current condition, however the Shire would incur expenses higher than what may be reasonably recoverable in land value.

The buildings are old, in very poor condition, non-compliant and unsuitable for occupation in the current state and contain asbestos. Without a specific future use, restoration of whole or part of the buildings could not be justified. Building demolition would be a high cost, with soil contamination (dieltrin, asbestos and zinc) requiring additional site rehabilitation if the buildings were to be demolished in whole or in part.

The former school buildings are currently included in the Shire's Municipal Heritage Inventory. DPLH have advised that the Heritage Council of Western Australia has received a nomination for the former school to be considered for possible inclusion in the State Register. The heritage aspect may therefore be considered further if there were proposed freehold disposal of the land.

In summary, retention of the former school building site via either a reserve Management Order or by obtaining it in freehold is not recommended for the following reasons.

1. Occupants of the new Pemberton Community Hub have vacated the buildings and there is no other current Shire use for the buildings;
2. There is no imminent/foreseeable future Shire use for the buildings;

3. If there were a specific proposed use, the buildings are not considered to be in a condition that could be occupied without extensive restoration work which would require significant funding to be obtained;
4. Full costs for either restoration or demolition and site rehabilitation have not been ascertained, but would be significant and expected to be more than the value of the land;
5. The Shire relinquishing management of the site may open up opportunities for rehabilitation and redevelopment of the site and allow DPLH to undertake a disposal of land process for potential community or commercial use. Another party may have a specific use and be able to obtain required funding to redevelop the site.

The recommendation is for a new separate reserve to be created over the park area (approximately 9,169m<sup>2</sup> as shown on the attachment) with a new management order to the Shire. The park and Shire assets will then continue to be maintained by the Shire for community use. The current management order to the Shire for the remaining school building portion of Reserve 19566 would then expire, with DPLH then to consider other potential disposal options.

#### **ATTACHMENT: 9.2.1 (1)**

As a separate matter, the Shire will then also address any remaining Shire responsibility for portion of the hospital reserve adjoining the buildings leased back to the Shire after a previous land exchange, including removal of the outbuildings.

### **STATUTORY ENVIRONMENT**

Management orders are administered under the *Land Administration Act 1997*.

Council Policy 1.2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning reserve management orders to be put before Council for authorisation prior to execution.

### **POLICY AND STRATEGIC IMPLICATIONS**

The recommendation will allow the Shire to continue maintaining the park infrastructure.

### **ORGANISATIONAL RISK MANAGEMENT**

The proposal to have a new reserve created for the park area that has current ongoing community use and relinquish the former school building site that no longer has a Shire use will reduce risk.

Given the building age, condition and asbestos and the soil contamination there would be significant risk in retaining management of the former school building

site, either as reserve management or by obtaining freehold ownership, with the full financial implication unknown.

### **FINANCIAL IMPLICATIONS**

For the proposed creation of a separate reserve, the Shire will be responsible for survey costs (estimate \$5000). Expenses for operating and maintaining the park will then continue to be from the annual adopted budget.

### **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: There would be community expectation for the Shire to retain the park.

### **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

1. Request the following from the Department of Planning, Lands and Heritage, with conditions and details to the satisfaction of the Chief Executive Officer:
  - a) Create a separate reserve for civic and recreation purposes over the park portion of Reserve 19566, including the public toilets, war memorial, playground and car park, with a management order to the Shire of Manjimup;
  - b) Extend the current management order to the Shire of Manjimup for Reserve 19566 for a term of three months while the new reserve is created, with an option of a further three month term if required.
2. Acknowledge that the remaining portion of Reserve 19566 with the former school buildings will no longer be managed by the Shire of Manjimup once the extended term of the current management order expires and that the Department of Planning, Lands and Heritage may undertake a disposal of land process.

### **ATTACHMENTS**

1 ➡ Proposed creation of separate reserve for park area 1 Page

### 9.3.1 Shire Financial Payments for February 2024

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	ALL
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160967
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>AUTHOR:</b>	Judy Sutton
<b>DATE OF REPORT:</b>	13 March 2024
<b>DECLARATION OF INTEREST:</b>	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 \$2,525,894.09 for the months of February 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for January 2024 are attached.

**ATTACHMENT: 9.3.1(1)**

<b>Payment by Fund</b>	<b>Amount</b>
Municipal – February 2024	\$2,525,894.09
Trust Fund	\$0.00
<b>Total</b>	<b>\$2,525,894.09</b>

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Council Meeting of 11 April 2024.

<b>Fund</b>	<b>Batch or cheque no.</b>	<b>Amount</b>
<b>Municipal Payments for Month February 2024</b>		
Cheque payments	95500 – 95516	\$35,859.11
EFT	309 – 312	\$1,636,526.91
Direct Debits		\$27,620.90
Payroll – February 2024		\$825,887.17
<b>Total Payments – February 2024</b>		<b>\$2,525,894.09</b>

<b>Direct Debit for Card Payments</b>	<b>Amount</b>
Corporate Credit Cards – January 2024	\$3,569.52
Wright Express - Coles – January 2024	\$416.13
<b>Total</b>	<b>\$3,985.65</b>
<b>Direct Debit payments included on Warrant Listing Report - February 2024</b>	

<b>Fuel Card Payments</b>	<b>Amount</b>
BP Cards – January 2024	\$7,093.19
Ampol Cards – January 2024	\$4,186.77
<b>Total</b>	<b>\$11,279.96</b>
<b>Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – February 2024</b>	

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As stated.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council note the February 2024 accounts for payment totalling \$2,525,894.09, as detailed within Attachment: 9.3.1(1).**

**ATTACHMENTS**

1 [↗](#) Payments for February 2024 36 Pages



**ATTACHMENT****9.3.2 Monthly Statement of Financial Activity - February 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Whole Shire
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160188
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	27 March 2024
<b>DECLARATION OF INTEREST:</b>	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 29 February 2024 is attached. The report is summarised by “Type” with operating comments identifying departments with a reportable variance.

**ATTACHMENT: 9.3.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The financial performance for the Shire of Manjimup to the 29 February 2024 is a projected deficit of \$25,749.

The projected deficit 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 December 2023 Monthly Financial Activity Statement discussed a projected surplus of \$365,285, this projection has been amended to reflect the proposed budget adjustment discussed as part of the December 2023 Budget Adjustment agenda which is also presented to the meeting of 14 March 2023.

Whilst there still is a projected deficit after the proposed December 2023 budget adjustments, it is anticipated due to its minor nature that this can be offset in savings in other areas.

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 new 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 over spend being general premium increases; and
- Power Up Electricity Museum Income \$50,000 - 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 \$29,253 behind the year-to-date budget.

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

- Interest revenue \$100,000 - To the 29 February 2024 actuals were \$553,081 with a whole year budget of \$484,969. 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 \$100,000 of additional income received;
- Manjimup Tipping Fees \$85,000 – To the 29 February 2024 actuals were \$367,201 from a 2023/24 budget of \$390,000. Any excess income will be transferred to the Waste Management Reserve; and
- Development Application Fees \$15,000 – Planning applications fees to the 29 February 2024 are \$8,478 ahead of the whole year budget, so a \$15,000 projection is a conservative estimate should activity slow in the coming months.

Other than those items listed above, no major discrepancies have come to light in the first eight months after adopting the 2023/24 budget. Given the level of projected deficit, with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position by the 30 June 2024.

## **STATUTORY ENVIRONMENT**

Section 6.8 of the *Local Government Act 1995* and *Financial Management Regulation 34*.

## **POLICY AND 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 January 2024, as per Attachment: 9.3.2(1).**

## **ATTACHMENTS**

1 ➡ Monthly Statement of Financial Position - February 2024 17 Pages

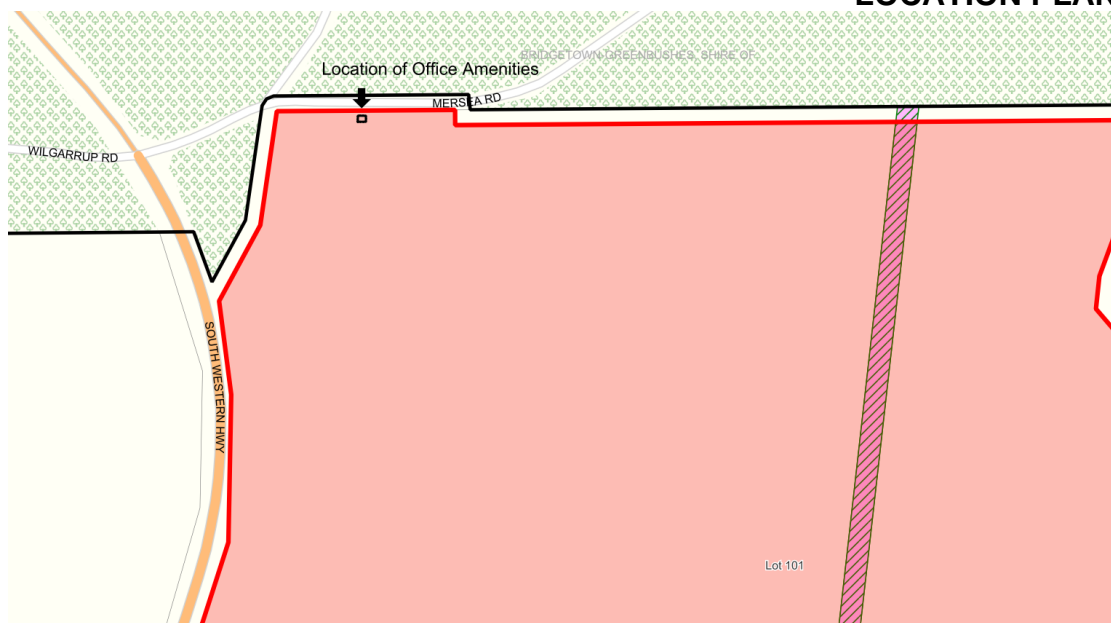
**ATTACHMENT****9.5.1 Retrospective Offices with a Proposed Patio Cover at Lot 101 South Western Highway, Wilgarrup**

<b>PROPONENT</b>	Pound Construction Pty Ltd
<b>OWNER</b>	Manjimup KW Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 101 South Western Highway, Wilgarrup
<b>WARD:</b>	Rural
<b>ZONE:</b>	Priority Agriculture
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	P54253, TP155/2023, DA23/163
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	2 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

A retrospective planning application has been received for two transportable buildings and ablution facilities, with a proposed undercover area at Lot 101 South Western Highway, Wilgarrup. The property is 150.51 hectares in size and currently comprises a large, netted Kiwi fruit orchard that was approved by Council in February 2022.

The property is located 14km from the Manjimup townsite off Mersea Road, which defines part of the Shire boundary to Bridgetown Greenbushes Shire. A location plan is below.

**LOCATION PLAN**

The proposal seeks to legitimise the two 14.4m<sup>2</sup> transportable buildings, an office and a staff room, with additional toilet facilities. The applicant also is seeking approval for a 144m<sup>2</sup> patio that is proposed to cover the two buildings

and provide additional undercover space between the facilities. The buildings are proposed to be setback 2m from the Mersea Road boundary. A copy of the application is attached.

**ATTACHMENT: 9.5.1 (1)**

It was brought to the attention of the Shire that the development had already commenced when enquiries were being made regarding the proposed Patio cover. The application is being presented to Council for consideration as Shire Staff do not have the delegation to approve retrospective development.

**PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with Clause 9.6 of the Local Planning Scheme No 4 (the Scheme) for a period of 42 days to the Department of Biodiversity Conservation, Attractions (DBCA) – Warren Region and Main Roads Western Australia (MRWA) and the Shire of Bridgetown Greenbushes.

All agencies stated that they had no objections in regard to the proposed development.

**ATTACHMENT: 9.5.1 (2)**

**COMMENT**

The provisions of the Scheme includes the subject land within the Priority Agriculture Zone. As identified by the Scheme, the purpose of the 'Priority Agriculture' Zone is to:

- To provide for the sustainable use of high-quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources; and
- To provide for intensive agricultural and horticultural production; including market gardens, orchards and vineyard enterprises.

Land Use Definition and Permissibility

The Office, Staff room and ablution facilities are an incidental to the Agricultural – Extensive activity that is currently established on the subject property. This land use is permitted development within a Priority Agricultural zone.

Setbacks

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

- (a) Minimum front setback – 30 metres; and*
- (b) Minimum side setback – 10 metres;*

With a requirement of a 100m setback where the land adjoins State Forest, National or other timbered Crown or local government-controlled land.

The Office and other amenity buildings are setback 2m from the road boundary and 22m boundary to the State Forest, this is a variation to the setback provisions.

DBCA raised no concern in regard to this reduced setback distance.

#### On Site Effluent

From a recent site inspection is apparent that the buildings have been connected an unapproved septic system. Shire Staff are currently working with the landowners and the plumbing contractor to legitimise the septic systems.

#### Impact of Proposal on Amenity

The Office and staff room are visible from Mersea Road due to their minimal setback distance of 2m to the road boundary. Given the lack of vegetation along the road boundary the development would be visible at a compliant setback distance.

#### Bushfire Prone Area

The location of the development is within a designated Bushfire Prone Area. Accordingly, the applicant has submitted a Bushfire Attack Level (BAL) report for the site, which is determined a Flame Zone rating, and an accompanying Bushfire Management Plan to ensure the property is managed appropriately. The document has been assessed by the Shire's Community Emergency Services Manager. Due to the office and staff room not being domestic habitable structures, their location in a Flame Zone can be considered.

#### Site Access

Access to the proposed development is from the existing internal driveway off Mersea Road. The current unsealed crossover is from Mersea Road which is under the ownership and management of Shire of Bridgetown-Greenbushes. As part of the advertising process, the Shire of Bridgetown-Greenbushes were notified of the development, as a result, they stated that they had no objection to the retrospective Office, staff room or proposed undercover area.

#### Carparking

The application as submitted does not indicate where car parking is to be located near the proposed building for the use of workers. In accordance with clause 5.17 of the Scheme Car Parking Requirements, requires 1 bay per 40m<sup>2</sup> of Office space. The Office and staff room are both 14.4m<sup>2</sup> in size, requiring, one bay to be allocated as per the Scheme for this development.

Given the development is located within a rural area, sealing of the car parking areas is not required under Shire policy, except where accessible carparking space is required for disability access.

The requirement for an accessible bay will be determined as part of the building licence certification process. An advice note stating that an accessible bay may be required is recommended.

### Relaxation of Standards

As outlined within Part 5.5 of the Scheme, where a development does not comply with a standard or requirement prescribed by the Scheme, the local government may, despite such non-compliance, approve the application. This discretion may however only be exercised if the local government is satisfied that *“the non-compliance will not have an adverse impact on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”*.

In this case, given the gravel standard of the existing access ways and the fact the property is in a rural area, no adverse impacts would be anticipated if the parking requirements, including the standard of construction were relaxed.

### Retrospective Application

A decision to grant retrospective approval does not prevent the local government from taking action for a breach of the Scheme requirement for prior approval to be granted.

### Legal Action

Due to the unauthorised placement of the transportable office and staff room, Shire staff will issue a Modified Penalty of \$500 in accordance with the provisions of the *Planning and Development Act 2005* and associated regulations.

### Conclusion

The retrospective Office, staff room and proposed undercover area are recommended for approval.

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The applicant has paid the retrospective planning fee as per the Shire of Manjimup's 2023/2024 Fees and Charges Schedule.

## SUSTAINABILITY

Environmental: No vegetation is proposed to be removed to facilitate the proposed undercover area.

Economic: The proposed development will enable primary rural activities to be diversified and increase employment opportunities, benefiting the economy of the Shire of Manjimup.

Social: The proposal if approved is not expected to generate a negative impact on the neighbouring or surrounding properties.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council in accordance with Clause 5.5 and Clause 8.6 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants retrospective planning approval for the Office and Staff Amenities, and proposed Patio at attachment Lot 101 South Western Highway, Wilgarrup, application (TP155/2023), in accordance with the plans and specifications at 9.5.1(1) subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	30 October 2023
2.	Plan of Patio	30 October 2023
3.	Staff Room Floor Plan	30 October 2023
4.	Staff Room Elevation	30 October 2023
5.	Office Floor Plan	30 October 2023
6.	Office Elevation Plan	30 October 2023
7.	Bushfire Management Plan	12 March 2024

- 2) The approved building is not to be used for human habitation or any other purpose other than for an Office or Staff Room unless further approval from the Shire of Manjimup is obtained;
- 3) All stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Manjimup.
- 4) The applicant must implement all the recommendations contained in the Bushfire Management Plan prepared by Richard Wittenoom dated 8 March 2024 and approved by the Shire of Manjimup for the duration of the development; and
- 5) Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and



buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

**ADVICE TO THE 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) Prior to the application for a building permit, an application to construct or install an apparatus for the treatment of sewage and other disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Services. All wastes from employee amenities (such as toilets, showers and meal rooms) must be in accordance with the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and as approved by the Environmental Health Officer. This does not include wastewater from the on-site commercial activities;
- c) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and the National Construction Code;
- d) The proponent if required by the Building Certification may be required to provide and permanently maintain disabled car parking in accordance with the requirements of the 'Building Code of Australia' to the satisfaction of the Shire of Manjimup. Detailed plans and specifications illustrating the means by which compliance with this condition is to be achieved are to be submitted to and approved by the Shire of Manjimup in conjunction with the building permit application; and
- e) Prior to lodging an application for a building permit, certain conditions of planning approval may need to be satisfied in order for an amended Bushfire Attack Level (BAL) assessment to be lodged as part of the building permit. This may involve clearing and other measures to downgrade the BAL rating.

**ATTACHMENTS**

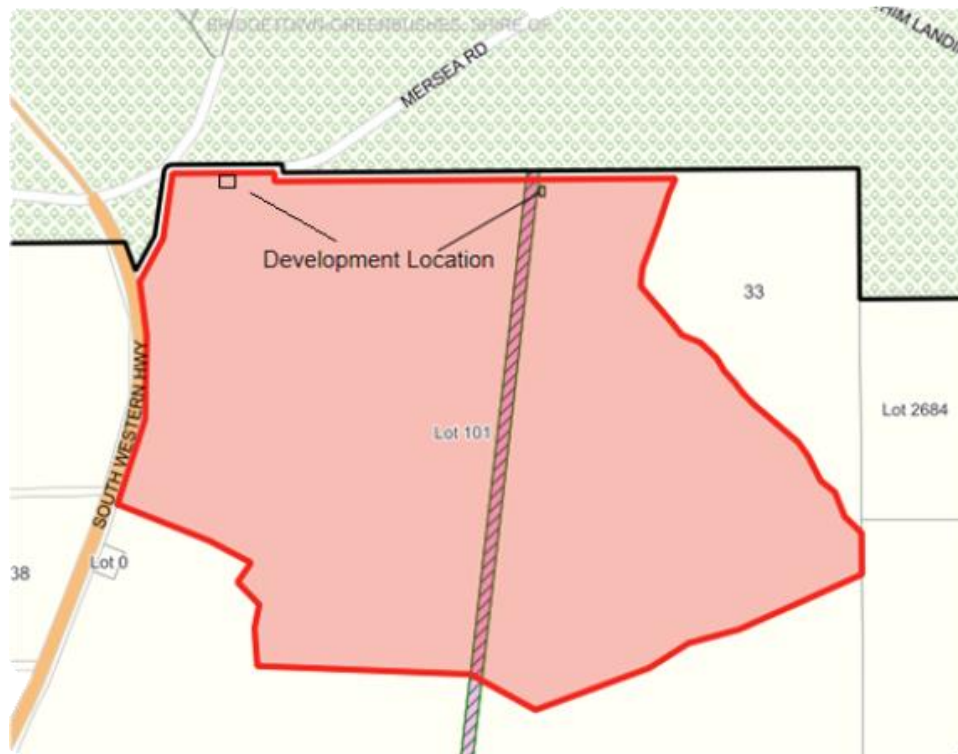
- |     |  |            |
|-----|--|------------|
| 1 ➡ | Plans of Office, Staff Room and Patio Lot 101 Mersea Road, Wilgarrup | 5<br>Pages |
| 2 ➡ | Submissions for Lot 101 Mersea Road, Wilgarrup                       | 1 Page     |

**ATTACHMENT****9.5.2 Application for Retrospective Approval for Shipping Containers with Dome Covers at Lot 101 South Western Highway, Wilgarrup**

<b>PROPONENT</b>	Manjimup KW Pty Ltd
<b>OWNER</b>	Manjimup KW Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 101 South Western Highway, Wilgarrup
<b>WARD:</b>	Rural
<b>ZONE:</b>	Priority Agriculture
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA24/5 P54253
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Jocelyn Baister
<b>DATE OF REPORT:</b>	13 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil.

**BACKGROUND**

An application has been received seeking retrospective planning approval for the placement of six (three pairs) of shipping containers with dome cover attachments at Lot 101 South Western Highway, Wilgarrup. The subject property is 150.5ha in area and it located at the intersection of South Western Highway and Mersea Road, Wilgarrup. A location plan is provided below.

**LOCATION PLAN**

A copy of the plans submitted for development approval are provided attached.

**ATTACHMENT: 9.5.2 (1)**

The first pair consists of 2 x 20ft containers setback 6m from the northern property boundary and 140m from the South Western Highway Road reserve.

The second pair is located 21m from the northern property boundary, the third pair is located 4m south of the second pair and achieves a 43m setback to the northern boundary. All pairs of shipping containers are proposed to have a dome cover installed which is to be made from canvas and are to be used for general storage and site security and biosecurity station.

It should be noted that the managers of the land/business approached the Shire indicating the shipping containers would be setback sufficiently from the boundary and would not therefore trigger a prior planning approval.

Unfortunately, a miscommunication resulted in the shipping containers being placed on the property with a setback reduction. The use of the shipping containers has not commenced and the dome covers have not been constructed.

Council is requested to consider the proposal due to the retrospective nature of the application.

**PUBLIC CONSULTATION UNDERTAKEN**

The application was referred to the Department of Biodiversity Conservation and Attractions, Main Roads WA and to the adjoining landowner in accordance with clause 9.6 of Local Planning Scheme No. 4 (the Scheme).

No objections to the proposal were received, a copy of the submissions are provided attached.

**ATTACHMENT: 9.5.2 (2)**

**COMMENT**

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

The property is zoned Priority Agriculture by the provisions of the Scheme, The purpose of the zone as outlined in Clause 4.2 is to provide for intensive agricultural and horticultural production where water resources exist, while the objectives encourage value adding opportunities to agricultural products at the source.

The proposed shipping containers have been positioned in close proximity to the front access to the property to assist with the management of biosecurity of a working kiwi fruit production. The development is therefore consistent with the objectives of the zone.

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, 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; and*
- (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.”*

#### Development Standards

In accordance with clause 5.34.2.4, the Scheme sets out the development standards for the Priority Agriculture zone as follows:

- Front 30m minimum;
- Rear 30m minimum;
- Side 10m minimum; and
- 100m minimum where the land adjoins State Forest, National Park, Conservation Reserve or other timbered Crown or local government-controlled land.

In this instance the proponent is seeking a setback reduction to the adjoining State Forest of 21m and the front boundary of 6m.

In determining a proposed reduction in setback, the following should be considered:

- a) Any alternative development sites on the property;
- b) Possible bushfire hazard;
- c) Environmental impacts;
- d) Effluent disposal;
- e) Visual impact; and
- f) Servicing/infrastructure.

The landowner has provided justification for the reduced setback by stating the location will assist in biosecurity controls.

#### Relaxation of Standards

As outlined within Part 5.5 of the Scheme, where a development does not comply with a standard or requirement prescribed by the Scheme, the local government may, despite such non-compliance, approve the application. This discretion may however only be exercised if the local government is satisfied that *“the non-compliance will not have an adverse impact on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”*.

In this case, the proposed relaxations for of setbacks to the State Forest should have no adverse impacts.

Retrospective Application

A decision to grant retrospective approval does not prevent the local government from taking action for a breach of the Scheme requirement for prior approval to be granted. In this instance no action is recommended due to the original advice given, despite the miscommunication received.

Conclusion

Given no objections to the proposal have been received and the justification for the reduced setback is acceptable, the application is recommended for approval.

**STATUTORY ENVIRONMENT**

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

**POLICY AND STRATEGIC IMPLICATIONS**

Approval of the proposal will assist the Shire in the delivery of Strategy B4 of the Strategic Community Plan 2021-2031 by supporting sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agrotourism, land protections.

**ORGANISATIONAL RISK MANAGEMENT**

Nil.

**FINANCIAL IMPLICATIONS**

The required retrospective application fee has been paid by the applicant in accordance with the 2023-24 Fees and Charges.

**SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council in accordance with clause 5.5 and clause 8.4 of Local Planning Scheme No. 4 grant retrospective planning approval for the three pairs of Shipping Containers and the associated dome covers at Lot 101 Mersea Road, Wilgarrup (Application TP5/2024) in accordance with the plans and specifications contained at Attachment 9.5.2 (1) and subject to conditions and advice notes below:

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.	Cover Letter and Justification	5 January 2024
A-01	Site Plan	5 January 2024
A-03	20ft Containers	5 January 2024
A-04	40ft Containers	5 January 2024

2. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.
3. All stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Manjimup.

### Advice to Applicant

- a) This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.

### ATTACHMENTS

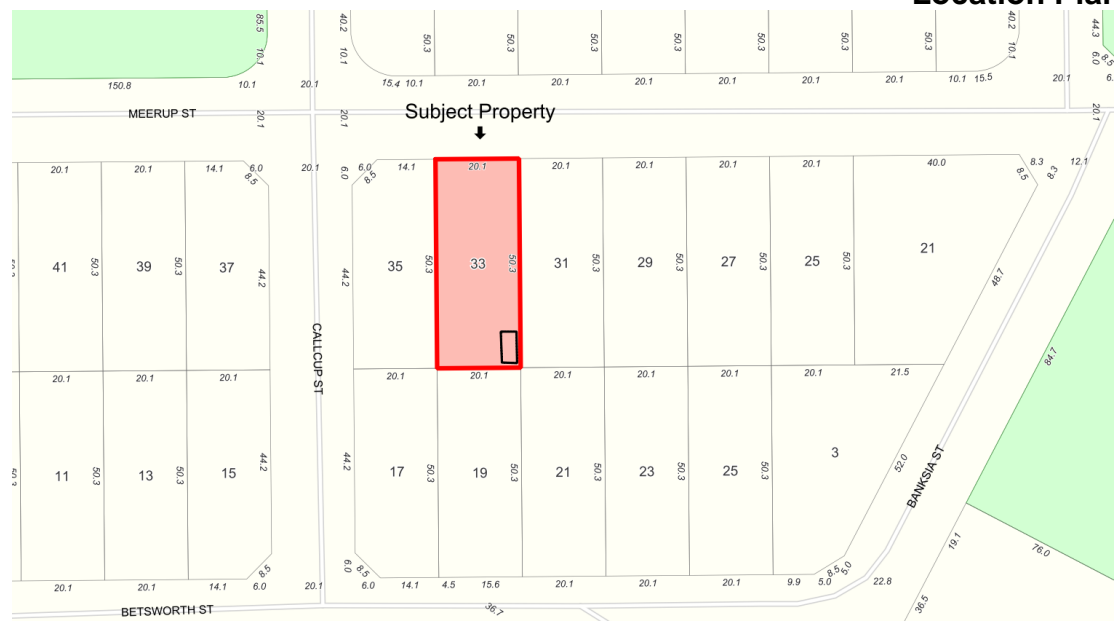
- 1 ➡ Attachment 1 - Cover Letter and Plans 4 Pages
- 2 ➡ Attachment 2 - Submissions Received 2 Pages

**ATTACHMENT****9.5.3 Proposed Overheight Outbuilding at Lot 129 (33) Meerup Street, Northcliffe**

<b>PROPONENT</b>	Mr P Forward
<b>OWNER</b>	Mrs A M & Mr P Forward
<b>LOCATION / ADDRESS:</b>	Lot 129 (33) Meerup Street, Northcliffe
<b>WARD:</b>	Rural
<b>ZONE:</b>	Residential R10
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA24/8 TP8/2024 P51959
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	21 February 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

Council is requested to consider an application for a retrospective overheight Outbuilding at Lot 129 (33) Meerup Street, Northcliffe. The application was submitted in January 2024 and following advertising Shire staff were made aware that the Outbuilding had already been constructed. The property is zoned Residential R10 and has an area of 1012m<sup>2</sup>. A location plan is shown below.

**Location Plan**

The height of the outbuilding walls are proposed to be 3.5m, with a ridge height of 3.9m. A copy of the application is attached.

**ATTACHMENT: 9.5.3 (1)**

The application is currently being presented to Council for consideration as Shire Staff do not have the delegation to approve retrospective development.

The application is required to be presented to Council as 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) as well as the retrospective nature of the application.

## **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. As a result, an adjoining landowner stated that the plans were incorrect and that there was already built development on the site. A copy of the submission is attached.

**ATTACHMENT: 9.5.3(2)**

## **COMMENT**

The property is zoned Residential with a density of R10 by the Scheme. The proposed development is required to comply with the requirements relating to R10 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 Requirements

The proposed Outbuilding is to be setback 1.5m from the rear boundary, 1.5m from the eastern boundary and 4m from the western boundary. Table 1 of the R-Codes requires a rear setback of 6m, the proposed rear setback seeks a variation to the R-Codes. The applicant has stated that he has built the Outbuilding 2m from the rear boundary, 4m closer than the R-Code requirement. This variation was advertised to the adjoining landowners who raised no concern to the setback variation.



### Bush Fire Prone Area

The subject property has been identified as being located within a Bush Fire Prone Area, as a result the applicant has submitted a Bushfire Attack Level of 12.5 which poses a low fire risk. The report prepared has been assessed by the Shire's Community Emergency Services Manager who has stated that BAL report is sufficient to support the application.

### 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 with a wall height of 3.5m exceeds this acceptable variation by 200mm in wall height.

### Impact on Amenity

In this instance, the increased overall bulk and scale of the Outbuilding is not over the Policy requirement as the ridge and floor area of the Outbuilding meets the Policy. The only variation being 200mm above the wall height requirements of the Policy.

The larger sized lots within that area of Northcliffe 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.

The applicant has stated that the purpose of the higher wall height is to accommodate a vehicle hoist, which is for personal use. The use of the Outbuilding for mechanical repairs could potentially generate an impact to the amenity of the area, especially if the Outbuilding is used frequently for mechanical repairs.

It is recommended that in this instance the outbuilding is approved as an Outbuilding, and the use of the hoist is only for personal use. If the use of the hoist is for anyone outside of the owner's household, then additional development approval for a Home Business is required to be obtained.

### Dwelling requirement

There is a general presumption against the approval of Outbuildings on a property without the provision of a residential dwelling.

The applicant, as part any planning approval granted by Council, is recommended to have substantially commenced the construction of a dwelling two years after the date of any approval issued. The applicant has not applied for a dwelling to date. However, the applicant is aware of this timeframe to construct a dwelling and is currently in the process of finalising designs.

### Submission

As stated above a submission from a neighbouring landowner was received stating that there was already development on the site that was not shown on the plans. From further investigation, the applicant confirmed that they had built the Outbuilding and an additional structure on the property.

### Legal Action

Due to the unauthorised construction of the Outbuilding, Shire staff have issued a Modified Penalty of \$500 in accordance with the provisions of the *Planning and Development Act 2005* and associated regulations.

### Unauthorised Habitation

As provided above, it has been determined that the applicant has been residing on the property. The applicant mentioned to Shire staff that he had constructed an additional building alongside the unauthorised outbuilding that was equipped with a bedroom and bathroom facilities. This is occupied collectively with makeshift camp kitchen that is within the unauthorised Outbuilding.

The landowner has provided Shire staff with the intention that they will construct a dwelling on the property in the near future. With the objective that, the unauthorised building becomes Ancillary Accommodation, following the construction of the dwelling. An assessment of this unauthorised building is not included within this report and will be brought back to Council for consideration once a formal planning application has been received and processed accordingly.

Residing in an unapproved building is not permitted under the Scheme or Policy. However, by Council ordering the applicant out of the building will likely achieve a worse social outcome given the lack of available housing in Northcliffe, and indeed the entire Shire district.

It is common knowledge that the housing crisis in Australia is characterised by skyrocketing property prices, a lack of affordable housing options and challenges for both renters and potential homeowners which are exacerbated by such factors as population growth, access to construction trades and supply of housing.

It is noted from plans and photos provided by the applicant, that a basic level of residential amenity is being achieved by the applicant. Given the current housing situation described above it is suggested that provided that the applicant endeavours to work with Shire staff to bring the property into compliance with the required Shire planning, building and health requirements, Council could abstain from exercising its ability to remove the applicant from the property.

This approach, however, does not prevent Council or staff initiating any form of legal action at anytime against the applicant for the habitation of the unauthorised buildings.

Shire staff will continue to follow up on this matter to achieve compliance. A note to this effect has been included in the Officer Recommendation below.

#### Conclusion

Despite the unauthorised habitation on the property, the retrospective Outbuilding meets the objectives of the Scheme and the Policy. The location of the Outbuilding will not detract from the streetscape of Meerup 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 and can be approved subject to the conditions listed in the Officer Recommendation.

### **STATUTORY ENVIRONMENT**

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

### **POLICY AND STRATEGIC IMPLICATIONS**

Local Planning Policy 6.1.3 Outbuildings.

The current compliance situation on the property is not ideal nor is it uncommon across the Shire, but it needs to be balanced against the reality that Australia faces a critical housing crisis, with soaring prices and rents pushing homeownership and secure rentals out of reach for many. This situation creates hardship, fuels homelessness, and threatens the stability of communities. This situation is particularly challenging for low-income earners, young people, and vulnerable populations.

Council may wish in the future consider developing a policy position on this type of matter.

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

### **FINANCIAL IMPLICATIONS**

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

Due to the applicant not following the procedure and obtaining planning approval and a building licence prior to construction of the Outbuilding, a retrospective fee is required to be made payable. The penalty fee for retrospective development is two times the base fee amount, requiring an additional fee of \$294 to be paid by the applicant.

Due to an overpayment in the initial planning application fee, the penalty amount has been paid in accordance with the Shire's Fees and Charges Schedule 2023/24.

## **SUSTAINABILITY**

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

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the Overheight Outbuilding at Lot 129, (33) Meerup Street, Northcliffe subject to compliance with the following conditions:

- a) 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.	Site Plan	10 January 2024
2.	Elevations and Floor Plan	10 January 2024

- b) If an associated dwelling is not substantially commenced within two years, the approval shall lapse and be of no further effect;
- c) The Outbuilding to be used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity;
- d) 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 and the use of reflective materials and colours is not permitted;

- e) All stormwater and drainage runoff is to be retained on the subject property and/or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and
- f) Prior to the occupation of the property, a vehicle crossover between the subject land and Meerup Street is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup.

**Advice to the 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.
2. Note that a modified penalty has been issued for the unauthorised works.
  3. Note that no further action with regard to the unauthorised habitation of the buildings on the subject property will be taken on the proviso the applicant meets Condition b) of this approval. The Shire of Manjimup reserves the right to initiate legal proceedings at anytime.

**ATTACHMENTS**

- |     |   |            |
|-----|---|------------|
| 1 ➡ | Site and Development Plans for Lot 129 Meerup Street, Northcliffe | 3<br>Pages |
| 2 ➡ | Submission for Lot 129 Meerup Street Northcliffe                  | 1 Page     |

**ATTACHMENT****9.5.4 Retrospective Application for Two Shipping Containers at Lot 32 (32) Pritchard Street, Manjimup**

<b>PROPONENT</b>	Mr J E Dovaston
<b>OWNER</b>	Mr J E Dovaston
<b>LOCATION / ADDRESS:</b>	Lot 32, 32 Pritchard Street, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Town Centre
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	54797 TP23/2024 DA24/23
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	11 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

A retrospective planning application has been received for two (2) 20ft shipping containers at the rear of Lot 32 (32) Pritchard Street, Manjimup. The subject property is 2,048m<sup>2</sup> in size, comprises of a single dwelling and is zoned Town Centre by the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme). A location plan of the subject property is shown below.

**LOCATION PLAN**

The shipping containers are both 20ft in size, being 6.10m long and 2.44m wide and are setback 3m from the rear boundary, 1.5m from the neighbouring property to the south. A copy of the application is attached.

**ATTACHMENT: 9.5.4(1)**

The application is being presented to Council for consideration as Shire Staff do not have the delegation to determine development that is retrospective in nature.

## **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 Town Centre, with an R30 Residential density by the Scheme. The proposed development is required to comply with the requirements relating to R30 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's local planning policy 6.1.3 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.

### Submitted Site Plan

During an inspection of the site, Shire Staff have noticed that the shipping containers have been placed on the property parallel to the rear boundary. The submitted plans show the shipping containers to run parallel to the side boundary.

The containers have been placed in a similar location on the property, and no additional neighbouring landowners would be impacted upon by the change in the orientation of the shipping containers on the site. However, it is

recommended that a revised site plan be submitted as a condition of approval prior to the issue of a Building Licence.

#### R-Codes

The shipping containers are setback 3m from the rear boundary, 1.5m from the southern neighbouring boundary and approximately 14m from the northern boundary, which is under the same ownership. Table 2a of the R - Codes – Boundary Setback – Walls with no major openings, requires a setback distance of 1.1m, for a wall that is 6m long and 2.59m high. The proposed setback distances are greater than the 1.1m minimal setback requirement of the R-Codes and therefore are compliant.

#### Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions for shipping containers in Town Centre Zone. From an assessment of the application, it is considered that the shipping containers are compliant other than the number of containers. The Policy requires the shipping containers;

- are not be attached to the dwelling,
- are not habitable,
- do not exceed the size of a standard 20ft shipping container,
- do not contain refrigeration or air conditioning,
- are located behind an existing dwelling,
- repainted in a manner that complements other buildings on the lot, to reduce the visual impact, covering rust and signage,
- comply with the setback requirements for the zone; and
- complies with the setback requirements for the zone.

The Policy only allows for one shipping container per property within the Town Centre Zone. The applicant has two (2) shipping containers on the one property. As mentioned above, the variation was referred to affected neighbours for comment with no comments being received.

The applicant has stated that the shipping containers are being used for general storage of household items and the other is temporarily storing equipment from the landowner's medical business, until such time as a new practice is open. The shipping containers will be secured on the property as a permanent structure and therefore will require a building licence.

#### Impact on Amenity

The shipping containers have been located at the rear of the property behind the dwelling. They have been painted dark green to match the existing fence, complimenting the surrounding area. The applicant has stated that he intends to screen the development as much as possible from the front of the property.



### Retrospective Application

The landowner sought the advice from Shire staff to temporarily locate their shipping containers on their property to move and store surplus furniture. The Policy allows for shipping containers to be placed on a property for 14 days for the purpose of relocating personal effects, without the need for planning approval. The shipping containers have been placed on the subject property for approximately the last month to six (6) weeks. The applicant has stated that he does not want the shipping containers on the property permanently and will replace them with an outbuilding at some point, however the time that this may occur is unknown.

It is noted that a decision to grant retrospective approval does not prevent the local government from taking action for a breach of the Scheme requirement for prior approval to be granted. However, in this instance an issue of a modified penalty is not considered necessary in this instance.

### Conclusion

The proposed shipping containers meets the objectives of the Scheme and the Policy. The location of the shipping containers will not detract from the streetscape of Pritchard Street, as the streetscape is a mixture of larger residential lots and commercial development. Also, as no concerns were raised by the neighbouring landowners regarding the proposed number of shipping containers it is considered that the development 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 AND STRATEGIC IMPLICATIONS**

Nil.

## **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 was required to be removed for the placement of the shipping containers.

Economic: Nil.

Social: Nil.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION

That Council in accordance with Clause 8.6 and Part 10 of Local Planning Scheme No.4 grant planning approval for two (2) shipping containers at Lot 32 (32) Pritchard Street, Manjimup, application (TP23/2024), in accordance with the plans and specifications at attachment 9.5.4(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	31 January 2024
2.	Elevation Plan	31 January 2024

2. Notwithstanding Condition 1, a revised site plan showing the correct placement of the shipping containers is to be submitted prior to the issue of the building licence;
3. The approved Shipping Containers are 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; 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.

**ATTACHMENTS**

1 ➡	Site and Development Plans Lot 32 Pritchard Street Manjimup	2 Pages
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**ATTACHMENT****9.5.5 Proposed 12 Grouped Dwellings at Lot 101 (51) Johnson Street, Manjimup**

<b>PROPONENT</b>	Texture -Arch
<b>OWNER</b>	THLL Developments Pty Ltd
<b>LOCATION / ADDRESS:</b>	Lot 101 (51) Johnson Street, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Residential
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA24/1 P58197
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Jocelyn Baister
<b>DATE OF REPORT:</b>	14 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The subject property is 7,125sqm in area and has a 45m frontage to Johnson Street. Rea Park and the Agricultural Showgrounds are located directly to the north of the property. The surrounding development consists of a mixture of low-density single dwellings, strata complexes and grouped dwellings. An application has been received for the establishment of 12 dwellings within a grouped dwelling setting. A location plan is provided below.

**LOCATION PLAN**

The applicant is proposing a development which consists of the following:

- 12 three-bedroom, 2 bathroom houses each with an attached one bedroom ancillary accommodation;
- Four parking bays per house configuration;
- One additional accessible visitor bay located at the street front;
- Separate pedestrian access provided for the depth of the development; and
- Planned landscaping to the private courtyards and common areas.

Plans submitted in support of the development are provided attached.

**ATTACHMENT: 9.5.5 (1)**

These plans have been reviewed by Council during the informal session of the December 2023 meeting.

Council is requested to consider the application as Shire Staff do not have the delegation to determine development that consists of greater than five dwellings.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The property is zoned Residential with a density of R20 by the provisions of Local Planning Scheme No. 4 (the Scheme). The purpose of the zone is to provide for the adequate provision of suitably located land to provide for varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas.

The objectives of the zone, relevant to the proposal include providing for a range of housing choice with high level of amenity in residential areas and which reflects a non-metropolitan lifestyle.

To assist Council in considering the application the following comments are provided.

### Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of the Commission; and*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely*

*effect of the height, bulk, scale, orientation and appearance of the proposal.*

#### Land use Definition

Where development is for residential purposes the Scheme gives those land uses the same meaning as the State Planning Policy 7.3 Residential Design Codes.

A Dwelling- Grouped is defined as “*a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.*”

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

*State Planning Policy 7.3 Residential Design Codes Volume 1 2021 (R-Codes)*  
The proposed development has been assessed against the deemed to comply provisions of the R-Codes. The application either meets the provisions or can be conditioned to meet the deemed to comply requirements.

Specifically, it is noted that the proposed development under-delivers against the prescribed residential density and achieves a R17.5 density across the site. The lower density design provides for a greater amount of site area per dwelling and a greater number of visitor parking spaces.

A copy of the full assessment is provided attached.

#### **ATTACHMENT: 9.5.5(2)**

It should be noted that on the 10 April 2024, the 2024 Residential Design Codes Volume 1 was Gazetted and came into effect. This application was assessed against the 2021 R-Codes as the application was submitted prior to 10 April 2024.

#### Amenity

The proposed development and land use is in keeping with the surrounding residential land uses and existing density and is therefore not anticipated to have a detrimental impact on the local amenity.

#### Conclusion

The subject application has been assessed as being able to meet the deemed to comply provisions of the R-Codes and is recommended for approval subject to appropriate conditions.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005, Local Planning Scheme No.4 and State Planning Policy 7.3 Residential Design Codes Volume 1.*

## **POLICY AND STRATEGIC IMPLICATIONS**

Whilst the Shire of Manjimup's Strategic Community Plan 2021-2031 does not contain specific reference to the provision of residential development, the creation of new residential dwellings will provide an opportunity for new residents to move into the community and will ensure that there is a range of residential lifestyles available.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The applicant has paid the required planning application fees as per the 2023-24 Annual Fees and Charges.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: The proposed development has the potential to provide housing for 12 families or groups of people known to each other who may not already be residing in the community.

Social: The proposed development offers an additional housing choice not currently available within the community.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council in accordance with Part 10 of Local Planning Scheme No. 4 grant planning approval for the construction of 12 Dwellings- Grouped at Lot 101 (51) Johnson Street, Manjimup (Application TP1/2024) in accordance with the plans and specifications shown at attachment 9.5.5 (1) and subject to the following conditions and advice notes:**

- 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
A-2001	Site Plan	11 March 2024
A-2100	Floor Plan	11 March 2024
A-2101	Typical Plan	11 March 2024
A-2102	Roof Plan	11 March 2024
A-3100	Elevations	11 March 2024
A-3101	Elevations	11 March 2024

2. 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.
3. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Manjimup, and thereafter implement to the satisfaction of the Shire of Manjimup, a construction management plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - g) Other matters likely to impact on the surrounding properties.
4. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup, and must include the following:
  - a) The location, number and type of existing and proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b) Any lawns to be established;
  - c) Any trees/shrubs to be removed;
  - d) Any existing and/or natural landscaped areas to be retained;
  - e) Those areas to be updated, reticulated or irrigated;
  - f) Verge treatments;



- g) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties; and,
  - h) Location and type of fencing and/or paving to be installed.
5. The landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Manjimup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Manjimup.
  6. The proposed development being connected to the Water Corporations reticulated sewerage service and water supply;
  7. Prior to the occupation of the development, visitor wayfinding including but not limited to pedestrian pathways shall be constructed from the area set aside for visitor parking to the main entrance to the dwelling(s), to the satisfaction of the Shire of Manjimup.
  8. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
    - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted;
    - b) thereafter be maintained to the satisfaction of the Council;
    - c) be made available for such use at all times and not used for any other purpose; and
    - d) be properly formed to such levels that it can be used in accordance with the plan.
  9. Prior to the occupation of the development, a vehicle crossover between the subject land and Johnson Street is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup. The vehicle crossover must be constructed with a maximum width of 6m metres and located a minimum of 0.5 metres away from the outside of the trunk of any street tree or 0.5 metres from light pole etc.
  10. Any ground levels differences at the boundaries of the land in excess of 150mm must be retained, or otherwise stabilised to the satisfaction of the Shire of Manjimup, prior to occupation of the approved development and fences shall not to be used for that purpose.
  11. Any retaining walls in excess of 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practising

structural engineer to the satisfaction of the Shire of Manjimup and details and particulars of the certified plans and specifications shall be provided to Shire of Manjimup as part of any application for a building permit.

12. The retaining walls including any footings are to be wholly contained within the property boundaries.
13. The construction works involved in the implementation of the development must not cause a nuisance to neighbours through dust and/or sand drift. In the event that Shire of Manjimup is made aware of the existence of such problems, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate shall be installed or implemented to the satisfaction of the Shire of Manjimup.
14. This approval to establish ancillary accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the ancillary accommodation and any such proposal will not be supported by Shire of Manjimup.
15. An external Lighting Plan showing lighting to pathways and car parking areas are to be submitted and approved prior to the application for Building Permit. All lighting is to be installed and operated as per the approved plan to the satisfaction of the Shire of Manjimup .
16. All clothes-drying areas are to be screened from view from the primary street;
17. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Manjimup details of a communal rubbish pick-up area or areas which are:
  - (a) Conveniently located for rubbish and recycling pick up;
  - (b) Accessible to residents;
  - (c) Adequate in area to store all rubbish bins; and fully screened from view from the primary street.
18. Any fences / walls in the front setback of the property must comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:
  - 1.2 metres above natural ground level within the primary street setback area; and
  - 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.
19. Prior to the issue of Building Permit, a verge bond of \$500 shall be paid to the Shire of Manjimup for any required repairs to verge infrastructure. Return payment will occur when the works have been completed to the satisfaction of the Shire of Manjimup.

- 20.A dilapidation report, prepared at the applicant's expense, documenting the current state of the verge, footpath and road shall be prepared and submitted to the Shire of Manjimup for approval prior to the commencement of any works associated with the development.**

**Advice to Applicant**

- i. This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;**

**ATTACHMENTS**

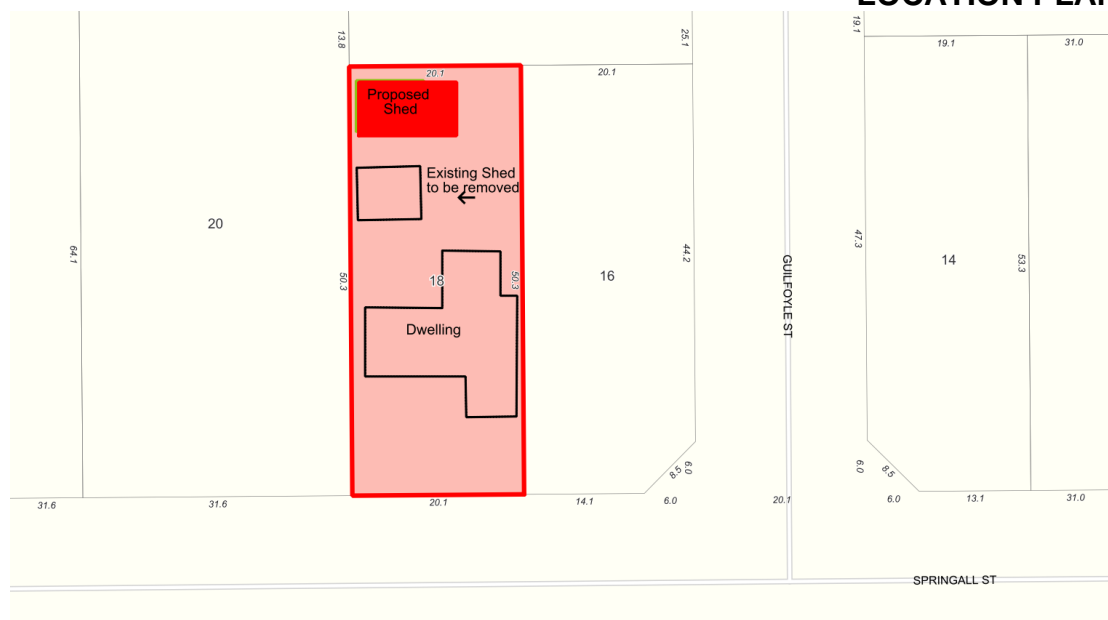
- 1 ➡ Attachment 1 - Plans and Images of the Development 12 Pages**  
**2 ➡ Attachment 2 - R-Codes Assessment 10 Pages**

**ATTACHMENT****9.5.6 Proposed Overheight Outbuilding at Lot 19 (18) Springall Street, Manjimup**

<b>PROPONENT</b>	C Milentis
<b>OWNER</b>	C Milentis
<b>LOCATION / ADDRESS:</b>	Lot 19 (18) Springall Street, Manjimup
<b>WARD:</b>	Central
<b>ZONE:</b>	Residential R20
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	TP34/2024 DA24/35 P55454
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	13 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

A planning application has been received for an overheight outbuilding at Lot 19 (18) Springall Street Manjimup. The property is 1,012m<sup>2</sup> and currently contains a dwelling and an outbuilding which is proposed to be demolished to make way for the proposed outbuilding. A location plan of the site is shown below.

**LOCATION PLAN**

The applicant is proposing to construct a 12m by 7m, 84m<sup>2</sup> outbuilding which is proposed to be setback 1.5m from the rear and western side boundary and 6m from the eastern side boundary. The height of the walls is proposed to be 4m, with a ridge height of 4.62m. A copy of the application is attached.

**ATTACHMENT: 9.5.6 (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 1.5m from the rear boundary and 1.5m from the western side boundary and 6m from the eastern side boundary. Table 2a of the R-Codes – Boundary Setback – Walls with no major openings, requires a setback distance of 1.5m, for a wall that is 12m long and 4m 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 during consultation. In this instance the outbuilding exceeds this variation by 700mm in wall height. The proposed ridge height is within the 10% variation of the deemed-to-comply provisions. The proposed outbuilding was advertised to the adjoining landowners, and no comments were received. 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 in keeping with the Policy. The proposed wall height is 700mm above the deemed to comply requirements, however the ridge height is compliant with the acceptable variation. The outbuilding is to house a small backhoe and future caravan or boat, requiring a higher wall to allow a greater opening. The larger sized lots within the area of Manjimup generally allow for a greater distance between built developments. In this instance, it is considered that the wall height of the proposed outbuilding will have a minimal impact on the adjacent neighbouring properties.

### Parking of a Commercial Vehicle

Clause 5.16 of the Scheme provides the criteria for the parking of commercial vehicles in residential zoned land. The applicant is proposing to utilise the outbuilding to park a small backhoe that is used as part of his families plumbing business. The backhoe, whilst for commercial purposes does not align with the definition being, 3 tonne, 3m in height and 8m in length and is therefore exempt from requiring planning approval. As the outbuilding is proposed to be at the rear of the subject property, the parking of the vehicle is behind the front building line and effectively screened from outside the property.

### Conclusion

The proposed outbuilding meets the objectives of the Scheme and the Policy and can be approved subject to the standard conditions proposed in the Officer Recommendation. The location of the outbuilding will not detract from the streetscape of Springall Street, due to the size of the surrounding properties. Also, as no concerns were raised by the neighbouring landowners regarding the proposed wall height of the outbuilding it is considered the proposed bulk and scale of the outbuilding is considered acceptable on this property.

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND 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: It appears that an ornamental tree is proposed to be removed for the construction of the outbuilding, this does not meet the definition of land clearing, however it will have an impact on the Urban Tree Canopy of the area.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No.4 grant planning approval for an overheight Outbuilding at Lot 19 (18) Springall Street, Manjimup, application (TP34/2024), in accordance with the plans and specifications at 9.5.6(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 February 2024
2.	Elevation Plan	15 February 2024

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.
- b) Prior to the removal of the existing outbuilding from the subject property a demolition permit must be obtained from the Shire of Manjimup.

**ATTACHMENTS**

- 1 ➡ Site and Development Plans for Outbuilding at Lot 19 (18) 2  
Springall Street Manjimup Pages

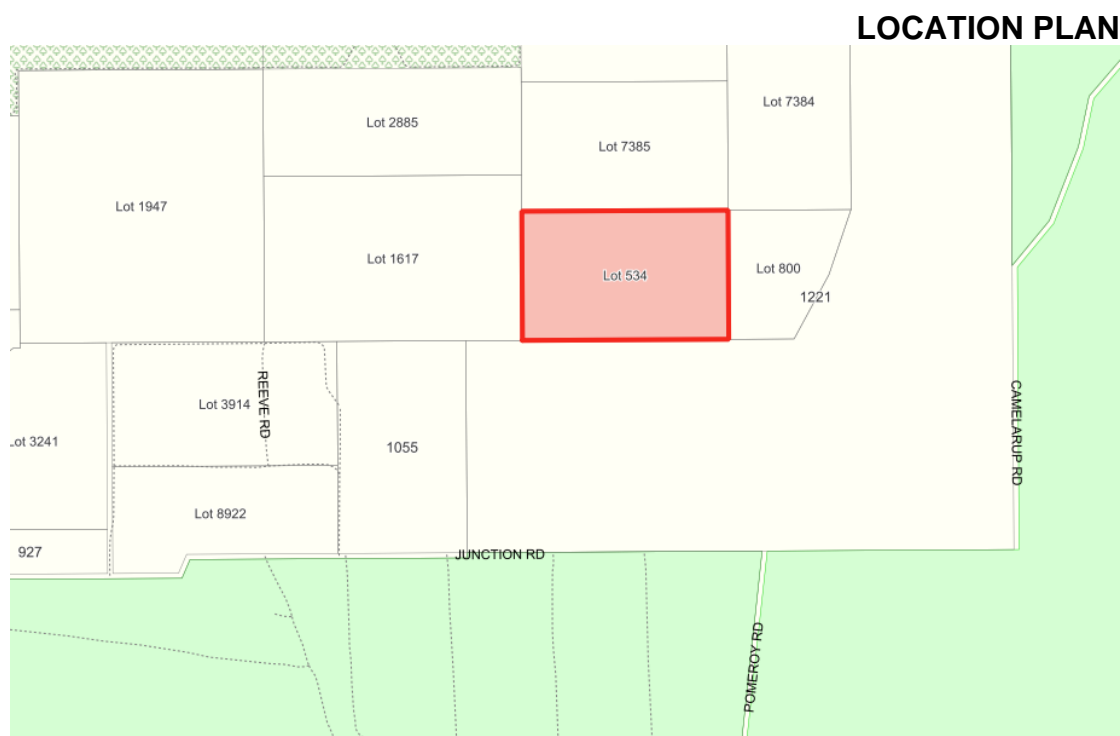


**ATTACHMENT****9.5.7 Proposed Caravan Park (Nature Based) at Lot 534 (1221) Junction Road, Perup**

<b>PROPONENT</b>	Mr K G Muir
<b>OWNER</b>	Mr K G Muir
<b>LOCATION / ADDRESS:</b>	Lot 534 (1221) Junction Road, Perup
<b>WARD:</b>	Rural
<b>ZONE:</b>	General Agriculture
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA23/176 P57411
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Jocelyn Baister
<b>DATE OF REPORT:</b>	22 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The subject property is 40.46ha in area and forms part of a larger land holding by the applicant of approximately 920ha. The subject property contains a watercourse, which is dammed to the west on an adjoining property, some remnant vegetation, several buildings which were previously part of a private water ski park and is currently used for grazing of cattle. A location plan is shown below.



The applicants are seeking to commence a Caravan Park (Nature Based) use surrounding the area that consists of the existing buildings previously part of the water Ski park. As detailed on the attached plans, the site contains an

existing camp kitchen and outdoor seating and existing ablution block. The applicant is proposing to construct 10, 100m<sup>2</sup> camping sites, predominantly for self contained caravans and camping area.

The applicant has supplied copies of correspondence from the Shire dated 1990, in respect of building permits for the sheds and in principle approval to operate a water ski park including limited accommodation.

The applicant now wishes to establish a Caravan Park alongside the watercourse. Details submitted with the application are as follows:

- The application is proposing the number of guests to be a maximum of 20 persons;
- The management of the property will be undertaken by the landowners;
- Check in will occur at the main house;
- The cleaning and servicing/maintenance will be undertaken by landowner;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- There is rubbish service by Hastie Waste to the property;
- Bookings for the caravan park is yet to be confirmed;
- Parking is available for 2 cars on each camp site;
- The applicant has stated that there a sign displayed on the front gate and on the access way to the camping area;
- The applicant has not supplied a copy of their current Public Liability Insurance Certificate.

A copy of the application information and plans are provided attached.

#### **ATTACHMENT: 9.5.7 (1)**

Council is required to determine the application as Shire Staff do not have the authority delegated to determine Caravan Parks within this zone.

#### **PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with Clause 9.6 of Local Planning Scheme No. 4 (the Scheme) for a 21-day period to all adjoining landowners within a 500m radius, a notice in the newspaper and a sign on site and a notice on the Shire's website. Letters were also sent to the Ward Councillors with submissions closing on 13 March 2024 with two objections being received.

The two objections received raised concerns in relation to the quality of Junction Road, antisocial behaviour of guests and the historic damming of the Perup River. A copy of each submission is available attached.

#### **ATTACHMENT: 9.5.7 (2)**

## COMMENT

The provisions of the Scheme include the subject land within the General Agriculture Zone. In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, 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;*
- (iii) any approved State Planning Policies of the Commission;*
- (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;*
- (xi) any social issues that have an effect on the amenity of the locality;*
- (xiii) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (xv) the preservation of the amenity of the locality;*
- (xviii) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and*
- (xxvii) any relevant submissions received on the application;*

### Zone Purpose and Objectives

The purpose of the General Agriculture zone is to *“provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.”* Consistent with this purpose clause 4.5.2 outlines that the local governments objectives in managing and guiding land use development and subdivision within the zone include, but are not limited to:

- (i) Encourage the protection of the rural infrastructure and land resource;*
- (iii) To permit low impact tourist accommodation – short stay proposals where relevant provided that any impact from any such uses or development is contained on-site;*
- (iv) Support appropriate non-rural uses where they are compatible with adjoining nearby rural uses, environmental attributes and landscape to compliment the primary productive use of the land where the site contains remnant vegetation and other environmental features or lacks realistic potential for agricultural use the local government will consider the proposed non-rural uses as the predominant use on its merits.”*

### Land Use Classification

The Scheme defines a Caravan Park as an area set aside for the parking of caravans under the by-laws of local government or the *Health Act (Caravan Parks and Camping Grounds) Regulations 1974*, made pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, or any

amendment thereto, or any regulation or by-laws from time to time standing in place of them.

It should be noted that the *Health Act (Caravan Parks and Camping Grounds) Regulations 1974* have been superseded by the *Caravan Park and Camping Grounds Act 1995* and the associated *Caravan Parks and Camping Grounds Regulations 1997*.

#### Land Use Permissibility

A Caravan Park is an 'A' use in the General Agriculture zone. That is a use not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6 of the Scheme.

#### Submissions Received

As stated in the Public Consultation section above, two submissions were received on the proposal and are discussed below.

##### *Adjoining Landowner Submissions*

The common concerns raised between the two objectors of the proposal relate to the additional traffic generated by the Caravan Park, and the impact on the road condition, dust, noise and potential for dieback spread and fauna loss as a result.

Junction Road is a public road, managed by the Shire of Manjimup. The road is constructed of gravel and whilst anecdotally is known to be slippery, is considered by Shire Staff to be safe for Caravans. With a maximum of 10 sites proposed the additional vehicle movements to the property will be minimal.

One of the neighbours has raised other concerns regarding the proposal not meeting the definition of a Nature Based Caravan Park, the potential for anti-social behaviour, the environmental impacts of the historic damming of the Perup River, the potential effluent seepage into the water way and the appropriateness of the land use in an agricultural zone.

The Dam wall on the watercourse dates back to before the 2007 aerial records held by the Shire, as such the development was under Town Planning Scheme No. 2 exempt from planning approval. Likewise, the ablutions and camp kitchen and therefore the associated effluent disposal was approved in 1990.

As mentioned above, the proposed land use is considered to meet the objectives of the zone and given the site is located more than 3km from the closest residential dwelling, any activity will be contained on-site.

#### Caravan Parks and Camping Grounds

In addition to obtaining prior Development Approval under Local Planning Scheme No 4, applications for a Caravan Park or Camping Ground must comply with the provisions of the *Caravan Park and Camping Grounds Act 1995*

and the *Caravan Park and Camping Grounds Regulations 1997* (the Regulations).

As outlined in Part 5 of the Regulations, there are a range of licenses that can be sought including, but not limited to a Caravan Park, Camping Ground, Transit Facility or Nature Based Park.

*Caravan and Camping Grounds Regulations 1997*

The *Caravan and Camping Grounds Regulations 1997* set out how various caravan parks and camping areas are classified and the level of facilities that are required to be provided. In terms of the current proposal, being for a Nature Based Caravan Park, the following facilities are normally required:

- Entrance roads and two-way roads within the Nature Based Caravan Park are to be 6 metres in width, one way 4 metres in width;
- Although facilities road are to be constructed and maintained as is approved, they need not be paved or sealed;
- Unless otherwise approved, a nature-based park is required to have at least two toilets for every 20 sites;
- As many showers and hand basins as is approved;
- Each shower is to meet an identified set of standards and unless as otherwise approved, have water, not less than 45 degrees;
- At least a fire extinguisher in an area accessible to all persons in the facility;
- Unless otherwise approved, a tap for use by all occupiers; and
- Rubbish bins provided as approved.

The provision of a dump point is not required for Nature Based Caravan Parks.

In accordance with the Regulations, a Nature Based Caravan Park is a facility that:

- (a) *Is not in close proximity to an area that is built up with structures used for business, industry or dwelling houses at intervals of less than 100m for a distance of 500m or more;*
- (b) *Has predominately been formed by nature; and*
- (c) *Has limited or controlled artificial light and noise intrusion.*

To meet the definition of a Nature Based Caravan Park the applicant has outlined the following details;

- The applicant has stated only 10 camping sites are available.
- No facilities such as power, water, potable water, hard or liquid waste outlets will be provided on the site.
- The duration of stay is limited to a maximum of 3 nights.

The existing home and associated infrastructure are located approximately 850m from the proposed camping area, the locality is predominantly rural in nature with the closet neighbouring dwelling more than 3km. Much of the surround land is either State Forest or part of the Tone-Perup Nature Reserve.

The area of the property, whilst cleared of vegetation, appears to retain its original topography. Whilst Nature Based Camping Areas are expected to be largely formed by nature, some alterations of contours are normally expected in any form of caravan park to provide level areas for camping. It is therefore considered the proposal is consistent with the requirement for the area to be largely formed by nature.

The proposed site of the Caravan Park is located on the banks of the Perup River. With the topography of the area, the location is not visible from the road.

The applicants have advised that Hastie Waste currently attends the property to collect waste, it might be required that the applicant upgrade this service during peak tourist season.

### Conclusion

The proposed use is consistent with the objectives of the General Agriculture Zone. Whilst objections have been received, it is considered that with appropriate management practices, the Caravan Park will not cause a detrimental impact on the amenity of the locality.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005, Caravan and Camping Grounds Act 1995 and Local Planning Scheme No. 4.*

## **POLICY AND STRATEGIC IMPLICATIONS**

Approval to the application is consistent with Strategy B12 of the Shire of Manjimup's Strategic Community Plan 2021 – 2031, being to “*provide development opportunities and support local small businesses to thrive.*”

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The required application fees have been paid by the applicant. Ongoing annual fees will be required once a Caravan Park License is approved.

## **SUSTAINABILITY**

Environmental: With appropriate management plans in place the caravan is able to operate with minimal impacts on the environment.

**Economic:** The proposal if approved by Council will allow for a greater number of tourists being able to stay within 30mins of Manjimup and potentially increase the economic return of local businesses.

**Social:** The proposal seeks to provide an increase to a tourist short stay product in a locality valued for its natural attractions and amenity.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

That Council pursuant to Part 10 of Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for a Caravan Park (Nature Based) at Lot 534 Junction Road, Perup (Application TP170/2023, in accordance with the plans as attached at 9.5.7 (1) and subject to the following conditions:

- a) 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
Page 1 of 3	Location Plan 1	8 February 2024
Page 2 of 3	Location Plan 2	8 February 2024
Page 3 of 3	Site Plan	8 February 2024
4.	Management Plan	7 December 2023
5.	Emergency Plan	7 December 2023

- b) Prior to recommencement of the use hereby approved, the internal caravan park roads shall be constructed or gravel or other material to the satisfaction of the Shire of Manjimup;
- c) The Caravan Park hereby approved is limited to a maximum of twenty (20) persons on the premises at any one time to the satisfaction of the local government, as provided in Shire of Manjimup Local Planning Scheme No. 4;
- d) No individual is not to occupy the accommodation for more than twenty-eight (28) days within three (3) month period as provided in the Nature Based Park Guidelines, December 2014. In this regard, the Manager/Operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup, and the register shall be made available for perusal by Shire Officers on demand;
- e) The submitted management details which form part of the application, shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;

- f) **An on-site potable water supply shall be provided on the site prior to resumption of use and shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup. Details of the capacity, design, location and materials used on the external surfaces of the required water storage facility shall be subject to the prior approval of the Shire of Manjimup; and**
- g) **Rubbish storage areas are to be designed and located to minimise noise, odour, visual intrusion and/or other factors potentially adversely affecting the character and/or amenity of Nature Based Park users and properties in the vicinity to the satisfaction of the Shire of Manjimup.**

#### **Advice to Application**

- i. **This Development Approval is NOT a Caravan Park License. A license to operate the park must be obtained prior to campers attending the property.**

#### **ATTACHMENTS**

- |            |   |                    |
|------------|---|--------------------|
| <b>1</b> ➡ | <b>Attachment 1 - Proposed Caravan Park Information and Plans</b> | <b>9<br/>Pages</b> |
| <b>2</b> ➡ | <b>Attachment 2 - Submissions Received</b>                        | <b>6<br/>Pages</b> |



**ATTACHMENT****9.5.8 Proposed Dam and Building Envelope Variation at Lot 64 Williams Court, Palgarup**

<b>PROPONENT</b>	Mr A V Ellis
<b>OWNER</b>	Mr A V Ellis
<b>LOCATION / ADDRESS:</b>	Lot 64 Williams Court, Palgarup
<b>WARD:</b>	Rural
<b>ZONE:</b>	Rural Residential
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	TP 42/2024 P56539 DA24/43
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	25 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Shire is in receipt of a planning application for a dam at Lot 64 Williams Court, Palgarup with a setback of 10m from the south and eastern boundary. The property is 2.3 hectares of vacant land, within the Wilgarup Heights Estate. A location plan is shown below.

**Location Plan**

Plans and details submitted with the application indicate that the dam wall, adjacent to the neighbouring property boundary is 50m in length and projects back into the property for 70m. The internal depth of the dam is 5m and a wall height of 2m. The dam will have a total capacity of 7,000kL. The proposed dam is intended to be used to capture water to allow better use of a low-lying wet property. A copy of the submitted application and supporting information is shown attached.

**ATTACHMENT: 9.5.8 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

In accordance with the requirements of Local Planning Scheme No. 4 (the Scheme), the proposal was referred to the Department of Water and Environmental Regulation (DWER) for their comments.

DWER commented on the proposal, stating that the dam was within the Warren River and Tributaries Surface Water Area, Wilgarup sub – area, as proclaimed under the *Rights in Water and Irrigation Act 1914* (RiWI). Any taking or diversion of surface water in this proclaimed area can be subject to licencing. DWER also notated that the applicant has stated the dam is 7,000kL. From its assessment of the dimensions, have stated that the proposed dam is larger in capacity and therefore requires further investigation by the landowner. A dam of a larger capacity than 7,000KI would not be able to be supported in this catchment area. The content of the DWER correspondence is detailed in the Comment section below, whilst a copy is shown attached.

### ATTACHMENT: 9.5.8 (2)

## COMMENT

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

### Zoning

The provisions of the Scheme include the subject land within the Rural Residential Zone. 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.

### Matters to be considered

As prescribed in clause 10.2 of the Scheme, the 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 operating within the Scheme Area;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk.*

An objective of the Rural Residential Zone is to encourage opportunities for innovative design and clustering of houses and other structures to minimise the impact on adjacent land uses, protect landscape and remnant vegetation and to utilise the more efficient use of services.

The proposed dam is to be used for domestic purposes. The applicant has stated that the property is low lying and subject to flooding, the dam is to provide the ability for better drainage, allowing for the construction of a future dwelling. The purpose of the dam is in keeping with the objective of the zone.

#### Rural Residential Setbacks

The setback requirements for development within a Rural Residential Zone within the Scheme are 20m from the road boundary and 10m from all side boundaries. This conflicts with the Local Planning Policy requirement for a dam wall structure or water to be setback 20m from all property boundaries.

The proposed dam wall is to be setback 10m from the side and rear property boundaries.

#### Building Envelope Variation

The approved building envelope plan for the subject site, shows a smaller than average building envelope in the northeastern corner of the property. The location and size of building envelopes are identified as part of the structure plan stage, based on individual sites characteristics. The subject site is low lying with pockets of remnant vegetation scattered over the property, the identified building envelope, from a desk top assessment appears to be in the highest, well drained part of the property.

Clause 5.36.3.4 of the Scheme allows Shire staff to approve the relocation or the construction of development outside of the building envelope where it is satisfied that amenity of the area, privacy of the adjoining properties and the landscape or environment is not detrimentally affected.

It is considered that the proposed dam should be approved outside of the building envelope. The location of the dam is in keeping with the location of other dams within the estate that have been constructed along the same streamline. Thus, the proposed dam is not considered to impact on the amenity of the adjoining properties and will enhance the landscape of the subject property allowing for further development to occur on the site.

#### Policy Assessment

The application has been assessed against the requirements of Local Planning Policy 6.1.22 – Dams. The Policy applies in all zones where planning approval is required for a Dam. The assessment indicates that the dam would be considered high risk given the combination of design and size of property.

<b>Risk Category</b>	<b>Score</b>
Construction Type (Perennial Stream)	5
Volume (0-10ML)	3
Wall Height (0-5m)	3
Dam Wall Design (By Others)	3
Downstream Infrastructure (Other Dams)	4
Overflow infrastructure proposed (By Others)	2
<b>TOTAL</b>	<b>20</b>

In accordance with provision 6.0 of the Policy, dams that score more than 16 when assessed against the risk matrix are considered a high risk. As outlined in the Policy, it is recommended that conditions be included on any approval relating to a high-risk dam, requiring the landowners to provide:

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

#### Submission

As indicated above DWER advised that they require the landowners to contact its office to determine a suitable dam size, that can be approved on the site within the Warren River and Tributaries Surface Water Area as proclaimed under the *Rights in Water and Irrigation Act 1914*.

#### Clearing of Vegetation

The proposed dam in within a vegetated area of the property, to facilitate the construction of the dam, remnant vegetation is required to be cleared. The applicant had applied for a clearing permit from DWER prior to lodging the planning application and since gained approval.

#### Conclusion

The proposed dam has been assessed as high risk in accordance with the relevant policy. Given this and having regard to the size of the property and intended purpose for water storage to reduce the risk of water inundation on the property to allow for further development of the site, construction of the dam with a reduced side and rear setback is supported and conditional approval is recommended.

### **STATUTORY ENVIRONMENT**

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

### **POLICY AND STRATEGIC IMPLICATIONS**

As detailed within the Comment Section of this Agenda Item, the application has been assessed against Local Planning Policy 6.1.22 – Dams.

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## FINANCIAL IMPLICATIONS

The applicant has paid the fee required as per the Shire's 2023-2024 adopted fees and charges.

## SUSTAINABILITY

Environmental: To facilitate the construction of the dam, remnant vegetation comprising of trees, grasses and shrubs will be required to be removed. The landowner has sought approval from DWER to allow the clearing to occur.

Economic: The proposed dam will enable the site to be drained efficiently allowing the site to be developed for residential purposes, to support our local economy.

Social: Development of vacant land within the Estate is beneficial to the Palgarup and greater community.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

## OFFICER RECOMMENDATION

**That Council, in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No.4 grant planning approval to the proposed Dam at Lot 64 Williams Court, Palgarup (Application TP 42/2024) in accordance with the plans and specifications shown at Attachment: 9.5.8(1) subject to the following conditions and advice:**

- 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.	Site Plan	27 February 2024
2.	Dam	27 February 2024
3.	Additional Information for dam Construction	27 February 2024

- 2. All pumps and ancillary equipment and structures not part of this approval being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No.4;**
- 3. All parts of the dam hereby approved shall be setback a minimum of 10 metres from the western and southern boundary to the satisfaction of the Shire of Manjimup;**
- 4. Water from the dam is prohibited from accumulating across property boundaries; and**
- 5. 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**

- i. The applicant/landowner is responsible for the structural integrity of the dam construction; and
- ii. It is advised that the applicant contact Department of Water and Environmental Regulation in respect of the rights to store water prior to the construction of the proposed dam.

**ATTACHMENTS**

<b>1</b> ➡	Site, Development and Additional Information for Lot 64 Williams Court Palgarup	4 Pages
<b>2</b> ➡	Submission from DWER Lot 64 Williams Court Palgarup	2 Pages

## ATTACHMENT APPENDIX

### 9.7.1 Review of Council Policy 2.5.3 Collection of Outstanding Infringement Notices

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	N/A
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Local Government Act 1995, Dog Act 1979, Cat Act 2011, Planning and Development Act 2005, Litter Act 1979</i>
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	26 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

Council policies require regular review to ensure the contents remain relevant and appropriate. Council Policy 2.5.3 Collection of Outstanding Infringement Notices (the Policy) requires an update. A copy of the current policy is appended as adopted by Council on 7 December 2023 is appended.

#### APPENDIX: 9.7.1 (A)

In December 2023, this Policy underwent a substantial review which broadened its application across the Statutory Planning, Building, Environmental Health and Rangers services of the Shire. Since that time a minor edit has been identified that requires the Policy to be updated. A copy of the reviewed policy is attached.

#### ATTACHMENT: 9.7.1 (1)

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

The minor edit simply adds an additional sentence to Point 5 in the Appeals Procedure section on Page 2. The sentence simply outlines that should appeal of the infringement not be upheld, the appellant has 28 days to pay.

No further changes to the policy are proposed.

## STATUTORY ENVIRONMENT

*Local Government Act 1995, Dog Act 1979, Cat Act 2011, Litter Act 1979 and Planning and Development Act 2005*

## POLICY AND STRATEGIC IMPLICATIONS

Policies should be periodically reviewed to ensure currency and effectiveness.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

## OFFICER RECOMMENDATION

**That Council adopt Policy 2.5.3 Collection of Outstanding Infringement Notices as attached at 9.7.1 (1).**

## ATTACHMENTS

1 ➡ Council Policy 2.5.3 Collection of Outstanding Infringement Notices - Reviewed	2 Pages
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## APPENDICES

A ➡ Council Policy 2.5.3 Collection of Outstanding Infringement Notices - Current	2 Pages
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## ATTACHMENT APPENDIX

### 9.8.1 Review of Council Policy 5.1.10 Exemption to the Requirement to Obtain a Traders/Stallholders Permit

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Food Act 2008, Health (Public Building) Regulations 1992.</i>
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	19 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

### BACKGROUND

Council Policy 5.1.10 Exemption to the Requirement to Obtain a Traders/Stallholders Permit (the Policy) has been in place since 26 April 2007, and was last reviewed 13 June 2019. A copy of the current Policy is appended.

### APPENDIX: 9.8.1 (A)

The Policy was scheduled for review in June 2023. A copy of the reviewed Policy is attached.

### ATTACHMENT: 9.8.1 (1)

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

### COMMENT

The current Policy is still relevant in its intent. Only a minor typographical change (italicisation) has been made to the existing reference to the *Food Act 2008* and *Health (Public Building) Regulations 1992*.

No other changes to this Policy are deemed necessary, and Council is requested to adopt it in accordance with Attachment **9.8.1 (1)**.

## **STATUTORY ENVIRONMENT**

- *Food Act 2008.*
- *Health (Public Building) Regulations 1992.*

## **POLICY AND STRATEGIC IMPLICATIONS**

Regular reviews are undertaken of Local Government operations and policies are necessary to provide strategic direction and improve operations.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.


Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**


## **OFFICER RECOMMENDATION**

**That Council adopt the reviewed Policy 5.1.10 Exemption to the Requirement to Obtain a Traders/Stallholders Permit as attached at 9.8.1 (1).**

**ATTACHMENTS**

- 1  Council Policy 5.1.10 Exemption to the Requirement to Obtain a Traders/Stallholders Permit - Reviewed 3 Pages

**APPENDICES**

- A  Council Policy 5.1.10 Exemption to the Requirement to Obtain a Traders/Stallholders Permit - Current 3 Pages

## ATTACHMENT APPENDIX

### 9.8.2      **Review of Council Policy 5.1.12 Windy Harbour Settlement On Site Treatment of Sewage and Disposal of Effluent and Liquid Waste**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	19 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

### **BACKGROUND**

Council Policy 5.1.12 Windy Harbour Settlement On Site Treatment of Sewerage and Disposal of Effluent and Liquid Waste (the Policy) has been in place since 24 January 2013, and was last reviewed 13 June 2019. A copy of the current Policy is appended.

#### **APPENDIX: 9.8.2 (A)**

The Policy was scheduled for review in June 2023. A copy of the reviewed Policy is attached.

#### **ATTACHMENT: 9.8.2 (1)**

### **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

### **COMMENT**

The current Policy is still relevant in its intent. Only minor typographical changes have been made to reflect reference to Policy 6.1.16 Windy Harbour Design Codes.

No other changes to this Policy are deemed necessary, and Council is requested to adopt it in accordance with Attachment 9.8.2 (1).

## **STATUTORY ENVIRONMENT**

- *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*

## **POLICY AND STRATEGIC IMPLICATIONS**

Regular reviews are undertaken of Local Government operations and policies are necessary to provide strategic direction and improve operations.

This Policy complements the Windy Harbour Management Plan, which outlines the principles for effluent disposal in Windy Harbour.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council adopt the reviewed Policy 5.1.12 Windy Harbour Settlement On Site Treatment of Sewerage and Disposal of Effluent and Liquid Waste as attached at 9.8.2 (1).**

**ATTACHMENTS**

- 1 ➡ Council Policy 5.1.12 Windy Harbour Settlement On Site Treatment of Sewerage and Disposal of Effluent and Liquid Waste - Reviewed 2 Pages

**APPENDICES**

- A ➡ Council Policy 5.1.12 Windy Harbour Settlement On Site Treatment of Sewerage and Disposal of Effluent and Liquid Waste - Current 2 Pages

## ATTACHMENT APPENDIX

### 9.8.3 Review of Council Policy 5.1.14 Windy Harbour Camping Ground

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Caravan Parks and Camping Grounds Act 1995</i> and subsidiary legislation
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	19 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

Council Policy 5.1.12 Windy Harbour Camping Ground (the Policy) has been in place since 13 December 2001, and was last reviewed 25 July 2019. A copy of the current Policy is appended.

#### APPENDIX: 9.8.3 (A)

The Policy was scheduled for review in July 2023. A copy of the reviewed Policy is attached.

#### ATTACHMENT: 9.8.3 (1)

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

The current Policy is still relevant in its intent. Only minor typographical changes have been made.

No other changes to this Policy are deemed necessary, and Council is requested to adopt it in accordance with Attachment **9.8.3 (1)**.

#### STATUTORY ENVIRONMENT

- *Caravan Parks and Camping Grounds Act 1995* and subsidiary legislation

## **POLICY AND STRATEGIC IMPLICATIONS**

Regular reviews are undertaken of Local Government operations and policies are necessary to provide strategic direction and improve operations.

This Policy complements the Windy Harbour Management Plan, which outlines the principles for management of the camping ground in Windy Harbour.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council adopt the reviewed Council Policy 5.1.12 Windy Harbour Camping Ground as attached at 9.8.3 (1).**

## **ATTACHMENTS**

1 ➡ Council Policy 5.1.12 Windy Harbour Camping Ground - Reviewed	3 Pages
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## **APPENDICES**

A ➡ Council Policy 5.1.12 Windy Harbour Camping Ground - Current	3 Pages
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## ATTACHMENT APPENDIX

### 9.8.4 Review of Council Policy 5.1.15 Windy Harbour Reticulated Water Usage and Use of Bores

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	N/A
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	19 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

Council Policy 5.1.12 Windy Harbour Reticulated Water Usage and Use of Bores (the Policy) has been in place since 14 December 2006, and was last reviewed 25 July 2019. A copy of the current Policy is appended.

**APPENDIX: 9.8.4 (A)**

The Policy was scheduled for review in July 2023. A copy of the reviewed Policy is attached.

**ATTACHMENT: 9.8.4 (1)**

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

The current Policy is still relevant in its intent. Only a minor typographical change has been made to reflect an abbreviated reference to coliform units per 100ml (CFU per 100ml) at Policy Measure 13.

No other changes to this Policy are deemed necessary, and Council is requested to adopt it in accordance with Attachment **9.8.4 (1)**.

#### STATUTORY ENVIRONMENT

- *Local Government Act 1995*

## **POLICY AND STRATEGIC IMPLICATIONS**

Regular reviews are undertaken of Local Government operations and policies are necessary to provide strategic direction and improve operations.

This Policy complements the Windy Harbour Management Plan, which outlines the principles for water management in Windy Harbour.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council adopt reviewed Policy 5.1.12 Windy Harbour Reticulated Water Usage and Use of Bores as attached at 9.8.4 (1).**

## **ATTACHMENTS**

1 ➡	Council Policy 5.1.12 Windy Harbour Reticulated Water Usage and Use of Bores - Reviewed	5 Pages
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## **APPENDICES**

A ➡	Council Policy 5.1.12 Windy Harbour Reticulated Water Usage and Use of Bores - Current	5 Pages
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**ATTACHMENT****9.9.1 Request for Financial Contribution to the Southern Forests Food Council Inc.**

<b>PROPONENT</b>	Southern Forests Food Council Inc.
<b>OWNER</b>	Southern Forests Food Council Inc.
<b>LOCATION / ADDRESS:</b>	Pt Lot 875 Reserve 43342, Manjimup
<b>WARD:</b>	Urban & Rural
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Community & Recreation Services
<b>FILE REFERENCE:</b>	F160285
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kelsie Brown
<b>DATE OF REPORT:</b>	21 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Southern Forests Food Council (SFFC) Inc represents local producers in the Southern Forests Region, commonly known as Western Australia's premier food bowl. SFFC acts as a single point of contact for over 100 growers, encompassing over 50 different types of produce. This array of produce is unified under one regional brand, known as 'Genuinely Southern Forests'.

The Shire of Manjimup (Shire) have received written correspondence from the SFFC, requesting a financial contribution to support them with their operations, beyond 30 June 2024. A copy of the letter is attached for Council's consideration.

**ATTACHMENT: 9.9.1 (1)**

The purpose of this report is for Council to consider the request received from the SFFC for the Shire to continue with the funding of \$25,000 (ex GST) per year for an additional three financial years being 2024/2025, 2025/2026 and 2026/2027.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

In November 2023, the State Government committed \$725,000, in instalments, to the SFFC to focus on activities and implement strategies that secure their long-term sustainability and enhance the Genuinely Southern Forest brand. The funding agreement is partly structured to support the association's operating activities until 30 June 2026, with the balance of \$575,000 dependent on the submission and approval of a three-year business plan to the

Department of Primary Industries and Regional Development. The business plan is currently being prepared by the SFFC Committee and will identify a clear pathway forward for financial stability for the organisation.

Since the SFFC's inception in 2012, the Shire have contributed \$25,000 (ex GST) each year to the incorporated body through its municipal marketing budget. Given the agricultural marketing and promotion benefits provided to the region directly from the efforts of the SFFC, it is recommended that Council supports the request to provide funding from the 2024/2025 marketing budget.

Furthermore, it is recommended that Council should consider supporting SFCC for the remainder of the requested three-year period, being 2025/2026 and 2026/2027, pending budget availability.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY AND STRATEGIC IMPLICATIONS**

The Shire of Manjimup's Strategic Community Plan 2021-2031 identifies the following Community Goals and Strategies that are relevant to the applicant's request:

- 2.6. The region grows in reputation as a world class culinary, agricultural, environmental and trails tourism destination; and
- B.4. Support sustainable agricultural expansion, value adding and downstream processing, research, and development, culinary and agri-tourism, land protections, and continued support for the Southern Forests Food Council.

## **ORGANISATIONAL RISK MANAGEMENT**

There is a real risk that the promotion and marketing of local produce from the Southern Forests Region would significantly diminish, should Council not support this request. The ongoing support and contribution from the Shire remains pivotal to SFFC's ability to deliver valued services, activities and exposure of the regions premium food, beverage and agribusiness offerings.

## **FINANCIAL IMPLICATIONS**

It is proposed that as per previous years, the funding is sourced from the Shire's marketing budget. The recommendation to support the upcoming financial year only, provides protection to the Shire and ensures no unwarranted budget pressures.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: The SFFC has a primary role to promote agriculture in the region. The benefits of this entity extend much further than value to members. It also markets and attracts of visitation to the Southern Forests region which has a significant economic benefit.

Social: The SFFC operates on a not-for-profit basis with their shop front providing an agricultural education function to the community.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Agree to support the Southern Forests Food Council Inc with a financial contribution of \$25,000 (ex GST) for the 2024/2025 financial year.**
- 2. Consider supporting the Southern Forests Food Council Inc for the 2025/2026 and 2026/2027 financial years, pending budget deliberations.**

### **ATTACHMENTS**

**1** ➡ SFFC Funding Request 2 Pages

### 9.9.2 Proposed Native Forest Transition Funding Project

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Rose Street Manjimup WA 6258
<b>WARD:</b>	Rural and Urban
<b>ZONE:</b>	NA
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F240063
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	22 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

### BACKGROUND

The purpose of this report is to seek Council's direction regarding the submission of an application for the Community Small Grants Fund (CSGF). The proposed project for consideration is the Community Futures Project, which was identified as the preferred option during the recent informal briefing session.

During the informal briefing session held on 14 March 2024, staff presented an update on the Native Forest Industry Transition CSGF. It was clarified that each impacted local government (LG) is eligible to submit one application for this fund. The deadline for submission is midday Wednesday 24 April 2024.

At the briefing session Council was presented with three proposals for consideration as the local government CSGF application. These proposals included:

1. A community mural project.
2. Conservation shelters for the Rail and Relics collection in the Manjimup Heritage Park.
3. A Community Futures Project.

Following discussions, the Community Futures Project was identified as the preferred option to form the basis of a CSFG application.

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

The objective of the CSGF program is to support proposals that build community vibrancy through delivering economic and community outcomes within the native forestry regions. To be eligible and successful, proposals must demonstrate alignment with at least one of the two CSGF objectives being as follows:

### **Objective 1: Stimulating or Diversifying Economies.**

This objective provides funding to foster economic growth and resilience in affected communities. To meet this objective, applicants need to demonstrate how their proposal will:

- Create new employment opportunities.
- Diversify business streams, products and/or sources of revenue.
- Increase productivity and/or revenue.
- Support businesses, including startups, to capitalize on existing or new markets.
- Support innovation and entrepreneurial activities that contribute to the local economy.
- Encourage investment attraction to the community.
- Facilitate a transition from native forest logging into alternative industries.

### **Objective 2: Inclusive and Thriving Communities**

This objective provides funding to proposals that deliver active participation and connection in affected communities. To meet this objective, applicants need to demonstrate how the proposal will:

- Develop sustainable community programs.
- Establish services and/or infrastructure that supports liveability in the community.
- Strengthen social cohesion through active participation and engagement in the community.
- Promote environmental sustainability that contributes to the long-term health of the community.
- Facilitate the long-term viability of community groups.
- Provide training and resources that build the skills and capabilities of the community.

The aim of the Community Futures Project is to look at each town individually and develop a comprehensive plan for their economic, social, and physical development. This of course is of particular importance following the ultimate closure of the Native Forest Timber Industry.

As some elected members will recall in 2011 South West Development Commission (SWDC) and the Shire of Manjimup undertook the Manjimup Futures consultation that was the precursor to the Manjimup Growth Plan and subsequently SuperTown Business Cases and resulting in extensive public and

private investment into the region. The aim of the Community Futures proposal is to emulate this outcome for each town, inclusive of a review of the Manjimup Growth Plan. The creation of comprehensive plans for the economic, social, and physical development of each town will facilitate future growth that can be planned and one where community projects, development and investment attraction can be targeted.

Based on the provided information, the proposed Community Futures Project aligns well with both the objectives of the Native Forest Industry Transition Fund Community Small Grants Fund (CSGF).

The Community Futures proposal would likely include:

- Community Survey's for Manjimup, Pemberton, Northcliffe, Quinninup, and Walpole.
- Futures forum within each town.
- Data interpretation.
- Economic Data Analysis
- Infrastructure audits
- Strategic documentation review
- Recommendations for the LG to improve policy and processes to support each community to be investment ready and guide development (Town Planning Scheme and Integrated Planning framework).

In conclusion the Community Futures Project offers a strategic approach to identify and address the economic, physical, and social needs of the native forestry regions, particularly in the wake of the transition from native forest logging. Therefore, it is recommended to proceed with the CSGF application for the proposed Community Futures Project. This initiative presents an invaluable opportunity to support economic growth, community vibrancy, and long-term sustainability within the affected towns.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **POLICY AND STRATEGIC IMPLICATIONS**

The Shire of Manjimup Community Strategic Plan 2021 – 2031 has numerous references supporting the objectives of the Community Futures Project proposal. The following Goals reference this:

1. Our Natural Environment:
  - 1.1 Natural landscapes, habitats and resources are sustainably managed for the benefit of existing and future generations.
2. Our Prosperity:
  - 2.1 New people and new businesses are attracted to the region.



- 2.2 Existing core industries, such as agriculture and timber, are resilient, innovative, and sustainable.
  - 2.3 The local economy is diversified and supports a range of industries and job opportunities.
  - 2.5 Local business thrives because it has access to information and support, and because the community maximises the use of local resources, services, and products.
3. 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.
  - 3.8 Diversity, inclusivity and harmony are the foundations of our strong community spirit, and we celebrate and honour our diverse cultures, heritage, and lifestyles.
4. Our Infrastructure:
- 4.4 Town centres are accessible, attractive, and inviting whilst maintaining their unique characters.
  - 4.5 Parks and open spaces are attractive and create opportunities for people to come together, socialise and enjoy a range of activity.

## **ORGANISATIONAL RISK MANAGEMENT**

The Community Futures proposal is directly focused at delivering a sound foundation to build and strengthen each town to deliver a platform for targeted economic investment and community development.

A LG submission to the CSGF may be perceived, by some, as depleting the funding pool available for community and small business to apply. However, it should be noted that in the last grant round funds were awarded to entities in Perth and Albany as well as to communities more directly impacted, as such there is no guarantee how funds will be allocated. All impacted LGs are eligible to apply, and it could be regarded as remiss of the Shire of Manjimup not to seek funds for the betterment of all communities.

At the end of the day there needs to be confidence, in the State's grant assessment process, that applications that best serve to meet the needs of the region will be successful.

## **FINANCIAL IMPLICATIONS**

The Community Futures Project is estimated to cost \$96,000, inclusive of consultancy services (est. at \$120 per hour @ 365 hours), survey (\$25,000), technical analysis (\$10,000), forums, travel, accommodation, and catering costs. The CSGF has a maximum funding allocation of \$100,000. Matching funds are not required. Shire resources will be required to facilitate the project. It is anticipated any costs would be covered under the operational budget.

## **SUSTAINABILITY**

Environmental: The environmental objective of the Community Futures Proposal is to facilitate a transition from native forest logging into alternative industries that are sustainable and optimise the regions natural assets.

Economic: The economic objective of the Community Futures Proposal is to devise a strategy for each Shire community; Manjimup, Pemberton, Northcliffe, Quinninup and Walpole, that will grow job opportunities, support and foster business development and enhance sustainable and liveable communities.

Social: The social objective of the Community Futures Proposal is to foster liveable communities that are attractive to new residents and promote retention of existing residence. The aim is to create inclusive, cohesive, and vibrant communities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council direct the Chief Executive Officer to proceed with the Native Forest Industry Transition Fund Community Small Grants Fund application for the proposed Community Futures Project.**

## ATTACHMENT APPENDIX

### 9.9.3 Consideration of a Request by the Pemberton Community Resource Centre Pertaining to the Lotterywest Fit-Out Grant for the Pemberton Community Co-location

<b>PROPONENT</b>	Pemberton Community Resource Centre
<b>OWNER</b>	Pemberton Community Resource Centre
<b>LOCATION / ADDRESS:</b>	Brockman Street Pemberton 6260
<b>WARD:</b>	Rural
<b>ZONE:</b>	Town Centre
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F160259
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	22 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

The Pemberton Community Co-location project was initiated for construction in late 2020. In December 2021, the Shire of Manjimup (Shire) took the initiative to apply for additional funding from Lotterywest to facilitate the fit-out and landscaping of the Hub, on behalf of all stakeholders involved. However, due to the Shire's existing grant with Lotterywest for the Hub's construction, the Pemberton Community Resource Centre (PCRC), as one of the seven stakeholders, offered to submit the grant application under their name.

Subsequently, in July 2022, the PCRC received notification of application outcome, with Lotterywest supporting the fit out with \$236,207,00. To streamline the grant management process and alleviate administrative burdens on the PCRC, the Shire provided necessary tools and templates for effective grant management. Collaboratively, stakeholders delineated responsibilities for expenditure through a meticulously prepared funding spreadsheet, appended.

#### APPENDIX: 9.9.3(1)

Throughout the fit-out phase, the PCRC gradually assumed administrative control of the Lotterywest grant. The Lotterywest fit-out grant is due for acquittal on 30 June 2024.

The PCRC has now submitted correspondence to the Shire:

1. Stating that there is approximately \$16,000 remaining in the budget allocated to the Shire of Manjimup.
2. Seeking Shire support for a Lotterywest grant allocation variation, proposing that the remaining \$16,000 be redirected to cover administrative and financial management costs incurred by the PCRC.

The correspondence is attached.

#### ATTACHMENT: 9.9.3(1)

Considering the correspondence received, this report seeks Council's determination on the PCRC's request.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The appended spreadsheet outlines the fit-out items, the project stakeholder responsible for purchasing it, and the funding sources. This spreadsheet was agreed upon by all stakeholders and submitted with the Lotterywest grant application. Upon purchasing the agreed-upon items, each stakeholder was to invoice the PCRC for the costs of these items to be reimbursed from the Lotterywest funding.

The Shire of Manjimup has diligently managed Lotterywest fit-out funds, in accordance with the responsibilities as outlined in the spreadsheet and adhering to the agreed-upon expenditure allocation. In May 2023 the Shire issued an invoice for \$14,108 (ex GST) to the Pemberton Community Resource Centre to recover expenditure for various components purchased being:

- Kitchen fit-out.
- Lining and Insulation (storerooms).
- Main reception desk.
- Towel dispenser.

A copy of the invoice is attached.

**ATTACHMENT: 9.9.3(2)**

To date the Shire has not received payment for this invoice.

The PCRC has indicated in their correspondence that there is approximately \$16,000 remaining in the grant allocated to the Shire. However, it's important to note that the PCRC still has an outstanding invoice from the Shire directly related to the grant, totalling \$14,108 (excluding GST). Consequently, considering the outstanding invoice, the actual amount of unspent grant funds, would be approximately \$1,892.

In consideration of the above Staff have identified three key options for Council to consider in responding to the PCRC request:

1. Decline the PCRC's request and request payment of the outstanding invoice: Given the Shire's adherence to agreed expenditure parameters and the outstanding \$14,108 (ex GST) invoice, maintaining the current

stance would uphold financial integrity, ensuring alignment with the grant and collaborative fit-out schedule agreed by stakeholders.

2. Support the request and waive the outstanding invoice by identifying a funding source: Acknowledging the PCRC's administrative role for the grant funds, Council may opt to support their request and cover the outstanding expenditure of \$14,108 (ex GST) from the 2023/24 municipal budget. As no Shire funds were allocated to these fit-out items, an appropriate budget source will need to be determined.
3. Decline the request and consider an ex-gratia payment: As per option 1 but with consideration of allocating an ex-gratia payment in the 2024/2025 financial year as recognition of the PCRC's efforts. This would facilitate the timely acquittal of the Lotterywest grant by the PCRC and reduce any additional administrative burden associated with seeking a variation. Furthermore, Council could consider the allocation of funds in the 2024/2025 financial year budget for an ex-gratia payment to the PCRC, acknowledging the additional work undertaken by the organisation.

To assist Council with determining an appropriate amount for such ex-gratia payment, the following is advised. Commonly costs for grant administration can vary between 1 and 10% of the grant amount, depending on the grant amount and the size and complexity of the project. Thus, for a grant amount of \$236,700, costs for grant administration amount could range from \$2,367 to \$23,670. Although the Lotterywest fit out project is relatively simple in nature, it could be considered a medium level complexity due to the number of stakeholders and transactions for items purchased. Therefore, an amount of 5% of the grant amount, equating to \$11,835, is recommended should Council wish to consider an ex-gratia payment to the PCRC.

In light of the above, option 3 is recommended for the following reasons:

- a) This option upholds integrity and is transparent towards the other project stakeholders and Lotterywest.
- b) It will allow the PRCR to acquit the grant without having to request a variation from Lotterywest.
- c) This option acknowledges the efforts of the PRCR in their administration of the grant funds.
- d) It will allow Council to allocate funds in the upcoming budget deliberation process for the 2024/2025 financial year.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Financial Management Regulations*

## **POLICY AND STRATEGIC IMPLICATIONS**

The significance of the proposed Pemberton Community Co-location project is supported in the following strategic documents:

Strategic Community Plan 2021-2031:

C1. Encourage co-locations, partnerships, and resource sharing to delivery community services.

Corporate Business Plan 2022-2026

3.1 The range of support services in our community are useful, empowering and aligned to community needs now and in the future:

C1. Encourage co-locations, partnerships, and resource sharing to deliver community services.

- C1.1 Progress the Pemberton Co-location Project to develop a new shared and comanaged facility for the Pemberton Visitor Centre, Community Resource Centre and Public Library and associated groups.

4.2 Community infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future.

## **ORGANISATIONAL RISK MANAGEMENT**

Community and not-for-profit groups across the Shire play a vital role in enhancing daily activities and lifestyle opportunities within our communities. Much of their work is carried out by volunteers or with limited resources, often in collaboration with the Shire and other community stakeholders, for the benefit of the broader community.

The Pemberton Community Co-location project and the Lotterywest fit out grant exemplify such collaborations. However, by agreeing to compensate the PCRC for grant administration, the Council may inadvertently establish a precedent for other groups undertaking activities or services on behalf of the Shire or other entities.

## **FINANCIAL IMPLICATIONS**

To date, the Shire has demonstrated a significant financial commitment to the Pemberton Community Hub, bearing the brunt of financial burdens arising from construction issues and cost escalations. The Shire played a pivotal role in preparing the fit-out grant application in collaboration with and on behalf of all seven stakeholder groups involved in the project.

While the outstanding amount of \$14,108 may seem minor in the context of the overall \$2.5 million budget (see below table), it is important to note that these funds were allocated and utilised in alignment with stakeholder activities at the Hub, thereby contributing to the project's collective benefit. The Shire has purchased these items, in good faith, on the basis the grant would fund these items, and as such is entitled to reimbursement by the PCRC through the grant funds.

<b>Funding Source</b>	<b>Shire</b>	<b>Lotterywest Construct</b>	<b>Lotterywest Fit Out</b>	<b>Other (approx.)</b>	<b>Total</b>
Funding Amount	\$1,282,700	\$918,800	\$236,700	\$100,000	\$2,538,200

**Table 1: Pemberton Community Hub summary expenditure to date.**

Council will also note that Shire Staff have commenced the preparation of an additional Lotterywest grant application that will require an additional budget commitment from Council in the 2024/2025 financial year.

Should Council elect to support the request by the PCRC a suitable funding source within the current (FY 2023/2024) municipal budget will need to be identified. Please note that such decision of Council would require an Absolute Majority vote.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: While it remains a priority to ensure equity across all community groups within the Shire, the reality of limited ratepayer funds sometimes makes it impractical for the Council to accommodate every request for financial assistance. However, it is crucial to emphasise that this limitation does not diminish the respect and recognition that the Council holds for the invaluable role and activities performed by community groups.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council**

- 1. Advise the Pemberton Community Resource Centre that it does not support their request to make application to Lotterywest for a variation to the Pemberton Community Co-location Lotterywest fit out grant for \$16,000 on the basis that:**

- a. The allocated amount of \$14,108 (ex GST) to the Shire of Manjimup has already been expended in accordance with the agreed funding spreadsheet.
  - b. An invoice was issued to the Pemberton Community Resource Centre on 15 May 2023 for the aforementioned amount and is now outstanding.
2. Advise the Pemberton Community Resource Centre that it supports a variation to the Lotterywest grant for any funds remaining after the payment of any outstanding invoices.
3. Agrees to give consideration, during the 2024/2025 budget deliberation process, to allocating an ex-gratia payment of \$11,835 to the Pemberton Community Resource Centre. This payment serves as recognition of the administrative works undertaken on behalf of Pemberton Community Co-location stakeholders, demonstrating appreciation for their contributions to the fit-out.

#### **ATTACHMENTS**

- |            |  |           |
|------------|--|-----------|
| <b>1</b> ➡ | Pemberton CRC Request for Shire to Agree to Lotterywest Variation              | 1<br>Page |
| <b>2</b> ➡ | Unpaid Invoice Pemberton Community Resource Centre - Lotterywest Fit-Out Grant | 1<br>Page |

#### **APPENDICES**

- |            |  |        |
|------------|--|--------|
| <b>A</b> ➡ | Pemberton Community Hub - Fit Out Overview | 1 Page |
|------------|--|--------|



**ATTACHMENT****9.15.1 Unconfirmed Minutes of the Airfield Management Committee  
Held 13 March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Dawn Road
<b>WARD:</b>	Urban
<b>ZONE:</b>	Public Purposes
<b>DIRECTORATE:</b>	Works and Services
<b>FILE REFERENCE:</b>	F170380
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Civil Aviation Safety Authority (CASA) Regulations 1998</i>
<b>AUTHOR:</b>	Michael Leers
<b>DATE OF REPORT:</b>	26 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The purpose of this report is to present to Council the unconfirmed minutes of the Airfield Management Committee meeting held 13 March 2024. A copy of the unconfirmed minutes is attached.

**ATTACHMENT: 9.15.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

There were two recommendations made by the Airfield Management Committee with one recommendation requiring Council approval.

<b>Committee Recommendation</b>	<b>Officers Comment</b>
Approve Department of Biodiversity, Conservation and Attractions works to concrete a pad at the edge of the spotter plane hangar with all associated costs and permits being the responsibility of DBCA	Supported, and dealt with administratively.
Amend the Terms of Reference to include Suketu Bhatt as the Manager of Technical Services	Supported, and dealt with as part of the recommendation to Council in this report.

Following review of the current Terms of Reference and the Committee's decision, the amended Terms of Reference are attached.

**ATTACHMENT: 9.15.1 (2)**

## STATUTORY ENVIRONMENT

*Local Government Act 1995 and Civil Aviation Safety Authority (CASA) Regulations 1998 Part 123*

## POLICY AND STRATEGIC IMPLICATIONS

The airfield services a large geographical area providing emergency access to firefighting and hospitals.

## ORGANISATIONAL RISK MANAGEMENT

There is no risk to the organisation with Council accepting the minutes and recommendations contained in this report.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: The Airfield is critical infrastructure to the community.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION

That Council:

1. **Receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 13 March 2024, as shown in Attachment: 9.15.1(1).**
2. **Amend the Airfield Management Committee Terms of Reference as shown in attachment: 0.0 (2).**

## ATTACHMENTS

- |     |   |         |
|-----|---|---------|
| 1 ➡ | Airfield Management Committee Minutes 13 March 2024 | 4 Pages |
| 2 ➡ | Terms of Reference                                  | 2 Pages |

**ATTACHMENT****9.16.1 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 20 March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	All
<b>ZONE:</b>	All
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F170449
<b>LEGISLATION:</b>	<i>Emergency Management Act 2005, Local Government Act 1995</i>
<b>AUTHOR:</b>	Nicole Favero
<b>DATE OF REPORT:</b>	4 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Local Emergency Management Committee (LEMC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. As stated within the Terms of Reference, the purpose of the Committee is, in accordance with *Section 39 of the Emergency Management Act 2005*:

- a) To advise and assist the Council in ensuring that local emergency arrangements are established;*
- b) To liaise with public authorities and other persons in the development, review and testing of Local Emergency Management Arrangements; and*
- c) To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by regulations.*

The unconfirmed Minutes of the latest LEMC meeting held on the 20 March 2024 are attached.

**ATTACHMENT: 9.16.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil

**COMMENT**

As reflected within the unconfirmed minutes, the committee was briefed on several matters relating to recent incidents in the South West.

The committee resolved to support four recommendations, the resolutions passed at the meeting are detailed below:

That the unconfirmed Minutes of the Local Emergency Management Committee Meeting held Wednesday, 28 June 2023 and the Informal Notes of the Meeting held Wednesday, 13 December 2023 be confirmed as a true and correct record.	The LEMC resolution is supported.
That Council confirm and accept the application for the addition of Main Roads WA as a non-voting membership to the Local Emergency Management Committee Terms of Reference 2023-2025, representatives being Bruce Hancock and Anthony Willetts.	The LEMC resolution is supported. A separate item is prepared for Council.
That Council confirm and accept the amendments to Appointments of the Local Emergency Management Committee Terms of Reference 2023-2025, being Renee Flaxman as delegate and Mark Schorer as proxy for Department of Communities.	The LEMC resolution is supported. A separate item is prepared for Council.
That Council confirm and accept the nomination to Appointments of the Local Emergency Management Committee Terms of Reference 2023-2025, being Claudia Tschopp as Proxy A and Sharon Johnson as Proxy B for Warren Health Services.	The LEMC resolution is supported. A separate item is prepared for Council.

As reflected in three of the resolutions above, agenda item 9.16.2 has been included within this agenda for the amended *Local Emergency Management Committee Terms of Reference 2023-2025*.

## STATUTORY ENVIRONMENT

*Emergency Management Act 2005* and the *Local Government Act 1995*.

## POLICY AND STRATEGIC IMPLICATIONS

The operation of the Local Emergency Management Committee is consistent with the *Shire of Manjimup Strategic Community Plan 2021-2031*, with specific reference to the following Community Goals and associated Strategies:

Community Goals

3.3 *Our whole community participates in strategies to ensure we are minimising risks in regards to bushfire and other natural emergencies.*

3.5 *Residents feel safe, secure and comfortable at home, work and at play.*

Strategies

C22 *Prepare for emergencies and natural disasters.*

**ORGANISATIONAL RISK MANAGEMENT**

By participating in the LEMC, Shire Officers are seeking to minimise risks to the Shire, its residents and assets associated with local level emergencies.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

**That Council receive the unconfirmed Minutes of the Local Emergency Management Committee Meeting held Wednesday, 20 March 2024 as shown in Attachment 9.16.1 (1).**

**ATTACHMENTS**

1 ➡ Local Emergency Management Committee (LEMC) Meeting - 20 March 2024 - Minutes	26 Pages
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## ATTACHMENT APPENDIX

### 9.16.2 Proposed Amendments to the Local Emergency Management Committee Terms of Reference

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	All
<b>ZONE:</b>	All
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F170496
<b>LEGISLATION:</b>	<i>Emergency Management Act 2005 and Local Government Act 1995</i>
<b>AUTHOR:</b>	Nicole Favero
<b>DATE OF REPORT:</b>	19 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND

The Local Emergency Management Committee (LEMC) is required to be formed under clause 38 of the *Emergency Management Act 2005* with the following functions in accordance with clause 39 of that Act:

- a) To advise and assist Council in ensuring that local emergency arrangements are established;*
- b) To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- c) To carry out other emergency management activities as directed by the SEMC or prescribed by regulations.*

Membership of LEMC consists mainly of Emergency Management staff and volunteers from the Shire of Manjimup and Departments or Agencies that may have a role in emergency management throughout the Shire of Manjimup.

The appointment of elected members to the Committee, conduct of the committee including frequency of meetings and delegations are reflected within the Terms of Reference adopted under the *Local Government Act 1995*. The current *Local Emergency Management Committee - Terms of Reference 2023-2025 Version 1* can be found in the attached Appendix.

#### APPENDIX: 9.16.2 (A)

Council is requested to consider modification of the current Terms of Reference to adjust the composition of the committee in accordance with a resolution of LEMC at its 20 March 2024. A copy of the new draft *Local Emergency*

*Management Committee - Terms of Reference 2023-2025 Version 2* is shown attached.

**ATTACHMENT: 9.16.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

As reflected within this Council Meeting agenda, LEMC reviewed the Terms of Reference at its meeting held on the 20 March 2024 and recommended that Council confirm and accept the amendments to Appointments and additional membership of the *Local Emergency Management Committee Terms of Reference 2023-2025* for the two-year period that commenced 22 October 2023.

The following is a summary of the new application for membership and the nominated Appointments for amending:

1. Main Roads WA as an additional non-voting membership, representatives being Bruce Hancock and Anthony Willetts; and
2. Department of Communities new nominations of Renee Flaxman to the position of LEMC Delegate and Mark Schorer as Proxy; and
3. Warren Health Service nominations of Claudia Tschopp as Proxy A and Sharon Johnson as Proxy B.

**STATUTORY ENVIRONMENT**

The LEMC is established in accordance with *Emergency Management Act 2005* and governed by the *Local Government Act 1995* as a Committee of Council.

**POLICY AND STRATEGIC IMPLICATIONS**

The operation of the Local Emergency Management Committee is consistent with the *Shire of Manjimup Strategic Community Plan 2021-2031*, with specific reference to the following Community Goals and associated Strategies:

*Community Goals*

- 3.3 *Our whole community participates in strategies to ensure we are minimising risks in regards to bushfire and other natural emergencies.*
- 3.5 *Residents feel safe, secure and comfortable at home, work and at play.*

*Strategies*

- C22 *Prepare for emergencies and natural disasters.*

## ORGANISATIONAL RISK MANAGEMENT

By participating in the LEMC, Shire Officers aim to minimise risks to the Shire, its residents and assets associated with local level emergencies.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

## OFFICER RECOMMENDATION

That Council confirm and accept the amendments to Appointments and additional membership of the *Local Emergency Management Committee Terms of Reference 2023-2025* for the two year period that commenced 22 October 2023 as follows:

1. Main Roads WA as an additional non-voting membership, representatives being Bruce Hancock and Anthony Willetts; and
2. Department of Communities new nominations of Renee Flaxman to the position of LEMC Delegate and Mark Schorer as Proxy; and
3. Warren Health Service nominations of Claudia Tschopp as Proxy A and Sharon Johnson as Proxy B.

## ATTACHMENTS

- |     |   |            |
|-----|---|------------|
| 1 ➡ | The new draft Local Emergency Management Committee - Terms of Reference 2023-2025 Version 2 | 2<br>Pages |
|-----|---|------------|

## APPENDICES

- |     |   |            |
|-----|---|------------|
| A ➡ | The current Local Emergency Management Committee - Terms of Reference 2023-2025 Version 1 | 2<br>Pages |
|-----|---|------------|



**ATTACHMENT  
APPENDIX**

**9.16.3 Unconfirmed Notes of the Manjimup Recreation Advisory Committee Meeting held 25 March 2023**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Parks and Recreation
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F170452
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Shammara Markotis
<b>DATE OF REPORT:</b>	27 March 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Manjimup Recreation Advisory Committee (MRAC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

The purpose of the Committee is:

- To provide advice to Council on the development, management and promotion of sport and recreation facilities in Manjimup.
- To make recommendation to Council regarding matters that will improve the use and sustainability of the sport and recreation facilities in Manjimup for the benefit of the broader community.
- To provide advice on trends in sport and recreation (e.g. participation rates, regulations, facilities).
- To guide & provide feedback to Council and staff in relation to strengthening key programs (such as: KidSport, GoodSport, Youth, Seniors, Club Development, Access & Inclusion).
- To provide feedback and advice regarding financial matters pertaining to sport and recreation; and
- To provide feedback and advice in terms of Council's annual adoption of fees and charges.

The current Terms of Reference are appended.

**APPENDIX: 9.16.3(A)**

The purpose of this report is to present the unconfirmed meeting notes of the MRAC meeting held on 25 March 2024, as attached, for Council consideration.

**ATTACHMENT: 9.16.3 (1)**

Furthermore, this report seeks Council endorsement of several proposed changes to the representative positions of the committee. The proposed amended Terms of Reference are attached.

**ATTACHMENT: 9.16.3 (2)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

At the meeting Peter Simpson, Manjimup Tennis Club President, requested the nomination of Tim Ioannou to fill the vacant Tennis proxy representative position on the committee. Tim is a current committee member and coach of the Manjimup Tennis Club.

In addition, Tanya Terrigno is the incoming President of the Manjimup Netball Association and has requested to join the committee as a netball representative.

The Manager Parks and Gardens (non-voting) position is currently vacant due to the resignation of Spencer Roberts. This position on the committee will remain vacant until the recruitment process has been completed.

The attached proposed Terms of Reference has been amended to reflect the above requests.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY AND STRATEGIC IMPLICATIONS**

The purpose of the Committee supports the following strategy within the Shire of Manjimup Strategic Community Plan 2021-2031:

- C18 - Create, support, and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Collaboration between sporting clubs and community members is important in the sustainable development of community sport and recreational facilities.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION

That Council:

1. Receive the unconfirmed meeting notes of the Manjimup Recreation Advisory Committee Meeting held 25 March 2024 as per Attachment: 9.16.3(1).
2. Accept the nomination of Tim Ioannou as the Tennis proxy representative.
3. Accept the nomination of Tanya Terrigno as the Netball proxy representative.
4. Acknowledge the resignation of Spencer Roberts as the Manager Parks and Gardens (non-voting) representative and note this position is vacant.
5. Adopt the amended Terms of Reference of the Manjimup Recreation Advisory Committee as per Attachment: 9.16.3 (2).

### ATTACHMENTS

- |    |  |            |
|----|--|------------|
| 1⇒ | Proposed Manjimup Recreation Advisory Committee Terms of Reference - April 2024            | 2<br>Pages |
| 2⇒ | Unconfirmed Notes of the Manjimup Recreation Advisory Committee Meeting held 25 March 2024 | 6<br>Pages |

### APPENDICES

- |    |  |            |
|----|--|------------|
| A⇒ | Manjimup Recreation Advisory Committee Terms of Reference - October 2023 | 2<br>Pages |
|----|--|------------|

**10. LATE REPORTS:**

**11. QUESTIONS FROM MEMBERS:**

**11.1 Response to questions from members taken on notice.**

Nil members' questions on notice.

**11.2 Questions from members.**

**12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

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

## 14. MEETING CLOSED TO PUBLIC

14.1 Matters for which the meeting may be closed

### 14.1.1 Unconfirmed Minutes of the Chief Executive Officer Review Advisory Committee Meeting held 25 March 2024

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	N/A
<b>WARD:</b>	Whole of Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Office of CEO
<b>FILE REFERENCE:</b>	F170461
<b>LEGISLATION:</b>	<i>Local Government Act 1996, Local Government (Administration) Regulations 1996</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	28 March 2024
<b>DECLARATION OF INTEREST:</b>	The Chief Executive Officer has not participated in the Committee processes or minute production. The author of this report is employed by the CEO, however all decisions have been directed by the Committee.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (a) of the Local Government Act 1995 it deals with a matter affecting an employee or employees.

### 14.2 Public reading of resolutions that may be made public.

**15. APPLICATIONS FOR LEAVE OF ABSENCE:**

**16. CLOSURE:**

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