



SHIRE OF
MANJIMUP

MINUTES

COUNCIL MEETING

10 NOVEMBER 2016

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chambers, Manjimup, Thursday, 10 November 2016.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

2. ANNOUNCEMENTS BY THE PRESIDENT: Nil

3. ATTENDANCE:

PRESENT:

Councillors

Cr W De Campo (Shire President)

Cr D Bavich

Cr L Daubney

Cr V Herbert

Cr D Jenkins

Cr C Logan

Cr G Munro

Cr P Omodei

Cr D Tapley

Cr R Taylor

Cr C Winfield

Staff

Mr Andrew Campbell (Chief Executive Officer)

Mr Greg Lockwood (Director Business)

Ms Gail Ipsen Cutts (Director Community Services)

Mr Brian Robinson (Director Development & Regulation)

Mr Michael Leers (Director Works & Services)

Ms Gaye Burridge (Corporate Administration Officer)

Gallery

Colin Crombie

Henry Alan Thompson

Janet M Thompson

Alf Cash

Carole Perry

Yvonne Cash

Diane di Lanzo

Mark di Lanzo

David Savage

Kathy Savage

Tim Foley

Gary Tiszavolgyi

Michelle Tiszavolgyi

Helene Blechynden

Bevan Eatts

Vick Grozotis

Terry Starkie

Grant Monk
 Garry McWilliam
 Syd Brunalli
 Murray Ventris
 Roger Bettoni
 Sarah Jayne Griffiths
 David Giblett
 Nancy Giblett
 Shaun East
 Deanne Hosey
 Sharleen Simpson
 Peter Simpson
 Cindy Gibellini

Media

Cecilia Allen
 Tari Jeffers

3.1 Apologies: Nil

3.2 Leave Of Absence: Nil

4. DECLARATIONS OF INTEREST:

The Chief Executive Officer advised that he has received three Declarations of Financial Interest from Councillors Winfield, Daubney and DeCampo, a Proximity Interest from Councillor Logan and Impartiality Interests from Councillors DeCampo, Winfield, Omodei, Taylor and Herbert.

Cr DeCampo declared a Financial interest in Item L. 1 as he is transporting a Christmas tree for free from Perth to Manjimup. Cr DeCampo also declared an Impartiality Interest in Item 9.13.2 as he is the owner of a transport company.

Cr Logan declared a Proximity Interest in item 9.5.3 as she lives on Dingup Road.

Cr Daubney declared a Financial Interest in Item 9.5.3 as she leases to owner for agriculture purposes.

Cr Winfield declared an Impartiality Interest in Item 9.15.2 as he is a member of the Southern Forests Food Council. Cr Winfield also declared a Financial Interest in Items 9.13.2 and 9.3.5 as his wife's business is a Shire contractor.

Cr Taylor declared an Impartiality Interest in Item 9.15.2 as he is a member of the Manjimup Agricultural Expansion Project Management Committee.

Cr Herbert declared an Impartiality Interest in Items 9.3.5 and 9.3.9 as a family member operates a business in town centre, and Item 9.3.11

has he is a committee member of the Pemberton Aged Accommodation.

Cr Omodei declared an Impartiality Interest in Item 9.15.2 as he is a shareholder in Perth Market Limited, and Item 9.3.11 as he is the deputy president of Pemberton Aged Accommodation Inc.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil

5.2 Public Question Time

5.2.1 Alan Thompson – Dingup Resident. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Have lived on Dingup Road for 16 years.
- Main objection is the use of Dingup Road by trucks.
- Look for alternative route.
- Do not support the proposal in its current form.

5.2.2 Shaun East – Dingup Resident. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Have no objection to the gravel pit.
- Only issue is the road use by trucks.
- Shire needs to spend money on roads in the Dingup area in view of the volume of trucks if proposal goes ahead.

Shire President Responded: The Shire spends \$5m per year on roads in the Shire. \$3m on maintenance and \$2m on construction. It is up to your Ward Councillors to state your case during budget process.

5.2.3 Gordon Smith – President, Pemberton Aged Accommodation Inc. 9.3.11

- Plan of road to be constructed within road reserve handed to Councillors, works to be undertaken at the end of Hospital Ave to divert water down to the new road.
- Report doesn't address question asked, which was, whether Council would consider constructing the road within the road reserve, now that it is a dedicated road reserve.
- We would ask that this item be deferred to the next meeting so that more discussion can be had with Officers.

Shire President responded: Cr Herbert may be able to recommend that for you.

5.5.4 Yvonne Cash – President of Pioneer Northcliffe Museum.

- Many years ago George Gardiner planted trees around the Museum. The trees are now huge and present a fire hazard.
- We would ask that the Shire cut some of the trees down.

Shire President Responded: Make a formal request to Council in writing and it will be assessed.

Roger Bettoni- President of the Pemberton Chamber of Commerce.

- Imminent closure of the Pemberton Mill and MPC in Manjimup.
- The closure of the Mill will impact Pemberton in a number of ways, economically, socially, number of students at schools etc.
- Have Council done anything? Lobbied State Government or anything else that could assist with softening the impact of the Mill closure in Pemberton.

The Shire President responded: Council has been in Contact with AusWest with regard to their employees, 40 employees from Manjimup MPC have taken up Expressions of Interest to work at Greenbushes. 4 - 6 are taking redundancy.

In Pemberton a number of employees are taking up positions at Greenbushes. There are also a number of redundancies. AusWest is doing the right thing and giving as much assistance as possible to their employees. State manager met with every employee and is providing support services.

Economic stimulus is difficult. Local Tourism Organisation is in the formulating stages. Hopefully into the future it will bring more visitors to the region.

Mr Bettoni: Do you know what is going to happen to the Mill site in Pemberton?

Shire President responded: The site is heritage listed. A major industry is looking at the site but that is in discussion stage only.

The Shire is also looking at the site for a Light Industrial Area.

5.5.5 Murray Ventris – Pemberton Resident.

- Thank you for the work already done with regard to the closing of the Pemberton Mill.
- Look at engaging help from the State Government.
- State has enjoyed the fruits of the timber industry labour in the past.
- Need to look at other matters such as telecommunications and tourism.

The Shire President responded: The Shire is looking at a multi-agency response to the closure of the Mill for the displaced employees.

The Federal Government is already supporting us. There are nine new phone towers going up in our Shire.

The Chief Executive Officer responded: Watch this space regarding the NBN, we've been working hard to get away from fixed point wireless or satellite. Further details are embargoed at this point.

The Shire President responded: AusWest had 3 options:

- Build a new greenfield site in Manjimup for \$30m,
- Aggregate their facilities in Greenbushes; or
- Close completely.

We thought their best option was to go to Greenbushes and in the first month they made a profit which they hadn't done since they purchased the business.

5.5.6 Tim Foley – Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Not anti-gravel extraction.
- No other options investigated.
- No consultation with the neighbours.
- Process seems lacking.
- Need to look at short and long-term impact of extractive industries going into the future.

Shire President responded: Development applications can only be assessed on what is put in front of them. Options can't be given to neighbours.

5.5.7 Deanne Hosey - Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Bought property 10 years ago as a special rural area.
- Safety of children riding on Dingup Road.
- Will have to deal with a lot of dust, views and native wildlife will be impacted.

The Shire President responded: So that you know, where your land is zoned Special Rural, where the gravel is being extracted from is zoned Priority Agriculture.

5.5.8 Kathy Savage – Dingup Road Resident – Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Will a safety certificate be issued to confirm that it is a safe entry point?
- Near miss accident at entry to property.
- Do not support this gravel extraction industry going ahead.

- Want stronger restrictions put in place if it is to go ahead.
- Dingup House is the only historic property in the area.
- There will be noise and dust.
- Our view is affected.
- Who is going to police the number of trucks on the road?
- Is there any passion in the Shire for heritage and tourism?
- SFFC has spent thousands of dollars promoting the region as a premier food bowl.

Shire President responded: Operating hours have been reduced to 8.30am to 3.00pm.

Heritage is a very subjective issue. Heritage buildings have been left with facades only.

5.5.8 Gary Tiszavolgyi – Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- No objection to a gravel pit.
- Should have a look at different entry/exit options.
- Drinking water issues.
- Solar panels will be impacted by dust.

Shire President responded: If this item gets knocked back then the applicant has another opportunity to look at access and come back to us.

5.5.9 Michelle Tiszavolgyi - Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Asking Council to look at this report holistically.
- We are a tight knit community and would ask that you take that into account when making your decision.

5.5.10 Vick Grozotis – Owner of Manjimup Backpackers - Item 9.13.2 – Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- Oppose the Overnight Vehicle Stop.
- Haven't seen any economic impact information for the Overnight Vehicle Stop.
- Is Council aware of the 118 page report done for Geraldton on the impact of an overnight vehicle stop in the area.
- Cost of policing is large.
- Who will be maintain the amenities at the stop.
- Costly facility.
- Shire should defer the report.
- The Overnight Vehicle Stop could have significant costs without any economic benefits to our community.

Shire President responded: We do look at everything very seriously and consider everything on its own merits. We subsidise the AquaCentre for \$650,000 per year, so that we have a 7 day a week facility. A decision will be made on this proposal tonight.

5.5.11 Garry McWilliam – Owner of Manjimup Caravan Park. Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- This Overnight Vehicle Stop will impact on our business.
- All RV's are welcome at our caravan park.
- Backpackers are welcome if they are sightseers, we don't supply facilities for itinerant workers.
- Truck drivers use our showers and toilets.
- We chose to buy this caravan park for a number of reasons including the strength of growth in the area and the demographic.
- For the rest of the revitalisation of the town the Shire is doing a great job.

5.5.12 Terry Starkie – Owner of Farmlink Rural – Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- Farmlink is directly opposite the proposed Overnight Vehicle Stop.
- Not the area for this facility.
- To provide free accommodation in direct competition with two or three caravan parks already in the area doesn't make sense.
- Mixing industry and recreation doesn't make sense.
- Have some security concerns but these may have been mitigated.

5.5.13 Grant Monk – Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- Opposed to the Overnight Vehicle Stop.
- Mixing industry and recreation doesn't make sense.

5.5.14 Mark Dronow Proponent of Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- The application had to cover all bases. It was worst case scenario.
- If it was day in day out, I wouldn't use Dingup Road.
- I have no issues with the restrictions that have been imposed by the recommendation. Can easily work within these restrictions.

- Will look at different entry/exits in the future.

Shire President responded: The recommendation is operate between 8.30am to 3pm, no more than 10 loads of gravel per day and a dust mitigation plan is required.

5.5.14 Syd Brunalli - Item 9.5.3 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

- The Shire is not supporting small business.

5.5.15 Cindy Gibellini - Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- What is the speed limit to be on Dingup Road?

The Shire President responded: Whatever is currently gazetted. Main Roads are the only ones who set speed limits. They can only restrict limits with a RAV vehicle on Tier 2 roads. The Shire has no ability to change speed limits.

5.5.16 Deanne Hosey - Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- With children walking on Dingup road are we able to have the speed limit reduced to 40kph as it is in bus zones?

Shire President responded: No. Main Roads are the only group who can change speed limits and if they were to change that road to 40kph then they would have to do it for other areas and that is highly unlikely to happen.

5.5.17 Kathy Savage - Dingup Road Group. Item 9.5.3 Proposed Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup.

- Who will police the number of trucks on Dingup Road?

Director Development and Regulation responded: We would hope that the respondent adheres to the conditions. If we needed to we do have tools available to us to put counters on the driveway and Dingup Road to count the vehicles entering and leaving.

6. PRESENTATIONS:

- 6.1 Petitions: Nil
- 6.2 Presentations: Nil
- 6.3 Deputations: Nil
- 6.4 Delegates' reports: Nil
- 6.5 Conference reports: Nil

7. CONFIRMATION OF MINUTES:**MOVED: Bavich, D SECONDED: Logan, C****26828****That the Minutes of the Ordinary Meeting of the Council held on 20 October 2016 be confirmed.****CARRIED: 11/0****8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil****9. COUNCIL OFFICERS' REPORTS:****MOVED: Logan, C SECONDED: Daubney, L****26829****"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 120 of the Agenda with the exception of:****CARRIED: 11/0**

9.3.2	Budget Review Adjustments - September 2016
9.3.5	Proposed Purchase of Reserve 14809 Jaycees Park as Freehold
9.3.11	Proposed Pemberton Aged Accommodation Access
9.5.1	Proposed Land Clearing at Lots 111, 112 Howe Court and 113 Karri Street, Walpole
9.5.3	Proposed Industry - Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup
9.9.2	Proposed Budget Amendment for Development of Northcliffe Recreation Grounds Master Plan
9.13.2	Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup
9.15.2	Minutes of the Manjimup Agricultural Expansion Project Management Committee Meeting 27 October 2016
9.16.1	Meeting Notes of Manjimup Recreation Advisory Committee Meeting held 13 September 2016

Items passed by En Bloc Resolution

- 9.1.1 2016 Ward and Representation Review Request to Undertake Public Consultation
- 9.1.2 Annual Report for 2016 and Notice of 2016 Annual Electors Meeting
- 9.1.3 Proposed Extension of Contract of Employment Director Community Services
- 9.1.4 September 2016 Quarterly Report - Office of the CEO
- 9.2.1 Proposed Council Meeting Dates for 2017
- 9.3.1 Monthly Financial Activity Statement - September 2016
- 9.3.3 Proposed Review of Council Policy 4.1.3 Accounting Policies
- 9.3.4 Council Financial Payments August 2016
- 9.3.6 Proposed Lease to Walpole Yacht Club Inc - Two Bay Shed on Reserve 34162

- 9.3.7 Proposed Lease to Northcliffe Pioneer Museum Inc - Reserve 22973
- 9.3.8 Proposed Lease to Southern Forests Arts Inc - Sculpture Trail on Reserves 46739 and 23740
- 9.3.9 Proposed Lease to The Country Women's Association of WA Inc - Reserve 43343 Giblett St, Manjimup
- 9.3.10 Proposed Request for Management Order for Reserve 46741 - Portion of Railway, Northcliffe
- 9.3.12 Proposed Boundary Realignment for Site 129 Windy Harbour
- 9.5.2 Proposed Low Impact Tourist Accommodation (Eco - Tents) at Lot 7721 (80) Stirling Road, Channybearup
- 9.5.4 Proposed Planning Policy - Seasonal (Backpacker) Camping Grounds
- 9.5.5 Proposed Animal Husbandry (Intensive) - Free Piggery - Location 9845 Ephraim Gully Grove, Yanmah
- 9.7.1 Appointment of Fire Control Officers for the 2016 / 2017 Bush Fire Season
- 9.9.1 Quarterly Report July - September 2016 Community Services Directorate
- 9.13.1 Review of Policy of Council 10.2.2 Standard of Maintenance for Parks Assets Within the Shire
- 9.13.3 Review of Waste Management Council Policy 9.2.1 Waste Disposal Tipping Fees and Charge Exemptions and Council Policy 9.2.2 Waste Collection Policy
- 9.15.1 Minutes of the Northcliffe Forest Park Management Committee Meeting held 12 October 2016
- 9.16.2 Minutes of the Manjimup Timber & Heritage Park Advisory Committee Meeting held 20 September 2016

ATTACHMENT**9.1.1 2016 Ward and Representation Review Request to Undertake Public Consultation**

PROPONENT OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Whole of Shire
ZONE:	All
DIRECTORATE:	All
FILE REFERENCE:	Office of CEO
LEGISLATION:	F16139
AUTHOR:	Local Government Act 1995
DATE OF REPORT:	Andrew Campbell
DECLARATION OF INTEREST:	25/10/2016
	Nil

BACKGROUND:

The Local Government Act 1995 requires that every eight years all local Governments in Western Australia are required to undertake a Ward and Representation Review.

On 25 August 2016, the Local Government Advisory Board resolved to request the Shire of Manjimup undertake a Ward and Representation Review and notification of this request was received soon after.

ATTACHMENT: 9.1.1 (1)

The purpose of the review is to both assess current Ward boundaries and the number of Councillors allocated to each Ward to identify if the current system or an improved system of representation is implemented to best suit the characteristics of the district and electors.

In following the defined statutory process, the Shire of Manjimup is required to produce a discussion paper for a six week public consultation period. Following this Council must then consider all submissions and make an informed decision about the review.

A submission to the Local Government Advisory Board is required by 31 March 2017 to allow preparation for any changes prior to the next Council elections in October 2017.

The purpose of this report is for Council to endorse a discussion paper for the statutory public consultation period.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The intent of the discussion paper is to create several unbiased Ward and Councillor number options for public consultation purposes. All options produced must be assessed against the following factors:

1. Community of Interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographical features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and highways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between the areas within the local government.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area, this may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

5. Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of electors to Councillors across the wards of its district.

At the Information Briefing Session prior to the Council meeting on 20 October 2016, several options were workshopped with Council that now form the 2016 Ward and Representation Review Discussion Paper.

ATTACHMENT: 9.1.1(2)

It is recommended that Council endorse the 2016 Ward and Representation Review Discussion Paper for the purposes of public consultation the outcome of which will be reported back to Council for final decision at the first Council meeting in 2017.

STATUTORY ENVIRONMENT:

Ward and Representation Reviews are an eight year statutory requirement under the Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

It is important that the system that governs Councillors as elected members is current and relevant. The eight year Ward and Representation Review provides an opportunity to consult with electors to determine if the current system is appropriate.

ORGANISATIONAL RISK MANAGEMENT:

There is some risk to the organisation if wholesale changes are made to Wards and Councillor numbers. A total spill of Councillors is not a recommended pathway that the organisation should embark on and if major changes are proposed, it is strongly recommended that dispensation is requested of the Local Government Advisory Board to retain Councillors with remaining two year terms at the October 2017 Local Government election.

FINANCIAL IMPLICATIONS:

It is expected that some incidental advertising costs will be incurred during this process which will be funded out of current budget allocations. It is expected that if wholesale changes are to occur, some additional costs may arise if Ward boundaries need to be redrawn.

SUSTAINABILITY:

Environmental: Nil

Economic: Economic factors in the review can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area, this may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Social: Elector representation and Communities of Interest are two areas that the Ward and Representation Review explores. It is important to ensure that the public voice is heard on matters such as this.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the 2016 Ward and Representation Review in accordance with Attachment: 9.1.1(2) for a minimum six week public consultation period in accordance with the requirements of the Local Government Act 1995.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26830

That Council endorse the 2016 Ward and Representation Review in accordance with Attachment: 9.1.1(2) for a minimum six week public consultation period in accordance with the requirements of the Local Government Act 1995.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.1.2 Annual Report for 2016 and Notice of 2016 Annual Electors Meeting**

PROPONENT:	Shire of Manjimup
OWNER:	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIVISION:	Office of the CEO
FILE REFERENCE:	F161441
LEGISLATION:	Local Government Act 1995
AUTHOR:	Andrew Campbell
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

Local Government in Western Australia is required to prepare an Annual Report each financial year and following its adoption, hold an Annual Electors Meeting in accordance with the Local Government Act 1995.

The audited Annual Financial Report for the 2015/16 year was available at the time of writing this report and is included as part of the Annual Report however it also needs to be considered by the Audit Committee on the day of this Council meeting being Thursday 10 November 2016. The 2016 Annual Report is attached for Council's consideration

ATTACHMENT: 9.1.2(1)**CONSULTATION UNDERTAKEN:**

Notice of the availability of the Annual Report and notice of the Annual Electors Meeting for 2016 is required to be advertised in a newspaper circulating throughout the district.

COMMENT (Includes Options):

Council is required to adopt the Annual Report no later than the 31 December 2016.

Once the Annual Report is adopted, an Annual Electors meeting is to be scheduled. The Electors meeting requires at least 14 days public notice and is to be held within 56 days from the date the Annual Report is adopted.

It is recommended that the Annual Electors Meeting be held Wednesday 14 December 2016 commencing at 5.00pm.

Public attendance at recent Annual Electors Meetings has been very low.

STATUTORY ENVIRONMENT:

Sections 5.27, 5.29 and 5.54 of the Local Government Act 1995.

Section 5.53(2) requires the Annual Report to contain the following:

- (a) Report from the President;
- (b) Report from the CEO;
- (e) Overview of the plan for the future including major initiatives to commence next year;
- (f) Financial Report for the year;
- (g) Prescribed information regarding payment to employees;
- (h) Auditors report for the year;
- (ha) Report required under the Disabilities Services Act;
- (hb) Details regarding complaints made against Councillors during the year; and
- (i) Other prescribed information.

POLICY / STRATEGIC IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The financial performance for the year ended 30 June 2016 is detailed in the 2015/16 Annual Financial Report and was also the subject of quarterly financial review reports previously presented to and adopted by Council.

SUSTAINABILITY:

Environmental: As detailed in the report.

Economic: As detailed in the report.

Social: As detailed in the report.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Adopt the 2016 Annual Report including the 2015/16 Annual Financial Report;**
- 2. Endorse the scheduling of the 2016 Annual Electors Meeting to be held in Council's JC Rose Room on Wednesday 14 December 2016 commencing at 5.30pm; and**
- 3. Instruct the Chief Executive Officer to give public notice of the 2016 Annual Electors Meeting and the availability of the 2016 Annual Report for the Shire of Manjimup.**

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26831

That Council:

- 1. Adopt the 2016 Annual Report including the 2015/16 Annual Financial Report;**
- 2. Endorse the scheduling of the 2016 Annual Electors Meeting to be held in Council's JC Rose Room on Wednesday 14 December 2016 commencing at 5.30pm; and**
- 3. Instruct the Chief Executive Officer to give public notice of the 2016 Annual Electors Meeting and the availability of the 2016 Annual Report for the Shire of Manjimup.**

ADOPTED BY EN BLOC RESOLUTION: 11/0

9.1.3 Proposed Extension of Contract of Employment Director Community Services

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	Whole of Shire
ZONE:	N/A
DIVISION:	Office of the CEO
FILE REFERENCE:	PSN 567/36
LEGISLATION:	Local Government Act 1995
AUTHOR:	Andrew Campbell
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Ms Ipsen Cutts is the current Director of Community Services and will leave the Council Chamber if this matter is excluded for debate.
SIGNATURE:	

BACKGROUND:

At the Council meeting held 10 December 2009, Council extended the contract of Ms Gail Ipsen Cutts as Director Community Services in accordance with the following resolution:

“That Council approve the Chief Executive Officer’s recommendation to offer Ms Gail Ipsen Cutts a further 5 year performance based contract as Director Community Services commencing 1 January 2010.”

The contract was due to expire in 31 December 2014 and following the notification of resignation of the former Chief Executive Officer Mr Jeremy Hubble, contract renewal negotiations were commenced prior to his departure. Ms Ipsen Cutts was granted a two year contract extension without the matter being presented formally to Council.

The current Director of Community Services contract is due to expire on 31 December 2016 and the incumbent Chief Executive Officer and Ms Ipsen Cutts have been in contract negotiations since July 2016 in accordance with the specific contract clause six months prior to the contract expiry. The purpose of this report is to recommend Council endorse the outcome of those contract negotiations and extend Ms Ipsen Cutts’ contract for a further five year term.

CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Ms Ipsen Cutts has performed very well in the role of Director Community Services over the last 5 years which included periods of coverage as Acting Chief Executive Officer. Since June 2014 when the incumbent Chief Executive Officer was appointed, Ms Ipsen Cutts has excelled in the transition phase between Chief Executive Officers, contributed significantly toward strategic direction of the organisation, assisted with facilitation of organisation restructuring and continued staff development. Ms Ipsen Cutts has also made very valuable and successful contributions toward the application and receipt of significant project grant funds, as well as overseeing the delivery of on ground projects.

In the future with all ordinary functions of the Director Community Services position aside, Ms Ipsen Cutts has a critical role to play in the \$30M delivery of the Manjimup Town Centre Revitalisation project during the next three years.

Based on Ms Ipsen Cutts' performance since 2010, the Chief Executive Officer has indicated an intention to offer a contract of employment for a further 5 year period from 1 January 2017 to 31 December 2021 subject to Council endorsement.

A copy of the proposed Contract of Employment is available for Council's confidential inspection at this meeting if required.

STATUTORY ENVIRONMENT:

Local Government Act 1995, section 5.37 (2) requires the CEO to inform the Council of each proposal to employ a senior employee and the Council may accept or reject the CEO's recommendation.

Section 5.37 (4) does not require a senior employee position to be advertised where an existing contract is proposed to be renewed.

POLICY / STRATEGIC IMPLICATIONS:

- The Community Services Directorate is responsible for a staff of 33.9 FTE's covering the following functions:
 - Community and Recreation Services
 - Youth
 - Seniors
 - Events Assistance
 - Manjimup Timber and Heritage Park
 - Library and Cultural Services
 - HACC Services

FINANCIAL IMPLICATIONS:

The 2016/17 budget accommodates the salary and benefit costs of this position.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: The Director Community Services functions are considered the fundamental link between community and the organisation.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the Chief Executive Officer's recommendation to offer Ms Gail Ipsen Cutts a further 5 year performance based contract as Director Community Services commencing 1 January 2017.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26832

That Council endorse the Chief Executive Officer's recommendation to offer Ms Gail Ipsen Cutts a further 5 year performance based contract as Director Community Services commencing 1 January 2017.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.1.4 September 2016 Quarterly Report - Office of the CEO**

ROPONENT	Chief Executive Officer
WARD:	Whole of Shire
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160956
LEGISLATION:	Nil
AUTHOR:	Andrew Campbell
DATE OF REPORT:	25/10/2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

A report outlining activities for quarter ending 30 September 2016 for the Office of the CEO is attached.

ATTACHMENT: 9.1.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The report outlines progress on key activities undertaken by the Office of the CEO for the quarter and focus for the forthcoming quarter. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising on those activities.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the September 2016 Quarterly Report – Office of the CEO as contained in Attachment: 9.1.4(1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26833

That Council receive the September 2016 Quarterly Report – Office of the CEO as contained in Attachment: 9.1.4(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

9.2.1 Proposed Council Meeting Dates for 2017

PROPONENT	Shire of Manjimup
OWNER	
LOCATION / ADDRESS:	
WARD:	Whole of Shire
ZONE:	
DIRECTORATE:	Business Directorate
FILE REFERENCE:	CNL 19/2
LEGISLATION:	Local Government Act 1995
AUTHOR:	Gaye Burridge
DATE OF REPORT:	18 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In accordance with past practice and to conform to the advertising requirements of the Local Government Act 1995, Council is required to determine dates for the Ordinary Council Meetings to be held in 2017.

The Shire of Manjimup Council meetings have been held on Thursday evenings over a three week cycle since June 2008.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Council meeting cycle

The proposed Council meeting dates for 2017, based on a three week meeting cycle are shown in the table below.

Council Meeting Dates for 2017		Location
Thursday	19 January	Manjimup
Thursday	9 February	Manjimup
Thursday	2 March	Manjimup
Thursday	23 March	Walpole
Thursday	20 April	Manjimup
Thursday	11 May	Manjimup
Thursday	1 June	Manjimup
Thursday	22 June	Pemberton
Thursday	13 July	Manjimup
Thursday	3 August	Manjimup
Thursday	24 August	Manjimup
Thursday	14 September	Northcliffe
Thursday	5 October	Manjimup
Thursday	26 October	Manjimup
Thursday	16 November	Manjimup
Thursday	7 December	Manjimup

There is a four week gap between Council meetings to be held on 23 March 2017 and 20 April 2017 due to the Easter public holidays falling the day after the meeting of 13 April 2017. All meetings following the 20 April 2017 meeting will be continue to at the usual 3 week cycle.

STATUTORY ENVIRONMENT:

In accordance with the Local Government Act 1995, Council is required to formally adopt and advertise the meeting schedule for the year. Section 5.3 of the Local Government Act requires Council to hold ordinary meetings not more than three months apart.

POLICY / STRATEGIC IMPLICATIONS:

The meeting frequency is consistent with Council Policy 1.1.1 Council Meeting System. The holding of Council meetings in each town at least once a year is supported in the Shire of Manjimup's Corporate Business Plan.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

No new financial implications will be incurred.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: The practice of holding Council meetings in the outer towns affords all residents the opportunity to conveniently engage with their Councillors and allows Councillors greater appreciation of issues and attributes of those wards.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the following Council meeting date schedule for 2017 including outer town meetings.

Council Meeting Dates for 2017		Location
Thursday	19 January	Manjimup
Thursday	9 February	Manjimup
Thursday	2 March	Manjimup
Thursday	23 March	Walpole
Thursday	20 April	Manjimup
Thursday	11 May	Manjimup
Thursday	1 June	Manjimup
Thursday	22 June	Pemberton

Thursday	13 July	Manjimup
Thursday	3 August	Manjimup
Thursday	24 August	Manjimup
Thursday	14 September	Northcliffe
Thursday	5 October	Manjimup
Thursday	26 October	Manjimup
Thursday	16 November	Manjimup
Thursday	7 December	Manjimup

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26834

That Council adopt the following Council meeting date schedule for 2017 including outer town meetings.

Council Meeting Dates for 2017		Location
Thursday	19 January	Manjimup
Thursday	9 February	Manjimup
Thursday	2 March	Manjimup
Thursday	23 March	Walpole
Thursday	20 April	Manjimup
Thursday	11 May	Manjimup
Thursday	1 June	Manjimup
Thursday	22 June	Pemberton
Thursday	13 July	Manjimup
Thursday	3 August	Manjimup
Thursday	24 August	Manjimup
Thursday	14 September	Northcliffe
Thursday	5 October	Manjimup
Thursday	26 October	Manjimup
Thursday	16 November	Manjimup
Thursday	7 December	Manjimup

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.1 Monthly Financial Activity Statement - September 2016**

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996
AUTHOR:	Greg Lockwood
DATE OF REPORT:	23 October 2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

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

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

The Financial Activity Statement report for the period to 30 September 2016 is attached. The report is summarised by Function/Activity with operating comments via department.

ATTACHMENT: 9.3.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 30 September 2016 is a projected deficit of \$14,999.

The September 2016 quarter which is typical of previous years, has been quiet. Shire Officers have been busy undertaking planning to ready projects for when weather improves for road construction and building works. The 2016/2017 financial year is the largest budget Officers have had to implement with over \$65M to spend with the majority of works to be completed in 2016/2017.

In August Administration staff were busy raising Rates, with the due date for Payment in Full or Payment in Instalments of 16 September 2016. The rates payment period was uneventful with very few complaints or tension from ratepayers. The payment choices made interestingly showed the preference to pay rates in full over instalments. The breakup is;

- Payment in Full – 3774 assessments or 62.4%
- Payment by Instalments – 1637 assessments or 27.1%
- Outstanding – 634 assessments or 10.5%

The outstanding portion is of most concern but included in outstanding are those rate payers that have chosen an informal payment plan outside of the instalment dates. As per Council's Rate Collection Policy if payments are not received or a payment plan entered into by the new year, the Shire's Rates Officer will instigate legal action to collect the outstanding debts.

As stated in the July 2016 Monthly Activity Statement, on the 17 August 2016 Council staff received from the Department of Local Government and Communities the 2016/17 Final Financial Assistance Grant (FAG) Allocations. The Shire of Manjimup's allocation has moderately reduced from the notional figure received back in early August. The allocation compared to budget is:

	2016/2017 Allocation	2016/17 Adopted Budget	(Shortfall) / Excess
General Purpose Grant			
2016/2017 GP Grant Allocation	2,682,433	2,693,056	(10,623)
Total General Purpose Grant	2,682,433	2,693,056	(10,623)
Road Grant			
2016/2017 Road Grant Allocation	1,314,802	1,313,353	1,449
Total Local Roads Grant	1,314,802	1,313,353	1,449

The overall increase from last year to this year for FAG General Purpose Grant is 0.5%, moving from \$2,668,732 to \$2,682,433. The FAG Road Grant has an overall reduction of 1.4% from \$1,331,160 to \$1,314,802. This is an extract from the letter received from the Grants commission explaining the reduction in the notional figure given in late June; *"These allocations have decreased since the notional allocations were completed in June 2016 due to an adjustment by the Commonwealth in the population used to determine the allocation of funds to the States for distribution"*.

Whilst the General Purpose grant has seen a reduction, the State Direct Grant for roads has increased by \$14,837. As this income is related to roads, road maintenance will be increased by budget adjustment to account for the extra funding.

The only other item of note to date is Library salaries, being \$11,206 over budget at 30 September 2016. This line item will be monitored closely, and should be able to be managed over the remaining 3 quarters of the year.

Other than the grants listed above and the monitoring of Library salaries, no other major discrepancies have come to light in the first quarter after adopting the 2016/2017 budget, and with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2017.

The attached Monthly Financial Activity Statement does not contain the usual suite of reports due to issues with budget loads, the issue will be rectified before the October 2016 report is due before Council.

STATUTORY ENVIRONMENT:

Section 6.8 Local Government Act and Financial Management Regulation 34.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Monthly Financial Activity Statement Report for September 2016 as per Attachment: 9.3.1 (1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26835

That Council receive the Monthly Financial Activity Statement Report for September 2016 as per Attachment: 9.3.1 (1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

**ATTACHMENT
APPENDIX**

9.3.3 Proposed Review of Council Policy 4.1.3 Accounting Policies

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	All
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F161011
LEGISLATION:	Local Government Act 1995
AUTHOR:	Craig Martyn
DATE OF REPORT:	26/10/2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

Council Policy 4.1.3 Accounting Policies was last reviewed 8 December 2011.

APPENDIX: 9.3.3(A)

The policy was scheduled for review in December 2015.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Changes to the existing policy have been made to reflect statutory requirements and changes in relevant Accounting Standards. Council has already had exposure to these changes incorporated into the 2016/17 Budget. It is not intended to discuss in detail each individual change given those changes have already applied to documents endorsed previously by Council.

The reviewed Council Policy 4.1.3 Accounting Policies is provided for consideration by Council.

ATTACHMENT: 9.3.3(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Regular reviews are undertaken of Local Government operations and policies. This is necessary to provide strategic direction and improve operations. This policy review deals with Council's financial policies.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the reviewed Council Policy 4.1.3 Accounting Policies as per the Attachment: 9.3.3(1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26836

That Council adopt the reviewed Council Policy 4.1.3 Accounting Policies as per the Attachment: 9.3.3(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT

9.3.4 Council Financial Payments August 2016

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	Local Government (Financial Management) Regulations 1996
AUTHOR:	Kaylee Blee
DATE OF REPORT:	6 October 2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The accounts for payment totalling \$1,133,045.53 for the month of August 2016 are itemised in the attachment and in the Corporate Card Statement listed below.

ATTACHMENT: 9.3.4(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 10 November 2016.

Fund	Vouchers	Amount
Municipal	88944 - 89316	\$249,134.42
Trust Fund	3019 - 3022	\$950.00
Total Cheques for Month of August 2016		\$250,084.42

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 10 November 2016.

Fund	Batch	Amount
Municipal	180 - 187	\$871,518.44
Total EFT for Month of August 2016		\$871,518.44

Corporate Credit Card August 2016 – Municipal Account

716.2121.3100.57	Bunnings Halls Head – Kitchen flat pack for information office	\$1,296.00
20111.29.52	EHA (WA) Inc – Conference Registration & master class PEHO	\$950.00
716.2121.3100.57	Bunnings Halls Head – 2x lengths cupboard kickboards	\$73.84
20030.813.58	Two Little Black Birds – Council Dinner	\$510.00
716.2121.3100.57	DSAK Pty Ltd – 10Ltrs White paint	\$119.00
20049.197.57	Bello Torta Café – SMT Meeting Meal/Refreshments ST:4	\$96.70
20276.7.58	Card Fee	\$18.25
85.4220.7328.57	WEX Australia Pty Ltd	\$234.25
85.4220.5004.57	Café Lil Groceries & MRAC Cleaning items	\$25.42
20276.7.58	Card Fee	\$18.25
20047.81.52	Raine Square Perth Parking – Perth meeting	\$18.00
20026.29.58	Sushia Brookfield Pty Ltd Perth LG week meals	\$204.00
20026.29.58	SFS PCEC Espresso Perth LG week meals	\$13.00
20026.29.58	The Reveley Bar Perth LG week meals	\$828.00
20026.29.58	Perth Caffè Italia East Perth LG week meals	\$1,172.10
20049.196.57	Local Government Mana East Perth 2016/207 LGMA Subs – A. Campbell	\$513.00
86.4999.6405.50	Adobe Creative Cloud Adobe systems CS7 suite for Pro	\$59.72
20026.656.57	Ferve Cinefest0z 3x Tickets to Opening night Jasper Jones	\$228.00
20276.7.58	Card Fee	\$18.25

717.299.6351.50	Department of Environment Perth Clearing permit	\$200.00
20049.197.57	Bello Torta Café SMT meeting meals/refreshments ST:5	\$118.80
20276.7.58	Card Fee	\$18.25
20031.198.52	Mantra on Murray Perth Accommodation – DBS	\$77.52
716.2121.3100.57	Paypal *pixers ltd Mural for Project Office	\$591.05
716.2121.3100.57	Trimview Ceramics Bunbury Large Pot with feet	\$264.00
20057.198.52	Measureup New York User Manuals and Testing for ICT	\$447.80
716.2121.3100.57	Spotlight Bunbury Hessian for Pin-up board	\$49.95
716.2121.3100.57	Freedom Bunbury Floor Rug & Clock	\$998.30
716.2121.3100.57	Bunnings Bunbury Light fittings	\$263.95
716.2121.3100.57	Paypal *bourneelect 1x 15ltr Refrigerator	\$176.91
Various	Westnet Internet services for period 1/8/16 – 1/9/16	\$814.54
716.2121.3100.57	Stratco WA Pty Ltd Busselton 3x Decorative metal screens	\$357.00
716.2121.3100.57	Blackwood Kitchen Bridgetown Cannisters, Cups & Saucers	\$112.85
87.4999.7334.50	Surveymonkey.com 1x Month online subscription	\$24.72
20221.196.58	Local Government Mana East perth 2016/17 LGMA membership – DCS	\$513.00
20276.7.58	Card Fee	\$18.25
Total Credit Card Payments		\$11,442.67
Total Payments for the month August 2016		\$1,133,045.53

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

As stated

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the accounts paid during August 2016 totalling \$1,133,045.53 as detailed in Corporate Card Statement and Attachment: 9.3.4(1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26837

That Council receive the accounts paid during August 2016 totalling \$1,133,045.53 as detailed in Corporate Card Statement and Attachment: 9.3.4(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.6 Proposed Lease to Walpole Yacht Club Inc - Two Bay Shed on Reserve 34162**

PROPONENT OWNER	Walpole Yacht Club Inc
LOCATION / ADDRESS:	Management Order to Shire of Manjimup Reserve 34162, Lot 662 Boronia Street, Walpole
WARD:	South
ZONE:	Parks and Recreation
DIRECTORATE:	Business
FILE REFERENCE:	F160739
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Walpole State Emergency Services (SES) currently utilise the two bay shed located between the Volunteer Marine Rescue buildings on Reserve 34162, Lot 662 Boronia Street, Walpole. With the new SES facility being constructed on Chugg Street the two bay shed is to be vacated in the coming months.

The Shire of Manjimup has the management order for Reserve 34162 for the purpose of recreation and parklands.

Walpole Yacht Club Inc submitted an expression of interest in April 2016 to lease the shed once available.

PUBLIC CONSULTATION UNDERTAKEN:

A public notice seeking expressions of interest from not for profit community organisations to lease the two bay shed was published in the Walpole Weekly on 7 September 2016 with a three week submission period. No additional submissions were received.

COMMENT (Includes Options):

The two bay shed was originally constructed and owned by the former Walpole Sea Rescue Group in 2000. The Shire of Manjimup purchased the shed for SES purposes from the Walpole Volunteer Marine Rescue in 2008 when it was then surplus to their needs due to their new facility. The shed was removed from their lease area in 2015.

The Walpole Mens Shed previously expressed interest in the two bay shed in 2013, combined with the adjacent old sea rescue headquarters building owned by Walpole Volunteer Marine Rescue Inc. The Mens Shed have since located to another premises. There was a phone enquiry from the Mens Shed

in response to the recent public notice, however they decided not to make a submission.

The Walpole Sub Branch Returned and Services League share use of the Walpole Volunteer Marine Rescue's former headquarters building, however have not expressed any interest in the two bay shed.

Walpole Yacht Club wish to lease the shed for the purpose of storage. They own a rescue boat, kayak trailer and various equipment for their annual regatta event. Currently these items are stored in various members' private residences which is no longer suitable and they are seeking one storage premises.

Walpole Yacht Club have also expressed interest in leasing a portion of the same Reserve 34162 in the future for a proposed Walpole Yacht Club boat park. The club has been asked to provide a business plan before this proposal is presented to Council for consideration. This would also be dependent on the jetty precinct plans. Leasing the two bay shed to the club is not intended to provide any indication of support for the boat park proposal which will be dealt with separately.

Attached is the lease plan for Walpole Volunteer Marine Rescue Inc. Based on this it is proposed to lease the 14m x 11.2m area in between the marine rescue buildings to Walpole Yacht Club Inc.

STATUTORY ENVIRONMENT:

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

Approval from the Minister for Lands is required in accord with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

Property Leasing Policy 4.2.8 states that the lease duration for community groups where the buildings are owned by the Shire is to be a five year term with a five year renewal option.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The lessee is to be responsible for Council's \$340 lease preparation fee. Building maintenance responsibilities are according to the schedule contained in Council Leasing Policy 4.2.8.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: The Walpole Yacht Club's regatta has become a successful annual event.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council lease the portion of Reserve 34162 containing the two bay shed to Walpole Yacht Club Inc for a term of five years, with a renewal option of a further five years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and Walpole Yacht Club Inc being responsible for the lease preparation fee.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26838

That Council lease the portion of Reserve 34162 containing the two bay shed to Walpole Yacht Club Inc for a term of five years, with a renewal option of a further five years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and Walpole Yacht Club Inc being responsible for the lease preparation fee.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.7 Proposed Lease to Northcliffe Pioneer Museum Inc - Reserve 22973**

PROPONENT OWNER	Northcliffe Pioneer Museum Inc
LOCATION / ADDRESS:	Management Order to Shire of Manjimup Reserve 22973, Lot 350 Windy Harbour Rd, Northcliffe
WARD:	Coastal
ZONE:	Public Purposes – Civic & Cultural
DIRECTORATE:	Business
FILE REFERENCE:	F160745
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the management order for Reserve 22973 for the purpose of 'Museum and Children's Playground'. The museum buildings thereon are occupied by Northcliffe Pioneer Museum Inc under a Licence to Occupy arrangement due to expire 22 November 2016. Northcliffe Pioneer Museum Inc have requested a new lease or licence agreement.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The Licence to Occupy arrangement was initiated in 2006 rather than a lease as non-exclusive use of the building to allow for the George Gardiner Rock and Mineral Collection to be maintained by a third party if necessary. That collection is now maintained by Northcliffe Pioneer Museum Inc. For consistency with other leases to community groups it is recommended to change the arrangement to a lease.

Power to lease will need to be requested from the Department of Lands to be added to the management order as it currently only has the power to licence.

The lease is over portion of Reserve 22973, excluding the playground as shown in the attachment.

ATTACHMENT: 9.3.7(1)

STATUTORY ENVIRONMENT:

Section 3.58 of the Local Government Act 1995 deals with the requirements for leasing Council land; however Section 30(b) of the Local Government (Functions and General) Regulations 1996 exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other

like bodies, provided the members are not entitled to receive any pecuniary profit. The lease to Northcliffe Pioneer Museum Inc complies with this exemption.

Approval from the Minister for Lands is required in accord with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

Property Leasing Policy 4.2.8 states that the lease duration for community groups where the buildings are owned by the Shire is a five year term with a five year renewal option.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The lessee is to be responsible for Council's \$340 lease preparation fee. Northcliffe Pioneer Museum Inc have requested this to be waived. Although it is acknowledged that community groups have limited income, this fee has not been waived for any other group. The fee is to cover actual costs for preparation and registration of the lease. The peppercorn annual rental in accord with Policy 4.2.8 takes into consideration the association's minimal income earning capacity.

Building maintenance responsibilities are according to the schedule contained in Council Leasing Policy 4.2.8.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Request power to lease Reserve 22973 from the Minister for Lands; and**
- 2. Lease or Licence the portion of Reserve 22973 shown in Attachment 9.3.7(1) to Northcliffe Pioneer Museum Inc for a term of five years, with a renewal option of a further five years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and Northcliffe Pioneer Museum Inc being responsible for the lease preparation fee.**

COUNCIL RESOLUTION:

MOVED: Logan, C

SECONDED: Daubney, L

26839

That Council:

- 1. Request power to lease Reserve 22973 from the Minister for Lands; and**
- 2. Lease or Licence the portion of Reserve 22973 shown in Attachment 9.3.7(1) to Northcliffe Pioneer Museum Inc for a term of five years, with a renewal option of a further five years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and Northcliffe Pioneer Museum Inc being responsible for the lease preparation fee.**

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.8 Proposed Lease to Southern Forests Arts Inc - Sculpture Trail on Reserves 46739 and 23740**

PROPONENT OWNER	Southern Forest Arts Inc
LOCATION / ADDRESS:	Management Order to Shire of Manjimup Reserves 46739 and 23740 Lots 178 and 175 Muirillup Rd, Northcliffe Coastal
WARD:	Coastal
ZONE:	Public Purposes / Parks and Recreation
DIRECTORATE:	Business
FILE REFERENCE:	F160747
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	28 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the management orders for Reserve 46739, Northcliffe Information and Visitor Centre, and Reserve 23740, Northcliffe Forest Park.

The Shire leases a portion of each of these reserves to Southern Forest Arts Inc for their sculpture walk trail which extends from outside the Information and Visitor Centre building into Northcliffe Forest Park.

ATTACHMENT: 9.3.8(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Currently this is two separate leases due to commencing at different times. Both leases are due to expire on 31 December 2016 and it is proposed to grant a new combined lease.

The walk trail is well established and it is recommended to continue this arrangement by granting a new lease.

STATUTORY ENVIRONMENT:

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

Approval from the Minister for Lands is required in accord with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

In accord with Property Leasing Policy 4.2.8 and the previous lease the proposed lease term is five years with a five year renewal option at a peppercorn rental.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The lessee is to be responsible for Council's \$340 lease preparation fee.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council lease the portions of Reserves 46739 and 23740 shown in Attachment 9.3.8(1) to Southern Forest Arts Inc for a term of five years commencing 1 January 2017, with a renewal option of a further five year term, at a rental of ten dollars per annum payable on demand; subject to approval from the Minister for Lands and Southern Forest Arts Inc being responsible for the lease preparation fee.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26840

That Council lease the portions of Reserves 46739 and 23740 shown in Attachment 9.3.8(1) to Southern Forest Arts Inc for a term of five years commencing 1 January 2017, with a renewal option of a further five year term, at a rental of ten dollars per annum payable on demand; subject to approval from the Minister for Lands and Southern Forest Arts Inc being responsible for the lease preparation fee.

ADOPTED BY EN BLOC RESOLUTION: 11/0

Cr Herbert declared an Impartiality Interest in this item as his wife is a member of CWA. Cr Herbert declared that he would consider the matter on its merits and vote accordingly.

9.3.9 Proposed Lease to The Country Women's Association of WA Inc - Reserve 43343 Giblett St, Manjimup

PROPONENT	The Country Women's Association of WA Inc
OWNER	Management Order to Shire
LOCATION / ADDRESS:	Reserve 43343, Lot 813 Giblett St, Manjimup
WARD:	Central
ZONE:	Town Centre
DIRECTORATE:	Business
FILE REFERENCE:	F160763
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	28 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup has the management order for Reserve 43343, Lot 813 Giblett St, Manjimup, for 'community purposes'.

The building thereon is owned by The Country Women's Association of WA Inc (CWA) with the Shire leasing them the land. The lease commenced 1 January 1997 and is due to expire 31 December 2016.



PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

CWA own and maintain the building. It is recommended to grant a new lease to continue the current arrangement allowing CWA to continue their community activities.

STATUTORY ENVIRONMENT:

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

Approval from the Minister for Lands is required in accord with section 18 of the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

In accord with Council Policy 4.2.8 Property Leasing and the existing lease, the proposed lease will be for a ten year term with a ten year renewal option at a peppercorn rental as CWA own the building and have a minimal income earning capacity.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

CWA will be responsible for Council's lease preparation fee.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: The CWA Manjimup Branch have been active in the Manjimup community since 1931.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council lease Reserve 43343 to The Country Women's Association of WA Inc for a term of ten years commencing 1 January 2017, with a renewal option of a further term of ten years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and The Country Women's Association of WA Inc being responsible for the lease preparation fee.

COUNCIL RESOLUTION:

MOVED: Logan, C

SECONDED: Daubney, L

26841

That Council lease Reserve 43343 to The Country Women's Association of WA Inc for a term of ten years commencing 1 January 2017, with a renewal option of a further term of ten years, at a rental of ten dollars per annum payable on demand, subject to approval from the Minister for Lands and The Country Women's Association of WA Inc being responsible for the lease preparation fee.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.10 Proposed Request for Management Order for Reserve 46741 - Portion of Railway, Northcliffe**

PROPONENT	Shire of Manjimup
OWNER	Crown
LOCATION / ADDRESS:	Reserve 46741, Lot 174 Wheatley Coast Rd, Northcliffe
WARD:	Coastal
ZONE:	Railways
DIRECTORATE:	Business
FILE REFERENCE:	F161123
LEGISLATION:	Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Reserve 46741, Lot 174 Wheatley Coast Rd, Northcliffe, is a section of unused railway from George Gardner Drive to Muirillup Road as shown on the attached plan.

ATTACHMENT: 9.3.10(1)

Until recently there was a Tourist Railway Order to the Pemberton Tramway Co Pty Ltd for the railway from Eastbourne Road, Diamond Tree through Pemberton to Muirillup Road, Northcliffe. The Tourist Railway Order was changed to a Management Order for this stretch of reserve. Pemberton Tramway Co then relinquished the management order for the subject portion from George Gardner Drive.

Council currently holds management orders for the two adjoining reserves; Northcliffe Forest Park, Reserve 23740 on the east (purpose of parkland and recreation) and Reserve 46760 on the west (purpose of recreation), which then adjoins the road reserve.

It is proposed that Council consider requesting a management order from the Department of Lands for Reserve 46741.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

A management order for Reserve 46741 to the Shire would create consistency of management from the Wheatley Coast Rd road reserve through to Northcliffe Forest Park.

The tenure of this land is unusual in that railway is not normally a reserve under the Land Administration Act. However, this presents an opportunity for

a management order from the Department of Lands rather than a lease from the Public Transport Authority of WA (PTA).

The previous management of this portion of the railway has continually had issues with maintenance, fire and weed control. The Northcliffe Townscape Advisory Committee and community have often raised this matter wishing to include the southern portion, between Wheatley Coast Rd and the Northcliffe Information and Visitor Centre, in townscape plans. The northern portion would be able to be incorporated into the management of Northcliffe Forest Park and the Northcliffe Recreation Ground. The total area of Reserve 46741 is 6.05 hectares.

The Department of Lands have suggested Council submit a formal request for a management order to allow them to commence the process to consider this. They have indicated that the PTA no longer has an interest in the Pemberton to Northcliffe Railway and given the previous tourist management order has now been relinquished would likely not object. It would be expected that there would be a condition for the management order to be relinquished should the railway become operational.

The current reserve purpose is 'railway purposes' and this would need to be changed to allow a suitable management order to the Shire. Given the adjoining reserves are for the purpose of parkland and recreation this would seem appropriate, however it will be subject to the Department of Lands consideration.

STATUTORY ENVIRONMENT:

The Department of Lands register the purpose of reserves and issue management orders in accord with section 41 and 46 of the Land Administration Act 1997. This will be subject to consultation with PTA.

POLICY / STRATEGIC IMPLICATIONS:

As outlined above this proposal would create consistency of management from the Wheatley Coast Rd road reserve through to Northcliffe Forest Park.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Costs to Council for managing the reserve in its current state in addition to the adjoining reserves would be met by the annual operational budget. Additional financial implications for any improvements to the reserve would need to be considered when proposed.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council request the Department of Lands grant a management order for Reserve 46741 to the Shire of Manjimup for the purpose of 'parkland and recreation' or a similar suitable purpose.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26842

That Council request the Department of Lands grant a management order for Reserve 46741 to the Shire of Manjimup for the purpose of 'parkland and recreation' or a similar suitable purpose.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.12 Proposed Boundary Realignment for Site 129 Windy Harbour**

PROPONENT OWNER	Christopher Kroemer & Julie Ettridge
LOCATION / ADDRESS:	Management Order to Shire of Manjimup Site 129 Windy Harbour Rd, Windy Harbour
WARD:	Coastal
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F160941
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	28 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the meeting of 8 September 2016 Council granted approval for the demolition of the existing holiday cottage and construction of a new holiday cottage at Site 129 Windy Harbour. Council's resolution also included advice to the proponent that Council is prepared to consider adjustment of the current lease boundaries to ensure the removal of Windy Harbour road from the lease area, at the applicant's expense.

This agenda item is for Council to consider the proposed boundary realignment and the proponents' requests relating to this.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The boundary realignment proposal is to remove the northern portion which is traversed by Windy Harbour Road and extend the southern boundary by the equivalent area to retain the whole area as 490m².

The recommendation is for this boundary to meet the corners of adjoining Sites 130 and 128 as shown in Attachment 1 removing approximately 55m².

ATTACHMENT: 9.3.12(1)

The proponents have requested a variation to this, to move the north western corner one metre north towards Windy Harbour Road as shown in Attachment 2. Their reason given for this is to maintain a safer setback from the road reducing the potential for road changes due to driver behaviour.

ATTACHMENT: 9.3.12(2)

Given the purpose of the realignment is to remove the road and set the lease site back from the road the proponents' request is not supported.

The proponents currently have a retaining wall outside of the southern boundary which they intend on replacing. They have requested to extend the southern boundary 2.9 meters as shown on Attachment 2 to include the existing retaining wall in order that a new retaining wall can be constructed in the same place and remove the necessity to infill. The proponents also wish to construct stairs for the new cottage within the extended area.

To match the 55m² proposed to be removed from the north the southern boundary is proposed to be extended approximately 2.6 metres. This may result in some infill being required, but this is reduced significantly compared to the existing boundary.

Both of the proponents' request for variation to the proposed boundaries would increase the total lease area.

The recommendation in Attachment 1 is different to the previous proposal attached to the Council agenda for the meeting of 8 September 2016. However, this retains the lease area at 490m², is in alignment with adjoining boundaries for sites 130 and 128 and is more suitable for a new retaining wall.

As the boundary realignment will result in an amended lease area and a new deposited plan and title it is appropriate to amend the lease agreement documents to formalise the changes. The existing lease commenced 22 June 2006 and therefore has less than 10 years remaining. The proponents have requested a full 20 year term on the new lease.

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

Granting a full 20 year lease term is in accord with Council Policy 3.4.2 Windy Harbour Leases.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The proponents will be responsible for the full costs associated with the survey and new title. A quote has been provided to the proponents which they have agreed to.

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

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1) Approve realignment of the boundaries of Site 129 Windy Harbour for the shape to be reconfigured as shown in Attachment 9.3.12(1) with no net increase in overall size (490m²), subject to:
 - a) the leaseholders' being responsible for the full survey and associated costs involved;
 - b) the sections of retaining wall located outside of the new boundary are to be removed and land filled at the leaseholders' cost; and
 - c) approval from the Minister for Lands;
- 2) From the date of the new title being issued for Site 129 Windy Harbour:
 - a) terminate, by mutual consent, the existing 20 year lease over Site 129 on Deposited Plan 219873, due to expire 21 June 2026, between the Shire of Manjimup and Christopher Reginald Kroemer and Julie Eleanor Ettridge as joint tenants; and
 - b) approve a 20 year lease over Site 129 on the new Deposited Plan, between the Shire of Manjimup and Christopher Reginald Kroemer and Julie Eleanor Ettridge as joint tenants; subject to approval from the Minister for Lands.

COUNCIL RESOLUTION:

MOVED: Logan, C

SECONDED: Daubney, L

26843

That Council:

- 1) Approve realignment of the boundaries of Site 129 Windy Harbour for the shape to be reconfigured as shown in Attachment 9.3.12(1)

with no net increase in overall size (490m²), subject to:

- a) the leaseholders' being responsible for the full survey and associated costs involved;**
 - b) the sections of retaining wall located outside of the new boundary are to be removed and land filled at the leaseholders' cost; and**
 - c) approval from the Minister for Lands;**
- 2) From the date of the new title being issued for Site 129 Windy Harbour:**
- a) terminate, by mutual consent, the existing 20 year lease over Site 129 on Deposited Plan 219873, due to expire 21 June 2026, between the Shire of Manjimup and Christopher Reginald Kroemer and Julie Eleanor Ettridge as joint tenants; and**
 - b) approve a 20 year lease over Site 129 on the new Deposited Plan, between the Shire of Manjimup and Christopher Reginald Kroemer and Julie Eleanor Ettridge as joint tenants; subject to approval from the Minister for Lands.**

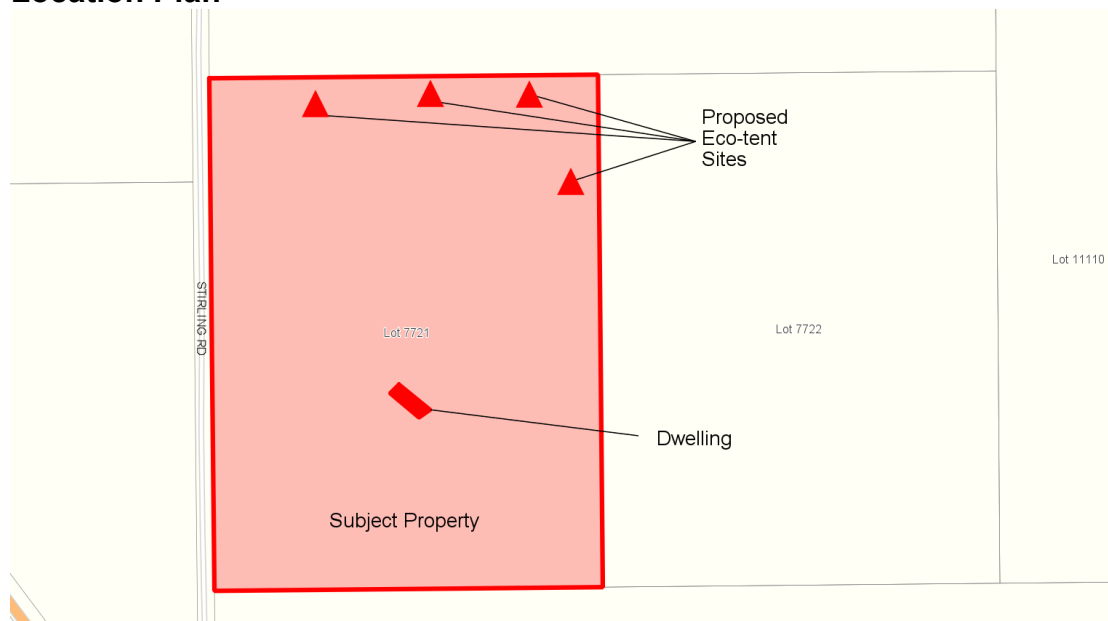
ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.5.2 Proposed Low Impact Tourist Accommodation (Eco - Tents) at Lot 7721 (80) Stirling Road, Channybearup**

PROPONENT	MJ Ryan
OWNER	MJ Ryan & LS Cudby
LOCATION / ADDRESS:	Lot 7721 (80) Stirling Road, Channybearup
WARD:	West
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P57215, DA16/114
LEGISLATION:	Planning and Development Act 2005, Caravan and Camping Grounds Act 1995
AUTHOR:	Jason Giadresco
DATE OF REPORT:	26/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is asked to consider an application for development approval for an Eco-Tourist Facility – (Eco – Tents) at Lot 7721 (80) Stirling Road, Channybearup. Business and development plans are attached.

ATTACHMENT: 9.5.2(1)**Location Plan**

Lot 7721 is 27ha in area and located 3 kilometres west of the Pemberton townsite. The property is accessed from Stirling Road which is of bitumised construction. The property contains a dwelling (constructed in 2003) and two sheds (constructed in 2003 and 2008). The property also contains a recently developed trufferie and 3 dams with a combined surface area of approximately 1ha. The property is undulating and remnant native vegetation

on the property is concentrated along the natural creekline that traverses through the property in a broad easterly curve north to south.

Approval is being sought by the proponent to erect 4, 10m long by 3.5m wide (35m²) eco-tents on the northern side of the property. The eco-tents are to be used to accommodate 2 people in each tent, and are sited as to maximise the views over the surrounding landscape. The 3.6m high eco-tents are to be constructed from weather-resistant Ripstop® canvas over portal frame tubing on a 22mm thick balustraded hardwood deck. Each eco-tent is to be set 600mm above the natural ground level of the site, and contain a wood-fired indoor heater. Each eco-tent will contain a verandah, smoke detector and an ensuite. Guests to the property will park their vehicles in an unsealed car park at the property entrance off Stirling Road and be escorted to the tent sites on the property by the landowner/managers.

Council is requested to determine the application as the discretion does not exist for staff to determine the proposal under delegated authority.

PUBLIC CONSULTATION UNDERTAKEN:

The subject application was advertised in accordance with clause 9.6 of the Scheme for a 14 day period to all adjoining neighbours and the Department of Parks and Wildlife. One submission was received from an adjoining landowner. The submission raised a number of queries which will be discussed in the Comment section of the report. A copy of the submission is attached.

ATTACHMENT: 9.5.2(2)

COMMENT:

To guide Council's determination of the application the following comments are offered:

Scheme Objectives for Zoning

The provisions of Local Planning Scheme No 4 (LPS No 4) include the subject land within the General Agriculture Zone. Low-Impact Tourist Accommodation is an 'A' land use within the zone, being a use that may only be approved at the discretion of Council after advertising.

In the Scheme, Council's objectives for managing and guiding land use development and subdivision within the General Agriculture zone are outlined at clause 4.5.

It is noted that clause 4.5.2 (iii) requires any *low impact tourist development – short stay* to ensure any impact is contained on-site. This is to ensure that the operation of the tourist development does not adversely affect agricultural pursuits occurring or potentially occurring on surrounding land.

In this case, the property currently has a trufferie. Shire staff have ascertained that the distance to the trufferie on site and adjoining properties is in excess of 100m. It has been determined that the

proposal is unlikely to increase the potential for land use conflict given the location of the site and distance to surrounding agricultural operations.

Land Use

The Scheme defines Low-Impact Tourist Development – Short Stay as:

“a development of predominately tourist nature which meets the criteria of ‘Low-Impact Development’.”

and Low-Impact Development is defined as:

“that the use and development of land in such a manner that does not detract from the rural and natural amenity of the locality, and includes the following criteria:

- (i) Development being located so as to avoid ridge line, escarpments or visually exposed sites and situated where screening vegetation or land form can be utilised;**
- (ii) Use and development being sensitively located and designed to minimise impact on vegetation, water courses, soils quality and existing land uses;**
- (iii) Development being of a scale and nature so as to be self-sustaining on the lot, or demonstrating the ability to provide servicing without significant modifications to existing infrastructure;**
- (iv) Development that by the nature of its scale, design, colours, materials, landscaping and use, has minimal impact on its site and surrounding areas; and**
- (v) Where the land use and any development had minimal offsite consequence.**

The site of the eco-tents is considered to meet the criteria above as;

- it is located away from agricultural operations, and is not visible from Stirling Road;
- it does not require vegetation to be cleared, or impact on watercourses or existing land uses;
- it will not require the upgrading of any infrastructure;
- the design of the eco-tents is sympathetic to the surrounding topography and environment; and
- its location and capacity provide for minimal offsite impacts.

Shire staff have identified that the eco-tents meet the above definition of ‘low impact development’.

Development Provisions

Development and use of land within the General Agriculture Zone is regulated by the provisions of Part 5.34 of LPS No 4.

Clause 5.34.2.4 (4)(vi) of the Scheme states that within the Priority Agriculture zone Low-Impact Tourist Development – Short Stay is limited to not more than 4 chalets or guest bedrooms to accommodate no more

than 20 persons or equivalent accommodation types (including bed & breakfast facilities)

Setbacks

The Scheme states that development within the General Agriculture zone shall conform to the following setbacks:

- 30 metres from front and rear boundaries.
- 10 metres from side boundaries.

A variation to the rear setback will required. One eco-tent will be sited 10m from the rear boundary with Lot 7722. Given that the proposed eco-tent will be sited well away from any development of Lot 7722 and largely concealed by vegetation on both properties, no impact on the amenity of Lot 7722 is expected. Given this, a condition providing for a minimum 10m setback to side and rear property boundaries will be included on any approval granted by Council.

The adjoining neighbour at Lot 7723 Pump Hill Road in their submission queried how close to the property boundary the eco-tents were to be constructed, and if they would be liable if any trees fell from their property onto the proposed accommodation on Lot 7721. In any case, the Scheme permits a 10m setback to the side property boundary irrespective of the type of proposed development. It is therefore recommended that Council do not support this comment made by the adjoining landowner.

Access and Car Parking

The proponent will construct an unsealed carpark adjacent to the property's crossover from Stirling Road to accommodate guest vehicles. Given that a maximum 8 persons will be guests at the property at any one time, Shire officers recommend that 4 car parking spaces be constructed. An unsealed car park is considered consistent with the rural amenity of the area. The landowners/manager will personally drive the guests to their eco-tent from the car park.

Shire staff are satisfied that the level of development is not sufficient to warrant upgrading of Stirling Road. However, it is prudent to ensure the applicant is advised that the development does not warrant an upgrade to the road in the event that Council grants planning approval. This will ensure the Applicant is made aware that Council will not upgrade the road as a consequence of approving the Low-Impact Tourist Development.

Fire Management/Emergency Response

The proponent has provided an Emergency Evacuation Plan for the property in the event of an emergency. Shire staff note that emergency response will be important given the location of the property in an area prone to bush fire. Short-term guests are unlikely to be as familiar with emergency escape routes and emergency contact details as a

permanent resident. Shire staff recommend a condition that the Emergency Evacuation Plan be displayed in all eco-tents in the event Council approves the application.

With regard to fire management of the property, Shire officers recommend a Bushfire Management Plan to be developed to ensure that fuel levels and firebreaks are maintained on the property given the increased level of development. Additionally, a BMP would address the concerns of the adjoining neighbour around the inclusion of wood-fired heaters in the eco-tents potentially starting a bushfire that may move onto their property. A condition reflecting this requirement will be included on any approval issued by Council.

Waste Disposal

The applicant has described in their Business Plan that waste will be recycled and disposed of at the Pemberton Waste Transfer Station, or composted on site. Grey water will be reticulated to water the native trees and shrubs on the property, subject to the further approval of the Department of Health.

Potable Water

It is a health requirement that an adequate supply of potable water be provided on the site. Each eco-tent will be connected to a 5000L filled by rainwater caught from the eco-tent roofs. The applicant has additional water available on site from the onsite dam, a condition requiring the applicant to meet this requirement will be included on any approval given by Council.

Health and Building Requirements

The proposed development will need to meet the requirements of the *Health Act 1911* and *Building Codes of Australia 2012* to be considered compliant.

An appropriate effluent disposal system is required to be installed on site for the proposed development. The proponent has proposed using a self- composting toilets and greywater systems on site. Additionally given that 8 persons will be accommodated on site, the proponent will be required to obtain a Lodging House permit from the local government. These aspects will be dealt with at the building permit and Environmental Health approvals stage. An advice note in regard to these aspects will be included on any approval granted by Council.

Building Services have requested that the building permit application be undertaken by an independent certifier and submitted to the Shire for approval. An advice note requesting this will be attached to any approval issued by Council.

Conclusion

The Scheme allows Council to approve Low-Impact Tourist Development proposals *provided that any impact from any such land uses or development*

is contained on-site in the General Agriculture zone. The Scheme identifies that a separation distance of 100m is considered to be appropriate between the non-agricultural purpose and intensive agriculture in order to accommodate any impact. The proposal meets this, and is conditionally consistent with other Scheme requirements. Given that Scheme requirements and the submission from the adjoining neighbour have been addressed, Shire officers recommend Council determine to grant approval for this application.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The proposal is considered as having a minimal environmental impact. The does not proposed the removal of vegetation from the site.

Economic: The proposal if approved by Council will allow for a greater diversity of accommodation options in Pemberton and potentially increase the economic return of local business.

Social: This proposal seeks to provide a tourist short stay product in a locality valued for its natural attractions and amenity. The proposal is to be consistent with the community's expectations for development in this locality. The adjoining neighbours concerns are considered to have been adequately addressed with the Comment section and the conditions of approval recommended.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

1. That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for the Low Impact Tourist Accommodation (Eco-tents) at Lot 7721 Stirling Road, Channybearup in accordance with the submitted plans as attached at Attachment 9.5.2(1) and subject to the following conditions:
 - a) The Low Impact Tourist Accommodation (Eco-tents) hereby approved on site is limited to a maximum of eight (8) persons in the premises at any one time to the satisfaction of the Shire of Manjimup;

- b) The Low Impact Tourist Accommodation (Eco-tents) is not to be occupied by the same person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government, and the register shall be made available for perusal by Shire officers on demand;
- c) Prior to the occupation of the development for its approved purpose, a minimum of 4 car parking spaces shall be set aside for guests' parking, shall be marked permanently as such, and shall be located so as to be easily accessible, to the satisfaction of the Shire of Manjimup;
- d) An on-site potable water supply shall be provided on the site and connected to each Eco-tent prior to occupation and shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup.
- e) The submitted management details which form part of the initial application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
- f) The Emergency Evacuation Response Plan is to be displayed in all Eco-tents at all times; and
- g) The applicant shall prepared and implement a Bush Fire Management Plan, reflecting the submitted and approved Bushfire Attack Level (BAL) Assessment with all required hazard reduction measures being permanently maintained all to the satisfaction of the Shire of Manjimup;

Advises the Applicant that:

- a) this planning approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works.
- b) the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2012.
- c) Stirling Road may not be ideally suited for the development of a tourism business. Any requirements for road upgrading, beyond Council's normal road maintenance procedures and practices and current road upgrade plans, will need to be funded by the proponent.
- d) the premises, which have been deemed by Environmental Health Services to constitute a 'Lodging House', are to be used and operated in compliance with the Shire of Manjimup Health Local Laws, 1998. [The proponent is invited to liaise with the Principal Environmental Health Officer for further information in respect to this].

- e) the proponent is advised that any commercial use operated in accordance with the attached planning approval may result in the method of rating of the subject property or part thereof being reviewed. [The proponent is invited to liaise with the Rates Officer for further advice in respect to this].
- f) The proposed operation is required to comply with the 'Environmental Protection (Noise) Regulations, 1997'.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26844

1. That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for the Low Impact Tourist Accommodation (Eco-tents) at Lot 7721 Stirling Road, Channybearup in accordance with the submitted plans as attached at Attachment 9.5.2(1) and subject to the following conditions:
 - a) The Low Impact Tourist Accommodation (Eco-tents) hereby approved on site is limited to a maximum of eight (8) persons in the premises at any one time to the satisfaction of the Shire of Manjimup;
 - b) The Low Impact Tourist Accommodation (Eco-tents) is not to be occupied by the same person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government, and the register shall be made available for perusal by Shire officers on demand;
 - c) Prior to the occupation of the development for its approved purpose, a minimum of 4 car parking spaces shall be set aside for guests' parking, shall be marked permanently as such, and shall be located so as to be easily accessible, to the satisfaction of the Shire of Manjimup;
 - d) An on-site potable water supply shall be provided on the site and connected to each Eco-tent prior to occupation and shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup.
 - e) The submitted management details which form part of the initial application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
 - f) The Emergency Evacuation Response Plan is to be displayed in all Eco-tents at all times; and
 - g) The applicant shall prepared and implement a Bush Fire Management Plan, reflecting the submitted and approved

Bushfire Attack Level (BAL) Assessment with all required hazard reduction measures being permanently maintained all to the satisfaction of the Shire of Manjimup;

Advises the Applicant that:

- a) this planning approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works.
- b) the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2012.
- c) Stirling Road may not be ideally suited for the development of a tourism business. Any requirements for road upgrading, beyond Council's normal road maintenance procedures and practices and current road upgrade plans, will need to be funded by the proponent.
- d) the premises, which have been deemed by Environmental Health Services to constitute a 'Lodging House', are to be used and operated in compliance with the Shire of Manjimup Health Local Laws, 1998. [The proponent is invited to liaise with the Principal Environmental Health Officer for further information in respect to this].
- e) the proponent is advised that any commercial use operated in accordance with the attached planning approval may result in the method of rating of the subject property or part thereof being reviewed. [The proponent is invited to liaise with the Rates Officer for further advice in respect to this].
- f) The proposed operation is required to comply with the 'Environmental Protection (Noise) Regulations, 1997'.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.5.4 Proposed Planning Policy - Seasonal (Backpacker) Camping Grounds**

PROPONENT OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Priority Agriculture, General Agriculture and Rural Conservation Zones
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F161012
LEGISLATION:	Planning & Development Act 2005; and Caravan Park and Camping Grounds Act
AUTHOR:	Brian Robinson
DATE OF REPORT:	28/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

During the Information Briefing Session prior to Council's ordinary meeting held on 29 September 2016, Councillors were presented with a discussion paper on the issue of Backpacker Camping within the Manjimup Shire.

As elected members are aware, Backpackers provide an invaluable seasonal/itinerant workforce for the agricultural activities within the Shire, with particular reference to the fruit and viticulture industries. That said, in recent years there is anecdotal evidence that the level of unauthorised camping by backpackers has increased with many backpackers now purchasing or leasing vehicles to facilitate their travel and provide their accommodation. Not wishing to use a Caravan Park (and its associated fees), many of these backpackers are choosing to camp in an ad-hoc manner both in and around townsites.

Unauthorized camping, particularly within townsites can result in undesirable outcomes including, but not limited to:

- Noise;
- Litter;
- Environmental impacts;
- Health Risks; and
- Visual Impact.

Often these impacts can detract from the amenity of an area and/or tourist facilities. These impacts are not just limited to the periods when the actual camping occurs, but can continue afterwards through litter (including toilet waste being left behind). The Shire and its ratepayers are also left with the expense of cleaning up the results of the unauthorized camping.

Council is requested to consider adopting, for the purpose of advertising, a draft planning policy that will be used to encourage private landowners in need of itinerant workers to provide camping facilities for such workers on their land.

PUBLIC CONSULTATION UNDERTAKEN:

Should Council resolved to adopt the draft policy, the policy will be advertised for a period of not less than 21 days in accordance with the requirements of Local Planning Scheme No 4. Further information regarding the scheme provisions and required advertising period is provided in the Statutory Environment Section below.

COMMENT (Includes Options):

To assist Council in determining whether to endorse the draft policy for advertising purposes, the following comments are offered:

Local Planning Scheme No 4

In accordance with Local Planning Scheme No 4, crops that may require seasonal works, may be grown under the land use categories of “agriculture – extensive” and “agriculture – intensive”, which the scheme defines as follows:

“agriculture – extensive” means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

“agriculture – intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;*
- (b) the establishment and operation of plant or fruit nurseries, and;*
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms).*

These uses are permitted uses and do not require the Shires prior planning consent in the Priority Agriculture and General Agriculture Zones. The uses may also be established, subject to Council approval in the Rural Small Holdings and Rural Conservation Zones.

Caravan Park and Camping Grounds Act and Regulations

In addition to the Shires Local Planning Scheme, camping is also regulated by the Caravan and Camping Grounds Act 1995 and the associated Regulations 1997. To assist elected members in their understanding of the Act and its application, the following comments are offered:

Definition of Camping

As defined by the Act, a camp “means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle..”. The Act further defines that a vehicle is “a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels”.

Given the above, sleeping within a vehicle is also considered camping.

Where is Camping Permitted

In accordance with Clause 10 of the Regulations, “A person may only camp:-

- a) *at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or*
- b) *in accordance with regulation 11.”*

Clause 10 further identifies that the Penalty in the form of a fine of \$1000 may be issued to persons not complying with the above requirements.

Camping other than at a Caravan Park or Camping Ground

Part 11 of the Caravan Park and Camping Ground Regulations, identifies that a person may camp on land other than a caravan park or camping ground under the following circumstances:

- a) For up to 3 nights in any 28 day period on land which he or she owns, or has a legal right to occupy;
- b) Up to 24 hours in a caravan or other vehicle in a road side rest area;
- c) Up to 24 hours in a road reserve in an emergency. The regulations define an emergency as a situation where the movement of the caravan or other vehicle would constitute an immediate or serious hazard;
- d) Land held by the state (freehold, leasehold or reserve) in accordance with the permission of that instrumentality; and
- e) On any unallocated crown land with the permission of the Minister for Lands.

In accordance with clause 11(2) Camping for more than 3 nights, but not more than 3 months in any 12 month period, may occur where the local government grants approval. Approval for a period longer than 3 months may only be granted by the Minister.

Minimum Standards Caravan Park/Camping Ground

Provisions of the Caravan Park and Camping Ground Regulations 1997 specify the minimum standards that are to be met within a Caravan Park or Camping Ground. These standards include, but are not limited to:-

- a) Formal paved or sealed road networks (except for nature based camping);
- b) Formal car parking at not less than 1 bay per 10 sites;
- c) Recreational Areas, being 10% of the area, which except for a Nature Based Camp site are to include recreational facilities protected from the weather a building for communal or recreational activities;
- d) At least one toilet/shower within 90m of each site;
- e) A minimum number of toilets, showers and hand basins as specified in clause 20 of the regulations;
- f) A Laundry facility, with machines provided at a rate of 1 per 20 sites for parks containing less than 60 sites;
- g) Fire Fighting facilities; and
- h) The supply of potable water and taps within 30m of each camping site.

Relaxation of Standards

The costs associated with establishing a Camping Ground under the Act and Regulations can be substantial. This may be discouraging private landowners from establishing such forms of accommodation for their seasonal worker force.

In order to reduce the landowners potential costs associated with establishing a camp ground for seasonal workers, Council could consider relaxing the standard requirements. This could be done through granting a permit to camp for no longer than 3 months, or through the issue of a Temporary license.

The potential for these variations is further discussed in the section titled "Forms of Approval" below.

Forms of Approval

As detailed above, there are several options open to approve camping on private property without the need to comply with all standards and requirements set out in the Act or associated Regulations. These options are:

Permit to Camp for a period of up to 3 months

In accordance with clause 11(2) of the Caravan Park and Camping Ground Regulations, the Shire may (without the Ministers approval), grant permission for a person to camp for up to 3 months on land (with the landowners permission).

Prior to granting approval to camping for more than 3 days, clause 13 of the Regulations stipulates that the local government and/or Minister must be satisfied that the land is a suitable place for camping especially in respect of:

- Safety and Health; and
- Access to services

This section of the Caravan Park and Camping Ground Regulations essentially relates to the approval of a single 'camp'. A single campsite would not normally cater for more than 10 people, unless otherwise approved by Council.

Using the above as a guide, it would be possible for the Shire/Council to approve a camp on private land for not more than 10 people provided the persons are employed on site, and Council is satisfied that there is acceptable access to a toilet, shower and food preparation facilities. Such facilities may already be available on site (i.e. within a packing shed).

Temporary Camping Ground License

In accordance with clause 54 of the regulations, the Shire/Council may approve a temporary Camping Ground license for a facility that is to

remain in place for periods less than 12 months. In granting approval to a temporary license, the license must stipulate:

- a) The maximum number and type of sites that may be used at the facility; and
- b) The services and facilities that are to be provided.

It is recommended that this option be used where approval is sought to accommodate not more than 20 seasonal workers (employed on the property) on site, for periods of not more than 3 months. As a minimum it is recommended that approval should only be granted where there is not less than one male and one female toilet and shower located on site.

Other minimum standards relating to roadways, car parking, recreational areas and the provision of power and water to the sites, could be relaxed.

Caravan Park with Ministers approval to vary standards

Where the landowner is seeking to accommodate more than 20 seasonal workers (employed on the property) in camping ground, or to accommodate persons for periods of greater than 3 months, it is recommended that such proposals be treated as a formal caravan park.

For a permanent ongoing Caravan or Camping Ground facility, the Minister for Local Government may, pursuant to clause 31 of the Act, grant an exemption from the requirements where the requirement may be varied without detriment to the public interest. The Ministers approval could therefore be sought to reduce the standards relating to:

- (i) the standard required for internal roads;
- (ii) requirements for recreational space and facilities;
- (iii) the requirement to provide laundry facilities;
- (iv) the number of toilets/showers provided, provided that a suitable number of facilities are provided; and
- (v) the need to provide power or water to approved camping sites.

Consultation

Notwithstanding any requirement of LPS No 4 for proposals to be advertised for public comment, it is recommended that any proposal for seasonal camping should be referred to the adjacent landowners for comment over a 14 day period.

Conclusion

Landowners employing seasonal workers may apply for approval to accommodate seasonal/transient workers on site through the provision of an informal "Seasonal Workers" camp ground. To date the potential for landowners to provide informal camping on their land has been hindered by the costs associated with establishing a formal caravan park with all associated facilities.

Adoption of an appropriate Planning Policy is recommended to outline those circumstances where the Shire/Council will be prepared to permit the use of land to provide camp grounds for persons employed on the site without imposing all requirements of the Caravan Park and Camping Grounds Act and associated regulations.

The policy, if approved, will also detail those circumstances where the Shire/Council will support application being made to the Minister for a relaxation of the requirements relating to a "Seasonal Workers" Campground.

It is recommended that the provisions of such a policy would relate to the provision of Seasonal Workers Campgrounds located within the Priority Agriculture, General Agriculture and Rural Conservation Zone. Application of the policy to the Rural Small Holding Zone is not recommended given the inherently smaller lot size and potential for camping activities to impact on the amenity of adjacent properties.

A copy of the Draft Local Planning Policy is shown attached.

ATTACHMENT: 9.5.4(1)

STATUTORY ENVIRONMENT:

Camping within the Shire of Manjimup is regulated by the provisions of the Shires Local Planning Scheme No 4 together with the Caravan Park and Camping Ground Act 1995 and the Caravan Park and Camping Ground Regulations 1997.

In accordance with clause 2.2 of the Scheme, a Local Planning Policy may be prepared so as to apply to a particular use class. Where Council resolves to prepare a Local Planning Policy, the Policy must be advertised for public comment over a period of not than 21 days.

POLICY / STRATEGIC IMPLICATIONS:

The adoption of a new draft Local Planning Policy is recommended for the purposes of advertising.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Enter text

SUSTAINABILITY:

Environmental: Currently unauthorised camping is occurring at a range of locations within the Shire. In some cases, this camping is occurring to the detriment of the environment, particularly where no ablutions are available or litter is resulting. By supporting landowners making provision for seasonal workers to camp on the property at which they are employed, the potential for environmental impact will be reduced.

Economic: By relaxing the requirements for a Camping Ground, Council will be encouraging landowners to cater for seasonal workers on their property at a reduced cost.

Social: If more landowners were in a position to provide camping facilities for their workers on site, the occurrence of unauthorised camping is likely to be reduced.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **endorse for the purposes of advertising draft Local Planning Policy No 20 – Camp Grounds for Seasonal/Backpacker Workers as shown at Attachment No 9.5.4(1);**
2. **request the Chief Executive Officer proceed with advertising of the draft Local Planning Policy for a period of not less than 21 days in accordance with Part 2.4 of Local Planning Scheme No 4; and**
3. **await a further report on the draft Local Planning Policy following the close of advertising referred to in point No 2 above.**

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26845

That Council:

1. **endorse for the purposes of advertising draft Local Planning Policy No 20 – Camp Grounds for Seasonal/Backpacker Workers as shown at Attachment No 9.5.4(1);**
2. **request the Chief Executive Officer proceed with advertising of the draft Local Planning Policy for a period of not less than 21 days in accordance with Part 2.4 of Local Planning Scheme No 4; and**
3. **await a further report on the draft Local Planning Policy following the close of advertising referred to in point No 2 above.**

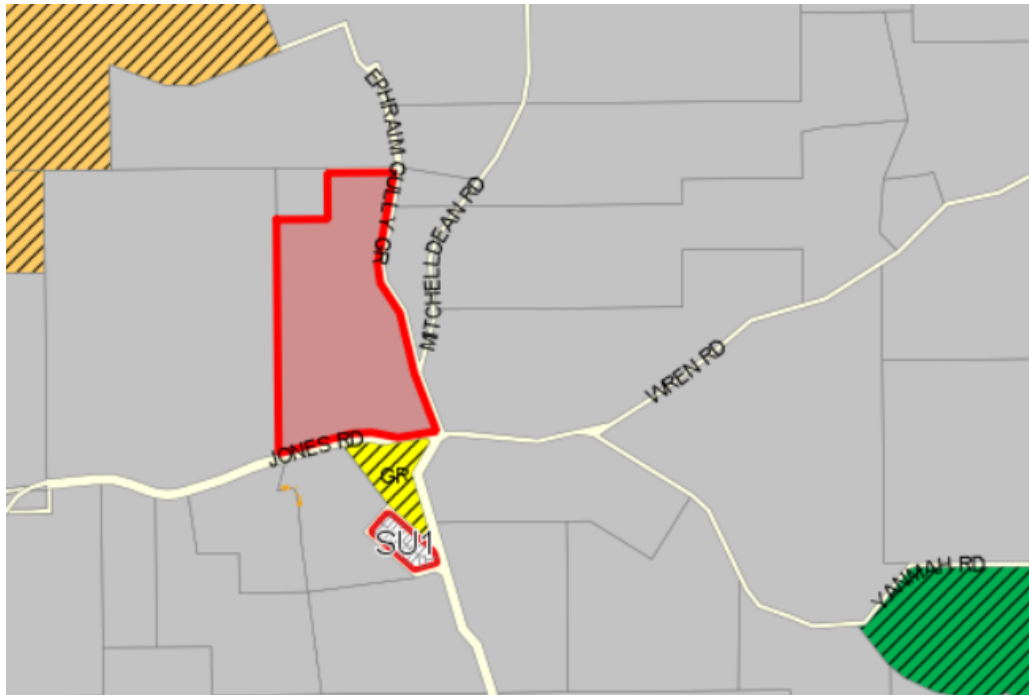
ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.5.5 Proposed Animal Husbandry (Intensive) - Free Piggery - Location 9485 Ephraim Gully Grove, Yanmah**

PROPONENT OWNER	B & H Hickman
LOCATION / ADDRESS:	No 3 (Loc 9485) Ephraim Gully Grove, Yanmah
WARD:	North Ward
ZONE:	Priority Agriculture
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	P54767 & DA16/67
LEGISLATION:	Planning & Development Act 2005
AUTHOR:	Brian Robinson
DATE OF REPORT:	28/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is a 46.4810ha property located on the corner of Ephraim Gully Grove and Jones Road, approximately 11.5km north-west of the Manjimup Townsite. The property is a cleared farm, containing a dwelling, outbuildings, two dams and two smaller soaks. A location plan is shown below.

Location Plan

Approval is being sought to establish a “free range” piggery. If approved, the applicant is proposing to rotate stock over the property using moveable electric fencing, portable shelters and portable feeders. Details provided by

the applicant confirm that the moveable fencing will be used to provide 2,500m² per pig and ensure the pigs are kept a minimum of 15 metres away from dams or waterways. A maximum of 140 juvenile and adult pigs are to be kept on the property at any one time.

As detailed in the applicants submission, pig waste would not be removed but left to fertilise the soil. A copy of the submitted application is shown attached.

ATTACHMENT: 9.5.5(1)

Council is requested to determine the application having regard to four submissions, received from relevant government agencies.

PUBLIC CONSULTATION UNDERTAKEN:

The application was referred to the Department of Environmental Regulation (DER), the Department of Water (DoW), the Department of Health and Department of Agriculture and Food for comment. Responses received from these agencies are discussed within the comment section below.

Full copies of the submissions received are shown attached.

ATTACHMENT: 9.5.5 (2)

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (the Scheme) include the subject land within the Priority Agricultural Zone. The use as proposed is best classified under the Scheme as Animal Husbandry - Intensive, which the scheme defines as follows:

“animal husbandry - intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots.

Animal husbandry is a “D” use within the Priority Agriculture Zone, that is a use which not permitted unless the local government has exercised its discretion by granting planning approval.

To assist Council in determining the application, the following advice is offered:

Department of Environmental Regulation

In their submission the DER have advised that given the maximum number of pigs proposed, the application is not considered an intensive piggery for the purposes of the Environmental Protection Act and therefore does not require formal assessment.

Water Catchment

The submission from the DoW highlights that the subject land is located within a Priority 2 water catchment, being the Donnelly River Water Reserve. There is potential for water from this reserve to be required for drinking water in the future.

As stated in the DoW's Water Quality Protection Note for Priority 2 areas, land within the area is to be managed to ensure that *"there is no increased risk of water contamination/pollution, where the guiding management objective is risk minimisation"*.

Potential for Environmental Impact

In their submission, the DoW has identified the following risks:-

- a) *Potential for contamination of surface water resources with nutrients originating from pig manure, whereby downstream dams and waterways can be impacted, particularly during large storm events where these contaminants can be mobilised by sheet flow or localised flooding into areas where manure is present.*
- b) *Potential for contamination of groundwater resources with nutrients and pathogens from manure, particularly in areas with a high water table.*
- c) *Potential for contamination of ground water from pathogens and nutrients from pig carcasses, if these are not removed and/or appropriately disposed of. No details on the disposal of pig carcasses are provided in the referral; and on-site burial of carcasses can have the potential to contaminate water resources.*
- d) *Sufficient water to meet the needs of the free range pig farming operation.*

The potential for these impacts can be minimised through appropriate land practices as identified in the National Environmental Guidelines for Piggeries (2nd edition 2010), which are discussed below.

National Environmental Guidelines for Piggeries (2010)

The National Environmental Guidelines for Piggeries (2010) delivers a national approach to the environmental management of piggeries, developed in association with the pig industry.

As detailed in the background section of this report, the applicant is proposing to rotate the pigs throughout the property, using moveable fencing and other equipment. It is proposed that pig effluent will not be removed, but will be used to fertilise the soil in place.

In order to minimise the potential for pig effluent to enter waterways, the National Guidelines recommend that a buffer be established to ensure that not less than 100m where rotational outdoor pig pens are proposed or where by-products are to remain on the soil surface for more than 24 hours (i.e. not immediately ploughed in).

Furthermore in order to minimise uncontrolled nutrient movements, strategies must be adopted to minimise soil erosion and run-off. Such strategies include:

- *Regular spelling of the paddocks from pig production, with a plant growth and harvest phase to strip nutrients from the soil;*

- *A physical barrier (e.g bank) and/or good resilient vegetation cover to minimise nutrient transport and for visual screening.*

The National guidelines also stipulate clear guidelines in respect of the disposal of carcasses to ensure health and environmental issues are avoided. This includes a requirement for carcasses to be buried in pits, with the base of the pit being a minimum of 2m above the water table at all times.

Should Council wish to approve the application as submitted, it is recommended that a condition be imposed requiring the preparation of:

- An Environmental Management Plan being prepared in accordance with the National Environmental Guidelines for Piggeries 2010, to the satisfaction of the Shire, DoW, Department of Agriculture and Department of Health;
- If not addressed within the Management Plan referred to above, a Pig Death Management Plan detailing the method of carcass disposal to the satisfaction of Council, the DoW and Department of Health.

Water Availability

The DoW has identified that there is no water available in the Manjimup Brook/Yanmah-Dixvale surface water sub area, which has been fully allocated. As a result trading of water or the use of alternative water sources needs to be examined.

The Department furthermore identifies that the land is located within a “non-proclaimed” groundwater area under the Rights in Water and Irrigation Act 1914. A license will be needed to draw water from the artesian aquifers, although a license is not required for non-artesian groundwater sources.

Should Council wish to approve the application as submitted, it is recommended that the applicant be directed to liaise with the Department of Water over water required for the operation.

STATUTORY ENVIRONMENT:

The Shire of Manjimup’s prior planning consent is required for the use as proposed in accordance with clause 8.1 of the Scheme.

In considering an application for approval, the local government may consult with any other statutory, public or planning authority it considers appropriate. In this case both the DER and DoW were consulted.

Pursuant to clause 10.2 of the Scheme, Council must have regard to various matters, include ng, but not limited to:

- (ii) *the requirements of orderly and proper planning;*
- (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; and*

(xxvii) the comments or submissions received from any authority consulted under clause 10.1;

In accordance with clause 10.2(xiii), it is appropriate for Council to ensure that appropriate conditions are imposed to protect or mitigate any potential impacts on the environment.

Pursuant to Part 8 of the Scheme, Council may grant approval subject to the later approval of further details. To this end, it is recommended that a Land Management Plan be prepared in accordance with the National Environmental Guidelines for Piggeries. This plan to be prepared to the satisfaction of Council, the Department of Water, Department of Health and Department of Agriculture and Food.

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The required planning application fee has been paid in accordance with Council's schedule of fees and charges adopted as part of the annual budget process.

SUSTAINABILITY:

Environmental: The potential for environmental impact can be substantially minimised through the adoption and implementation of appropriate land management practices.

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, pursuant to Part 10 of Local Planning Scheme No 4, grant planning consent to the proposed Free Range Piggery (Animal Husbandry – Intensive), subject to compliance with the following conditions:

- 1. Prior to the commencement of the use hereby approved, the applicant shall prepare a Land Management Plan in accordance with the National Environmental Guidelines for Piggeries. This plan shall be prepared to the satisfaction of the Shire of Manjimup, Department of Water, Department of Health and Department of Agriculture and Food;**
- 2. Prior to the commencement of the use hereby approved, the applicant shall prepare a Death Management Plan in accordance**

with the National Environmental Guidelines for Piggeries. This plan shall be prepared to the satisfaction of the Shire of Manjimup, Department of Water, Department of Health and Department of Agriculture and Food;

3. The activity hereby approved must be carried out generally in accordance with Land Management Plan and Death Management Plan approved in accordance with condition No's 1 and 2 above, the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent from the local government;
4. Pigs associated with the land use hereby approved, shall be contained by appropriate fencing to ensure that pigs are not permitted within 100m of a water source;
5. The activity hereby approved shall be operated so as not to detrimentally impact on the amenity of the area or the natural environment.
6. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by local government. Where the planning approval has lapsed, no further development is to be carried out. (Statutory Planning).

Advice to Applicant:

1. Further to condition No 1 above, the applicant is advised that matters to be addressed by the Land Management Plan shall include the need to ensure the rotation of the pigs and spelling of land from the piggery operation in accordance with the National Environmental Piggery Guidelines. Other matters to be addressed include the need to establish a buffer of not less than 100m between the pigs and a water course located on the property and the need to prevent surface flows transporting nutrients off the site.
2. The applicant is advised that all details of the activity hereby approved is required to comply with the Health Act 1911, with particular reference to offensive trades. It is recommended that you liaise with the Shires Principal Environmental Health Officer over this requirement.
3. The Department of Water has advised that a Water License may be required for water to be used in association with the activity hereby approved. It is recommended that you liaise with the Manjimup Office of the Department of Water over compliance with this requirement.

COUNCIL RESOLUTION:**MOVED: Logan, C****SECONDED: Daubney, L****26846**

That Council, pursuant to Part 10 of Local Planning Scheme No 4, grant planning consent to the proposed Free Range Piggery (Animal Husbandry – Intensive), subject to compliance with the following conditions:

1. Prior to the commencement of the use hereby approved, the applicant shall prepare a Land Management Plan in accordance with the National Environmental Guidelines for Piggeries. This plan shall be prepared to the satisfaction of the Shire of Manjimup, Department of Water, Department of Health and Department of Agriculture and Food;
2. Prior to the commencement of the use hereby approved, the applicant shall prepare a Death Management Plan in accordance with the National Environmental Guidelines for Piggeries. This plan shall be prepared to the satisfaction of the Shire of Manjimup, Department of Water, Department of Health and Department of Agriculture and Food;
3. The activity hereby approved must be carried out generally in accordance with Land Management Plan and Death Management Plan approved in accordance with condition No's 1 and 2 above, the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent from the local government;
4. Pigs associated with the land use hereby approved, shall be contained by appropriate fencing to ensure that pigs are not permitted within 100m of a water source;
5. The activity hereby approved shall be operated so as not to detrimentally impact on the amenity of the area or the natural environment.
6. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by local government. Where the planning approval has lapsed, no further development is to be carried out. (Statutory Planning).

Advice to Applicant:

1. Further to condition No 1 above, the applicant is advised that matters to be addressed by the Land Management Plan shall include the need to ensure the rotation of the pigs and spelling of land from the piggery operation in accordance with the National Environmental Piggery Guidelines. Other matters to be addressed include the need to establish a buffer of not less than 100m

between the pigs and a water course located on the property and the need to prevent surface flows transporting nutrients off the site.

2. The applicant is advised that all details of the activity hereby approved is required to comply with the Health Act 1911, with particular reference to offensive trades. It is recommended that you liaise with the Shires Principal Environmental Health Officer over this requirement.
3. The Department of Water has advised that a Water License may be required for water to be used in association with the activity hereby approved. It is recommended that you liaise with the Manjimup Office of the Department of Water over compliance with this requirement.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.7.1 Appointment of Fire Control Officers for the 2016 / 2017 Bush Fire Season**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation Services
FILE REFERENCE:	F160156
LEGISLATION:	Bush Fires Act 1954
AUTHOR:	Todd Ridley
DATE OF REPORT:	24/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Pursuant to Section 38 of the Bush Fires Act 1954, Council may appoint Fire Control Officers for the purposes of extinguishing/prevention of bush fires and writing of "permits to burn" during the Restricted Burning Period.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Each year Bush Fire Brigades are requested to nominate a Fire Control Officer for their Brigade area. People listed in the Attachment have completed the requirements of Council Policy 5.3.21 and have been nominated by their respective Bush Fire Brigade to be appointed as Fire Control Officers.

A detailed list of the nominations is shown attached.

ATTACHMENT: 9.7.1(1)

The appointments as recommended by the Brigades are unconditionally supported.

STATUTORY ENVIRONMENT:

Section 38 of the Bush Fires Act 1954

POLICY / STRATEGIC IMPLICATIONS:

Appointment of the Fire Control as proposed is consistent with Council Policy 5.3.21 which sets requirements for the appointment of Fire Control Officers.

ORGANISATIONAL RISK MANAGEMENT:

Council's support to the appointment of the Fire Control Officers is required prior to the commencement of the Annual Fire Season is essential to minimise the risk to property and the organisation.

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Fire has the potential to decimate the natural and built environment if preventative and operational bush fire strategies are not adequate.

Economic: The economic consequences of fire can be devastation. Fire has the ability to destroy entire agriculture areas, in particular with the potential to ruin the livelihood of many people.

Social: The social consequence of fire can also be devastating. Whilst it may be argued that a major fire can bring a community together, in addition to the social benefits of camaraderie forged in individual Bush Fire Brigades, the social consequences of destructive fire far outweigh any positive impacts.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council appoint the persons listed Attachment 9.7.1(1) as Fire Control Officers for their nominated areas for the 2016 / 2017 Restricted and Prohibited Season.

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26847

That Council appoint the persons listed Attachment 9.7.1(1) as Fire Control Officers for their nominated areas for the 2016 / 2017 Restricted and Prohibited Season.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.9.1 Quarterly Report July - September 2016 Community Services Directorate**

PROPONENT	Director Community Services
OWNER	Whole of Shire
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F160956
LEGISLATION:	Nil
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	27 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the July - September 2016 quarter for the Community Services Directorate is attached for Councillors information.

ATTACHMENT: 9.9.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive the July - September 2016 Quarterly Report – Community Services Directorate as contained in the Attachment:**

ATTACHMENT: 9.9.1(1)

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26848

That Council receive the July - September 2016 Quarterly Report – Community Services Directorate as contained in the Attachment: 9.9.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

**ATTACHMENT
APPENDIX**

9.13.1 Review of Policy of Council 10.2.2 Standard of Maintenance for Parks Assets Within the Shire

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F161013
LEGISLATION:	Nil.
AUTHOR:	Michael Leers
DATE OF REPORT:	11 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council Policy 10.2.2 Standard of Maintenance for Parks Assets Within the Shire was last reviewed 21 January 2010. The current policy was scheduled for review in January 2014 and is appended.

APPENDIX: 9.13.1(A)

The purpose of this report is to request Council consider a revised policy for adoption.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The current policy is 33 page document that details maintenance procedures and intervention levels for each activity at each of the four categories of park and reserve. For example the policy provides direction on how often turf is to be mowed and at what height it is to be mowed, how often these areas are to be irrigated and how often trees are to be pruned.

Directions for work activities should not form part of a Council Policy that is intended to provide the Council's and community's vision for the levels of service for its Public Open Space (POS). Further, by dictating intervention levels for work activity in a policy hinders the ability for maintenance programs to adjust to growing and changing natural environments. The proposed revised policy document consisting of 3 pages clearly states the benefits of the Shires POS and that the maintenance of those assets needs to consider community expectations alongside available resources and budgets.

As such, Council is requested to approve the proposed review of Council policy 10.2.2 Standard of Maintenance for Parks Assets Within the Shire, which is attached.

ATTACHMENT: 9.13.1(1)**STATUTORY ENVIRONMENT:**

Nil.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

There is no risk to the organisation by rescinding the identified Council policies and then replacing them with the proposed policy.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

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

That Council adopt the reviewed policy 10.2.2 Standard of Maintenance of Parks Assets Within the Shire, as Attachment: 9.13.1(1).

COUNCIL RESOLUTION:**MOVED: Logan, C****SECONDED: Daubney, L****26849**

That Council adopt the reviewed policy 10.2.2 Standard of Maintenance of Parks Assets Within the Shire, as Attachment: 9.13.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

**ATTACHMENT
APPENDIX**

9.13.3 Review of Waste Management Council Policy 9.2.1 Waste Disposal Tipping Fees and Charge Exemptions and Council Policy 9.2.2 Waste Collection Policy

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F161013
LEGISLATION:	Local Government Act 1995
AUTHOR:	Michael Leers
DATE OF REPORT:	30 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council Policy 9.2.1 Waste Disposal Site Tipping Fee and Waste Collection Charge Exemptions was adopted 25 July 2002 and last reviewed 16 June 2011. The current policy was scheduled for review in June 2015 and is appended.

APPENDIX: 9.13.3(A)

Council Policy 9.2.2 Waste Collection Policy was adopted 8 December 2011. The current policy was scheduled for review in December 2015 and is appended.

APPENDIX: 9.13.3(B)

The purpose of this report is to request Council that it considers the reviewed policies for adoption.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The current policy 9.2.1 Waste Disposal Site Tipping Fee and Waste Collection Charge Exemptions is still relevant and only requires minor word and layout changes as well as updated reference to current legislation. The amended policy can be found in the attachment.

ATTACHMENT: 9.13.3(1)

The current policy 9.2.2 Waste Collection Policy is still relevant and only requires minor word and layout changes. The amended policy can be found in the attachment.

ATTACHMENT: 9.13.3(2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / 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: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the reviewed Council Policies:

- 1. 9.2.1 Waste Disposal Site Tipping Fee and Waste Collection Charge Exemptions at Attachment: 9.13.3(1); and**
- 2. 9.2.2 Waste Collection Policy at Attachment: 9.13.3(2).**

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26850

That Council adopt the reviewed Council Policies:

- 1. 9.2.1 Waste Disposal Site Tipping Fee and Waste Collection Charge Exemptions at Attachment: 9.13.3(1); and**
- 2. 9.2.2 Waste Collection Policy at Attachment: 9.13.3(2).**

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.15.1 Minutes of the Northcliffe Forest Park Management Committee Meeting held 12 October 2016**

PROPONENT OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Northcliffe Forest Park
ZONE:	Coastal
DIRECTORATE:	N/A
FILE REFERENCE:	Works & Services
LEGISLATION:	F161261
AUTHOR:	Local Government Act 1995
DATE OF REPORT:	Nicole Booth
DECLARATION OF INTEREST:	18/10/2016
	Nil

BACKGROUND:

Minutes of the Northcliffe Forest Park Management Committee Meeting held 12 October 2016, are attached.

ATTACHMENT: 9.15.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

There was one recommendation made by the Northcliffe Forest Park Management Committee requiring Council consideration.

Committee Recommendation	Officer's Comment
The Northcliffe Forest Park Management Committee requests that the Shire of Manjimup explore the opportunity to create a public recreation dam site in Northcliffe Forest Park.	Supported, provided a feasibility study to construct a public recreation dam site is undertaken as part of the Northcliffe Forest Park management Plan.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Management Committees of Council ensure appropriate levels of community involvement in assisting the Shire manage its public open space and the relevant infrastructure assets.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The Northcliffe Forest Park Management Committee is responsible for the Northcliffe Forest Park budget allocated by Council for the Northcliffe Forest Park's maintenance, capital improvement and reserves. The review of the Northcliffe Forest Park Management Plan is expected to be accomplished as part of the Forest Parks' annual budget. The feasibility study to explore modifications to the dam will be subject to successful grant funding.

SUSTAINABILITY:

Environmental: The Northcliffe Forest Park is a heavily vegetated reserve in close proximity to the town providing both social benefits and public safety concerns in respect to fire management.

Economic: Nil

Social: The Northcliffe Forest Park is an important reserve for the Northcliffe community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council;

1. **Receive the minutes of the Northcliffe Forest Park Management Committee meeting held 12 October 2016 as included in Attachment: 9.15.1(1); and**
2. **Approve a feasibility study to construct a public recreation dam in the Northcliffe Forest Park subject to grant funding.**

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26851

That Council;

1. **Receive the minutes of the Northcliffe Forest Park Management Committee meeting held 12 October 2016 as included in Attachment: and**
2. **Approve a feasibility study to construct a public recreation dam in the Northcliffe Forest Park subject to grant funding.**

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.16.2 Minutes of the Manjimup Timber & Heritage Park Advisory Committee Meeting held 20 September 2016**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Ward and Edwards Streets, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F160036
LEGISLATION:	Nil
AUTHOR:	Evy Apeldoorn
DATE OF REPORT:	13/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The unconfirmed Minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held on the 20 September 2016 are attached.

ATTACHMENT: 9.16.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held 20 September 2016 as per Attachment: 9.16.2(1).

COUNCIL RESOLUTION:

MOVED: Logan, C SECONDED: Daubney, L

26852

That Council receive the unconfirmed minutes of the Manjimup Timber and Heritage Park Advisory Committee meeting held 20 September 2016 as per Attachment: 9.16.2(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

9.3.2 Budget Review Adjustments - September 2016

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160191
LEGISLATION:	Section 6.8 Local Government Act 1995,
AUTHOR:	Greg Lockwood
DATE OF REPORT:	27 October 2016
DECLARATION OF INTEREST:	Nil
SIGNATURE:	

BACKGROUND:

Following a review of the Monthly accounts to 30 September 2016 a budget adjustment sheet has been prepared to reflect variations to expenditure and revenue compared to that contemplated in the 2016/2017 Annual Budget.

ATTACHMENT: 9.3.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The September 2016 Monthly Financial Statement Report has been completed and is the subject of a separate agenda item providing a full explanation of “actual” compared to “budget” for the three months of operation to 30 September 2016.

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

- Sister City Relationship \$15,000 – amend budget to fund delegation to Jiashan County to formalise Sister City relationship.

Other adjustments required but not yet considered by Council are:

- Department of Local Government & Communities \$1,449 – recognise final allocation of Financial Assistance Grants (Roads) – increase to Road Maintenance;
- Department of Local Government & Communities \$10,623 – recognise reduction in final allocation of Financial Assistance Grants (General Purpose) – reduction in transfer to Workers Compensation Premium Reserve; and
- Main Roads WA \$14,837 - recognise final allocation of State Direct Grant (Roads) – increase to Road Maintenance.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Details of the recommended budget adjustments are attached.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council adopts the September 2016 budget adjustment as contained in Attachment: 9.3.2(1).

COUNCIL RESOLUTION:

MOVED: Taylor, R SECONDED: Omodei, P

26853

That Council adopts the September 2016 budget adjustment as contained in Attachment: 9.3.2(1).

CARRIED: 11/0

Councillor Winfield declared a Financial Interest in this item as he has an indirect interest – wife’s business is a Shire contractor. Cr Winfield did not speak or vote on the matter and left the Chamber at 6.30pm.

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

9.3.5 Proposed Purchase of Reserve 14809 Jaycees Park as Freehold

PROPONENT	Shire of Manjimup
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Lot 156 Rose St, Manjimup (Reserve 14809)
WARD:	Central
ZONE:	Town Centre
DIRECTORATE:	Business
FILE REFERENCE:	F161153
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Component five of the Manjimup Town Centre Revitalisation project is to convert Reserve 14809, Lot 156 Rose Street, to an investment ready town centre location for an accommodation facility provider.

The business case specified that the accommodation site is to be purchased by the Shire as freehold. A land valuation of \$590,000 exclusive of GST was obtained and offered to the Department of Lands as the purchase price. The Department of Lands have approved the proposed sale. A formal resolution for the land purchase is now sought from Council.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Reserve 14809 has been rezoned ‘town centre’ by an amendment to Local Planning Scheme No 4, consistent with the proposed accommodation site.

The Shire of Manjimup currently holds the management order for Reserve 14809 for the purpose of recreation, which it has been used for a small park and playground known as Jaycees Park. As part of the town centre revitalisation, adjacent Reserve 26199 Manjimup Timber and Heritage Park has received significant additional park and playground facilities and will

continue to be expanded meeting the needs of park users. Reserve 14809 is therefore surplus due to this proximity and being for similar purpose.

There will be the option of either the Shire granting a long term lease or on selling the land to an accommodation provider.

STATUTORY ENVIRONMENT:

The contract for sale is subject to the Department of Lands registering an order to cancel Reserve 14809 and administering the sale in accord with the Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

Council Policy 1.2.8 Authority to Execute Documents on Behalf of Council states: 'Authority is delegated to the Chief Executive Officer to execute documents on behalf of Council other than for matters concerning the disposal, purchase, assignment, boundary adjustment or leasing of land and any changes to the vesting purpose or vesting authority.' Therefore a Council resolution to purchase Lot 156 Rose St is required.

ORGANISATIONAL RISK MANAGEMENT:

If purchase of Lot 156 Rose St does not occur, this component of the town centre revitalisation project cannot proceed.

FINANCIAL IMPLICATIONS:

The land purchase \$590,000 is to be funded by Shire of Manjimup's financial commitment to the Manjimup Town Centre Revitalisation project.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council purchase Lot 156 Rose St, Manjimup from the State of Western Australia for \$590,000 plus GST.

COUNCIL RESOLUTION:

MOVED: Bavich, D SECONDED: Taylor, R

26854

That Council purchase Lot 156 Rose St, Manjimup from the State of Western Australia for \$590,000 plus GST.

CARRIED: 10/0

Cr Winfield returned to Chamber at 6.33pm.

Councillors Omodei and Herbert declared an Impartiality Interest in this item as Cr Omodei is deputy President of Pemberton Aged Accommodation Inc. and Cr Herbert is a committee member of same. Both Councillors declared that they would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.3.11 Proposed Pemberton Aged Accommodation Access

PROPONENT OWNER	Pemberton Aged Accommodation Inc
LOCATION / ADDRESS:	Crown – Road Reserve Hospital Avenue, Pemberton
WARD:	West
ZONE:	Town Centre / Public Purposes
DIRECTORATE:	Business
FILE REFERENCE:	F161387
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	25 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the meeting of 20 November 2014 Council resolved to grant a lease to Pemberton Aged Accommodation Inc (PAAI) over portion of Lot 269, Reserve 42817, Hospital Avenue, Pemberton, for the purpose of access to their additional stage of development on adjoining Lot 556. However, upon the Department of Lands considering the formal request to lease, the access was required to be a dedicated road. Subsequently at the meeting of 22 January 2015 Council resolved:

That Council:

1. Request the Department of Lands revoke portion of Lot 269 on Deposited Plan 92167, shown on attachment 9.3.11(1), from Reserve 42817 and dedicate it as Road Reserve; and
2. Advise Pemberton Aged Accommodation Inc that the access is to be formalised by a deed of agreement, subject to:
 - a) Pemberton Aged Accommodation Inc to be responsible for the cost of preparation of the deed of agreement;
 - b) Pemberton Aged Accommodation Inc to construct and maintain sealed access to the satisfaction of the Shire of Manjimup; and
 - c) the sealed access is to be constructed prior to the occupation of the additional aged accommodation units.

Pemberton Aged Accommodation Inc (PAAI) were provided the deed of agreement for execution in May 2015. The deed has not been signed and the attached letter was received from the association on 19 September 2016

requesting Council to reconsider the requirement for the deed of agreement for the ongoing maintenance of the access road.

ATTACHMENT: 9.3.11(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Construction of the units is in progress and the access needs to be formalised prior to occupation of the units. The road reserve dedication has been completed by the Department of Lands.



The access will be an extension to Hospital Avenue, although it will only service the aged accommodation, unless the adjoining reserves are developed in the future. The plans for construction of the road and crossovers have been reviewed by the Shire's technical services staff to ensure this is planned to be constructed to a satisfactory standard.

In their letter PAAI have mentioned application of the \$50,000 Council headworks contribution towards construction of the road. After the initial road construction is completed, the implications to Council will be minimal to undertake maintenance as an extension to Hospital Avenue. The length of the subject portion of road reserve is 60 meters, however the constructed road will not be the full length.

Given the road will be constructed to a standard that is satisfactory to the Shire, the Works and Services Directorate can accommodate the ongoing maintenance as part of its annual budgets and works programs.

It is recommended that Council resolve for PAAI to be responsible for the construction and costs thereof and Council assume responsibility for the constructed road thereafter and rescind the part of the resolution of 22 January 2015 requiring the deed of agreement.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Land Administration Act 1997.

POLICY / STRATEGIC IMPLICATIONS:

The access is to be formalised for the additional aged accommodation units. Accepting the access as an extension to Hospital Avenue will simplify responsibilities and be consistent with the road reserve tenure.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

As above, PAAI to fund construction including using Council’s headworks contribution. Council assuming responsibility for the constructed road is expected to have minimal implications to the Shire.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

STEP 1

CONSENT IN ACCORDANCE WITH THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

The following four Councillors consent to the consideration of a Motion to rescind part of Council’s decision of 22 January 2015 relating to formalising access for Pemberton Aged Accommodation:

CR _____

CR _____

CR _____

CR _____

STEP 2 (If Consent is granted from Step 1 – Absolute Majority required)**MOTION:**

That Council revoke part 2 of its decision in relation to item 9.6.5 on 22 January 2015.

“Advise Pemberton Aged Accommodation Inc that the access is to be formalised by a deed of agreement, subject to:

- a) Pemberton Aged Accommodation Inc to be responsible for the cost of preparation of the deed of agreement;
- b) Pemberton Aged Accommodation Inc to construct and maintain sealed access to the satisfaction of the Shire of Manjimup; and
- c) the sealed access is to be constructed prior to the occupation of the additional aged accommodation units.”

STEP 3 (Only if required and Step 2 is carried by Absolute Majority)**MOTION:**

That Council approve extension of Hospital Avenue to provide access to the new aged accommodation units on Lot 556, subject to:

1. Pemberton Aged Accommodation Inc to construct sealed access in the Hospital Avenue road reserve to the satisfaction of the Shire of Manjimup;
2. Pemberton Aged Accommodation to be responsible for the full costs of construction; and
3. the sealed access is to be constructed prior to the occupation of the additional aged accommodation units.

STEP 1**CONSENT IN ACCORDANCE WITH THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996**

The following four Councillors consent to the consideration of a Motion to rescind part of Council’s decision of 22 January 2015 relating to formalising access for Pemberton Aged Accommodation:

CR OMODEI

CR JENKINS

CR LOGAN

CR HERBERT

STEP 2 (If Consent is granted from Step 1 – Absolute Majority required)

COUNCIL RESOLUTION:

MOVED: Herbert, V SECONDED: Jenkins, D

26855

That Council revoke part 2 of its decision in relation to item 9.6.5 on 22 January 2015.

“Advise Pemberton Aged Accommodation Inc that the access is to be formalised by a deed of agreement, subject to:

- a) Pemberton Aged Accommodation Inc to be responsible for the cost of preparation of the deed of agreement;**
- b) Pemberton Aged Accommodation Inc to construct and maintain sealed access to the satisfaction of the Shire of Manjimup; and**
- c) the sealed access is to be constructed prior to the occupation of the additional aged accommodation units.”**

CARRIED: 11/0

STEP 3 (Only if required and Step 2 is carried by Absolute Majority)

COUNCIL RESOLUTION

MOVED: Herbert, V SECONDED: Taylor, R

26856

That Council move to defer further decision on this matter until 8 December 2016 meeting.

CARRIED: 11/0

ATTACHMENT

9.5.1 Proposed Land Clearing at Lots 111, 112 Howe Court and 113 Karri Street, Walpole

PROPONENT	Y Owusu
OWNER	Shorepoint Pty Ltd
LOCATION / ADDRESS:	Lots 111 & 112 Howe Court, Walpole Lot 113 Karri Street, Walpole
WARD:	South
ZONE:	Residential R10
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P52519, P53844, P55095, DA16/68
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jason Giadresco
DATE OF REPORT:	26/10/2016
DECLARATION OF INTEREST:	Nil

Council deferred considered this matter at its meeting held on the 20 October 2016. Whilst not reflected in the Council resolution, during the information briefing clarification was sought on the difference between the clearing of land as proposed and the previous clearing of lots in Boronia Ridge Estate, actions for which the developer was successfully prosecuted in 2015.

In May 2012, Sunland Pty. Ltd. undertook the wholesale clearing of native vegetation on numerous lots within the Boronia Ridge Estate. The clearing was undertaken without the prior approval of either Council or the Department of Environmental Protection. In this instance the applicant has sought the Council's prior planning consent.

Having used this time to further consider the application, Shire Officers wish to also recommend that an additional condition be imposed to require the replacement of native trees along the Howe Court frontage, ensuring the appearance of resulting development is consistent with the balance of the estate. The following wording is recommended to be included as Condition 1. (c):

"1c) The setback to Howe Court being replanted with native trees common to the area, being not less than 13 trees and maintained to the satisfaction of the Chief Executive Officer."

The additional condition above has been discussed with the applicant, who amenable to its recommendation to Council.

BACKGROUND:

Council is requested to consider an application proposing to clear land at adjoining Lots 111 and 112 Howe Court and 113 Karri Street, Walpole in order to reduce the applicable Bushfire Attack Level (BAL) for a proposed future dwelling to be constructed on the property. Copies of an aerial of the site and a plan detailing the proposed clearing are attached.

ATTACHMENT: 9.5.1(1)

Location Plan



Lots 111 (1009m²), 112 (1027m²) and 113 (1124m²) are vacant properties located within Stage 2A of Boronia Ridge Estate, and are collectively owned by Shorepoint Pty Ltd. All properties are densely covered by native vegetation with several live standing trees. The dense understorey vegetation beneath the standing trees on the lot consists of reeds, sedges and grasses.

This matter is referred to Council as the clearing of land within Walpole Precinct 1 requires Planning Approval prior to the commencement of works in accordance with the provisions of Local Planning Scheme No 4 (LPS No 4).

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised to adjoining neighbours and government agencies in accordance with LPS No 4 for a period of 14 days. Three submissions from the Departments of Parks and Wildlife, Water and Environment Regulation were received, and are attached.

ATTACHMENT: 9.5.1(2)

COMMENT (Includes Options):

The properties are zoned Residential by Shire of Manjimup Local Planning Scheme No.4 (the Scheme). Being within the Boronia Ridge Estate, Scheme maps also identify the land as being located within Planning Precinct Walpole 1 which is subject to specific design and vegetation management provisions.

Properties in Stage 2A of the Boronia Ridge Estate subdivision (in which the subject property is located) are subject to an approved subdivision guide plan which prescribes building envelopes. The clearing for the purposes of constructing a dwelling is allowable within a building envelope. However, this application proposes the wholesale clearing of the native vegetation on the lots, no dwelling construction, and largely on the basis of attempting to lower the Bushfire Attack Level (BAL) rating for the property.

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

Agency Submissions

The submissions received from the Department of Parks and Wildlife (DPaW) and Department of Water (DoW) offered no comment, nor objection to the application.

The Department of Environmental Regulation (DER) notes that under the *Environmental Protection Act 1986* it is an offence to clear native vegetation unless done in accordance with a clearing permit, or an exemption applies. It also noted that no clearing permit had been received from the applicant. No objection to the application was provided by the Department.

Land Use Definition and Scheme provisions

'Clearing Land' is defined by clause 5.7.3 of the LPS No 4 as:

- I. Cutting down, felling, thinning, logging or removing vegetation;
- II. Killing, destroying, poisoning, ringbarking, uprooting or burning vegetation; or
- III. Severing branches, limbs, stems or trunks of vegetation.

The above said, clause 5.7.3 also identifies that, subject to the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, the following works are not classified as clearing requiring the prior approval of Council:

- (iv) any clearing, including the provisions of firebreaks, that is authorised under the *Bushfires Act 1954* (as amended);
- (xi) any clearing carried out in accordance with a local government approved Fire Management Plan;

A Fire Management Plan was approved for the Boronia Ridge Estate in 2007. The FMP identifies the Estate as a Bushfire Prone Area. The FMP suggests that vegetation management generally should not remove "live standing trees" solely for the purposes of bushfire hazard reduction, but rather appropriately manage the understorey growth. The FMP further states that management of vegetation in Boronia Ridge Estate should take the form of landscaping and "housekeeping" rather than clearing.

Shire officers note that the application is proposing to clear above and beyond the requirements of the Scheme and FMP. For Council's reference, a copy of the Boronia Ridge Fire Management Plan is attached.

ATTACHMENT: 9.5.1(3)

Annual Firebreak Notice

For residential land within a Townsite boundary, the Shires annual firebreak notice requires that all flammable material is removed, or mowed and maintained at a level not exceeding 100mm.

It should also be noted that the notice defines a live standing tree as follows:

“Means perennial plant having a permanent woody, self-supporting main stem or trunk, usually growing to considerable height and usually developing branches at some distance from the ground. Live standing trees exhibit a distinct crown of foliage with a stem diameter at breast height of least 100mm. A live standing tree will continue to have sap movement along the cambium layer (layer of living cells) located under the bark.”

Policy Precinct (Special Design) Walpole 1

The Boronia Ridge Estate is located within a planning precinct (Walpole 1 – Boronia Ridge Residential Estate (Special Design)). Planning Precinct Statement 4.1 prescribes the development provisions for the Boronia Ridge Estate. Provision (xiii) states the following in respect of clearing:

No native vegetation or trees on the land shall be removed, damaged, destroyed or cause to be removed, damaged or destroyed except for the purpose of building an approved residence or structure or access thereto or to accommodate sensible bushfire prevention measures as determined by any relevant authority

As is clearly identified within LPS No 4, native vegetation shall not be removed, damaged or destroyed except for the purpose of building an approved residence or to accommodate sensible bushfire measures. In this instance, the proposed clearing is to be undertaken is to accommodate construction of a future dwelling at a lower BAL rating.

Lots 111 and 112

Shire officers do not object to the clearance of vegetation on Lots 111 and 112, provided that the applicant submits plans for the proposed dwelling construction as indicated on the clearing, and obtaining a Building Permit from the Shire prior to entirely clearing Lots 111 and 112 as proposed in the clearing plan.

Additionally, Lots 111 and 112 have received approval from the Western Australian Planning Commission to amalgamate into a single residential lot (WAPC 152856). The intent of the amalgamation was to create a lot to accommodate a dwelling of considerable size. Shire officers recommend that the amalgamation be finalised prior to any clearing or development occurring on the lot. This will be included as a condition should Council grant approval.

Lot 113

Given that Lot 113 is not to be developed, Shire officers are of the opinion that the proposed wholesale clearing cannot be justified. Instead, Shire officers proposed that the lot be parkland cleared with the retention of the live standing trees on the lot in accordance with the provisions of the Boronia Ridge FMP until such time as the lot is developed for a residential purposes.

Conclusion

In accordance with Scheme provisions Shire officers recommend that Council support the wholesale clearance of native vegetation on Lots 111 and 112 Howe Court only, and only after the landowner/applicant has obtained a further development approval and a building permit for a dwelling as indicated in the attached plans.

Given the requirements of LPS No 4 and the FMP, it is recommended that the clearing of Lot 113 be restricted to the clearing of understorey vegetation, whilst preserving the live standing trees on the property, including those located within the designated building envelope until such time the applicant is prepared to develop the lot.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Development in Boronia Ridge Estate is affected by Local Planning Policy 6.1.45 *Boronia Ridge* as discussed in the Comment Section above.

ORGANISATIONAL RISK MANAGEMENT:

Given Council's prosecution of the developer of Boronia Ridge Estate for illegal vegetation clearing in 2012, culminating in the developer being heavily fined, Council need to be aware that approval of the proposed wholesale clearing of the native vegetation with a building permit on Lots 111, 112, and 113 may be perceived by the residents of the Estate as a 'double standard', and serve to confuse community expectations.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

1. **In accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning approval for the clearing of native vegetation on Lots 111 and 112 Howe Court, Walpole (Application TP91/2016) subject to the following conditions:**
 - a. **Prior to the commencement of any of the approved development, Lots 111 and 122 Howe Court shall be**

amalgamated onto a single title to the satisfaction of the Chief Executive Officer.

- b. Prior to the clearing of any vegetation, the applicant is to obtain a building permit for the construction of a dwelling on the newly created lot, referred to in point a) above.

Advises the Applicant:

- a) Your attention is drawn to the fact that firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the local government around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by the Shire of Manjimup;
- b) That where clearing of land is involved in any proposed development, the approval of the Department of Environment Regulation will be required under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
- c) Fire permits are required to be obtained from the Shire of Manjimup where burning is to be carried out in restricted burning times. In this regard, please contact the Shire's Ranger and Emergency Services to apply; and
- d) The definition of a "live standing tree" means "perennial plant having a permanent woody, self-supporting main stem or trunk, usually growing to considerable height and usually developing branches at some distance from the ground. Live standing trees exhibit a distinct crown of foliage with a stem diameter at breast height of least 100mm. A live standing tree will continue to have sap movement along the cambium layer (layer of living cells) located under the bark". Clearance of trees on Lot 113 Karri Street meeting this definition is not permitted by the Shire of Manjimup.
2. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No.4 refuses the application for the clearance of all native vegetation on Lot 113 Karri Street, Walpole on the basis the proposed land clearing is in excess of the requirements of Schedule 8 of Shire of Manjimup Local Planning Scheme No.4 and the Boronia Ridge Estate Fire Management Plan.

COUNCIL RESOLUTION:**MOVED: Tapley, D****SECONDED: Jenkins, D****26857****That Council**

1. In accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning approval for the clearing of native vegetation, not including trees, on Lots 111 and 112 Howe Court, Walpole (Application TP91/2016) subject to the following conditions:

a. Prior to the commencement of any of the approved development, Lots 111 and 122 Howe Court shall be amalgamated onto a single title to the satisfaction of the Chief Executive Officer.

Advises the Applicant:

a) Your attention is drawn to the fact that firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the local government around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by the Shire of Manjimup;

b) That where clearing of land is involved in any proposed development, the approval of the Department of Environment Regulation will be required under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

c) Fire permits are required to be obtained from the Shire of Manjimup where burning is to be carried out in restricted burning times. In this regard, please contact the Shire's Ranger and Emergency Services to apply; and

d) The definition of a "live standing tree" means "perennial plant having a permanent woody, self-supporting main stem or trunk, usually growing to considerable height and usually developing branches at some distance from the ground. Live standing trees exhibit a distinct crown of foliage with a stem diameter at breast height of least 100mm. A live standing tree will continue to have sap movement along the cambium layer (layer of living cells) located under the bark". Clearance of trees on Lot 113 Karri Street meeting this definition is not permitted by the Shire of Manjimup.

2. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No.4 refuses the application for the clearance of all native vegetation on Lot 113 Karri Street, Walpole on the basis the proposed land clearing is in excess of the requirements of Schedule 8 of Shire of Manjimup Local Planning Scheme No.4 and the Boronia Ridge Estate Fire Management Plan.

MOTION CARRIED 6/5

FOR

Cr D Jenkins
Cr G Munro
Cr P Omodei
Cr D Tapley
Cr R Taylor
Cr C Winfield

AGAINST

Cr D Bavich
Cr L Daubney
Cr W DeCampo
Cr V Herbert
Cr C Logan

Reasons:

- Cannot obtain Bushfire Attack Level assessment until site is clear;
- Can clear as part of Building Permit;
- Will know exactly what he needs to clear within building envelope.

Cr Daubney declared a Financial Interest in this Item as she is the lessor to owner for agriculture purposes. Cr Daubney did not speak or vote on the matter and left the Chamber at 6.44pm.

Cr Logan declared a Proximity Interest in this Item as she lives on Dingup Road. Cr Logan did not speak or vote on the matter and left the Chamber at 6.44pm.

ATTACHMENT

9.5.3 Proposed Industry - Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup

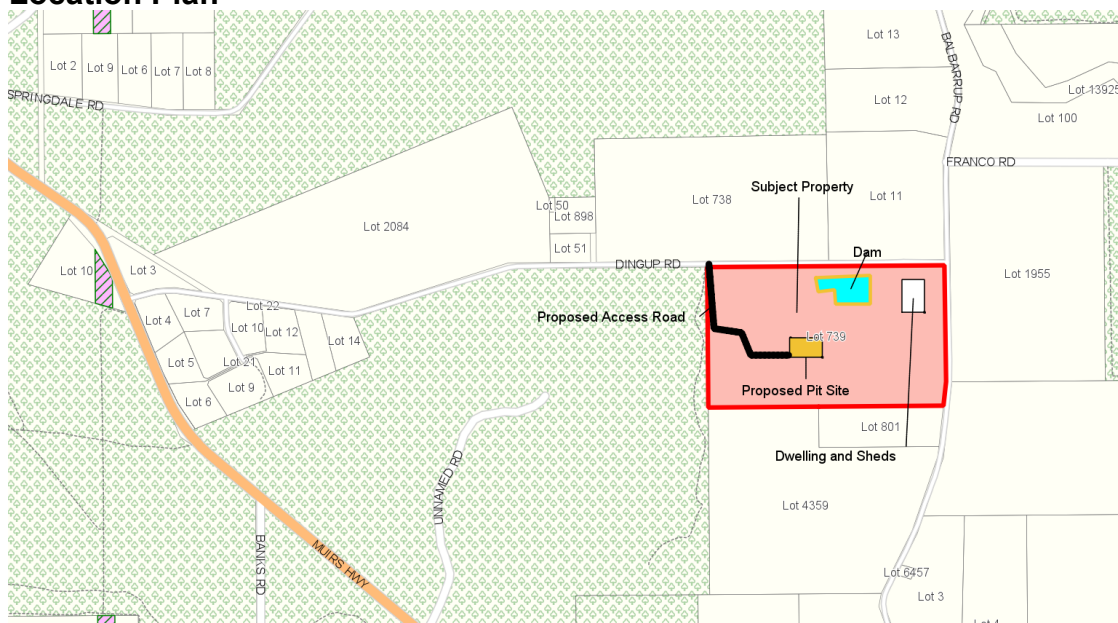
PROPONENT	Dronow Contracting
OWNER	I A N Wauchope
LOCATION / ADDRESS:	Lot 739 (274) Dingup Road, Dingup
WARD:	East
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P56704, DA16/108
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jason Giadresco; Brian Robinson
DATE OF REPORT:	28/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider an application for planning approval for the establishment and operation of an Industry – Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup. A copy of the submitted application, including the submitted plans is attached.

ATTACHMENT: 9.5.3(1)

Location Plan



Lot 739 Dingup Road is 41 ha in area. The property contains 2 dams with a combined surface area of 1.2ha, a dwelling and 2 sheds. The property is predominately used for orchard operations. The property is elevated, with the land declining from the highest point in the south-west corner to the north-east with a fall of approximately 70m. A 3.5ha stand of remnant native vegetation is located in the south-eastern corner of the property.

The application proposes the extraction of gravel and laterite over a 2 ha area, with only 1ha open to extraction at any one time. In total 10,000m³ of material is proposed to be potentially removed.

As detailed in the submitted application, the applicant intends to use the pit to supply gravel commercially on a supply and demand basis. The pit area will be ripped and cleared using a bulldozer. The pit is proposed to be extracted to a depth of 2m, with topsoil stockpiled adjacent to the extraction site. All loading will be undertaken by a 120kw loader into side-tipper trucks, end-over semi-trailers or 6 by 4 rigid trucks. All truck haulage movements will enter Council's road network on Dingup Road, via a recently constructed internal driveway adjacent to the western side of the property. From Dingup Road, either Balbarrup Road or Muirs Highway will be utilised to move the material to its final destination.

Initially the applicant proposed the pit would operate 7 days a week between 6:30am and 5:30pm, with up to 50 loads per day, or up to 300 loads per week to be extracted from the pit. Subsequent to advertising of the proposal, the applicant is seeking to revise these aspects of the proposal. Further information regarding the proposal revisions is provided in the comment section below.

This application requires determination by Council in accordance with Council policy given the submissions that were received during advertising of the proposal.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme, as a "Level D" application as required by Local Planning Policy 6.1.4 *Advertising of Planning Proposals*. Advertising consisted of a sign on site, correspondence to landowners within 500m of the site and an advertisement in the local newspaper.

A total of 18 submissions were received, of which 15 submissions came from adjacent landowners and members of the Manjimup community. Three (3) submissions were received from government agencies. Each of the submissions received have been summarised within the attached Schedule of Submissions (refer ATTACHMENT: 9.5.3 (2)), whilst a full copy of the submissions can be made available to Councillors on request.

ATTACHMENT: 9.5.3(2)

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 include the subject land within the "Priority Agriculture" Zone, where an Industry – Extractive is an "A" use. That is a use that is not permitted unless approved by Council following advertising of the proposal.

In accordance with clause 5.34.2.4 of the Scheme, development within the Priority Agriculture Zone is required to be setback 30 metres from the front and rear boundaries and 10 metres to side boundaries. The application as submitted substantially exceeds these setbacks, with a setback of 260m proposed to Dingup Road.

In determining applications for extractive industries within the Priority Agriculture Zone, the Shire is required to seek to ensure that the setbacks assist in maintaining environmental and landscape qualities of the locality so they are not detrimentally affected and that adequate provision is made for more intensive use of rural lands. Further advice regarding the proposed setbacks is provided in the section titled EPA Guidelines below.

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

Revisions to Proposal

On 29 September 2016, an email was received from the applicant clarifying that the number of vehicle movements proposed and the hours of operation were being sought to cover all circumstances. In that email, the applicant advises that the average daily vehicle movements at times of use would be approximately 25. In addition whilst approval to operate 7 days per week had been sought, it was likely the pit would only operate between 1 day during Winter and 5 days during summer.

A copy of the submitted email is shown as ATTACHMENT: 9.5.3(2).

ATTACHMENT: 9.5.3(3)

Commencement of Works without Approval

Several of the submissions received make statements to the effect that the applicant commenced the proposed extractive industry without the prior approval of Council. This claim was made prior to the Shire receiving an application for planning consent and was re-stated during advertising of the proposal.

Shire officers investigated this claim and found that gravel located on the property had been used to construct a new internal driveway, connecting to Dingup Road. As no gravel in fact left the property, the use of gravel to construct an internal driveway is not classified as an extractive industry under the Scheme. No prior approval of Council was therefore required for the works undertaken.

Four of the submissions received also make the statement that pre-emptive works were completed by the Shire in that works were

undertaken to improve Dingup Road up to the new internal access driveway. These statements are totally false and without basis in fact. The works undertaken on Dingup Road were completed in the last 18 months as part of the Shires normal road maintenance program.

As there were concerns regarding the initial standard of works, further grading was undertaken during the advertising period to ensure a correct road profile. Again this work was not related in any way to the current proposal.

Access

Details submitted with the application indicate that if approved, all access to the Extractive Industry will be provided via Dingup Road. Depending on the end destination, Dingup Road will then be used to access either Balbarrup Road or Muirs Highway.

All submissions received raise concerns regarding the standard of Dingup Road and the potential impact truck movements will have on its maintenance. The majority of submissions also raise concerns over safety standards in respect of:

- i) the proposed driveway access location and its proximity to a crest in Dingup Road (immediately west of the new driveway);
- ii) potential conflict with the school bus route and the safety of children using this service;
- iii) the potential for conflict with horse riders and other recreational users of the road;
- iv) general safety for other road users, particularly visitors to the area, expressing the view that the road is too narrow to allow vehicles to safely pass each other.

In response, the Shires Manager of Technical Services has advised that the proposed driveway access is acceptable given that there are clear sightlines for over 100m in each direction. In terms of general road safety the Manager further advises that:

- a) Dingup Road is a local rural road that varies in width between 6 to 8 metres, providing sufficient room for two vehicles to pass;
- b) As a gravel road, the road is not subject to speed zones;
- c) The Shire is able to condition the development to ensure that truck movements do not occur during school bus route times; and
- d) Speed restrictions could be imposed for the entire length of Dingup Road through conditions of approval.

With respect to road maintenance, the applicant will be required to maintain the current road standard at their expense. Regular site inspections may be undertaken by Shire staff to ensure this occurs for both Dingup and Balbarrup Roads.

Potential for Alternative Access

A suggestion had made within several of the submissions that State Forest Roads located to the rear of the property could be used to access Muirs Highway, removing the need to utilise Dingup Road.

Whilst the intent behind these suggestions is noted, Council is obliged to consider the current application on its merits and determine whether the access as proposed is acceptable. Advice from the Manager of Technical Services indicates that the use of Dingup Road is acceptable from a traffic management view point.

Amenity

The majority of the submissions received raised concern that the proposal will detrimentally impact on the amenity of the area and properties abutting Dingup Road through Dust and Noise associated with both the activity on site and the use of the local road system. The potential for impact can be significantly reduced through restrictions on the operation times and the maximum number of truck movements.

Comments in respect of dust impacting on water resources cannot supported on the basis that the Australian Drinking Water Guidelines identify that dust is not health factor of consideration with regard to rainwater harvesting.

Notwithstanding the above, should Council wish to grant conditional approval to the proposal, it is recommended that conditions be imposed to require the preparation and implementation of a Dust Management Plan and Noise Management Plan to the satisfaction of the Chief Executive Officer.

Concerns regarding the visual impact of the extractive industry were also raised in the submissions received, with particular reference to land located immediately north of Dingup Road. In this regard, clause 10.2 requires that in determining an application Council must have regard to various matters, including but not limited to:-

- (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....*
- (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.*

Assessment of the application identifies that whilst the subject land is elevated, the extractive industry will be undertaken over a total of 2ha in the centre of the 40ha property. In accordance with Council policy, the activity required to occupy a maximum of 1ha at any one time (being equivalent to 2.5% of the property). In the authors opinion, the impact on the visual amenity for properties located on the northern side of Dingup Road.

Heritage Considerations

In addition to general impact on amenity, the submissions received raised specific concerns relating to the impact on the visual amenity of Dingup House.

The Dingup Homestead Group was classified by the National Trust in 1987 and subsequently was listed on the Register of the National Estate since 1988. The property has been included on the State Heritage Register as a place of Heritage Significance since 1989 and the Shires Municipal Heritage Inventory since 1997 within management Category A.

In accordance with clause 10.2 (ix) of Local Planning Scheme No 4, Council is required to have regard to *“the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area”*.

In this case as the proposal is not located on the land identified as having Heritage Significance, the application will not impact the character or appearance of the Heritage Place. Rather it will have potential to impact on the views from the property. The protection of existing views is not a valid planning consideration.

EPA Guidelines for Assessment of Environmental Factors

In June 2005, the Environmental Protection Authority adopted a document entitled *“Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses.”* The purpose of the document is to provide guidance to responsible authorities in their assessment of potential land use conflicts between Industrial and Sensitive Land uses such as residential dwellings.

As prescribed within Appendix No 1 of that document, a minimum buffer of between 300 and 500 metres is recommended for extractive industries. Greater than 500 metres may be required where the materials extracted are to be processed through milling works, grading, or separated by sieving etc. In these cases the EPA recommends that the required buffers are assessed on a case by case basis.

With respect to the submitted application, the proposed area to be excavated is setback 260m from the common boundary with Dingup Road. A minimum buffer of approximately 400 metres is therefore proposed between the extractive industry and the nearest dwelling. This separation complies with the minimum distance recommended by the EPA guidelines.

It is however noted that the location would not comply with recommended buffers if screening and/or crushing were to be undertaken. In order to limit the potential for land use conflict it is recommended that any approval should incorporate a condition preventing the use of crushing or screening equipment on site in the absence of a formal scientific assessment of the buffer required to prevent land use conflict.

Drainage Management

As reflected in the Schedule of Submissions, the Department of Water (DoW), and a number of those persons who lodged submissions raise concern with the potential impacts of the proposal on the integrity of local groundwater and stormwater movement. DoW cite that the Drainage Management Plan (DMP) does not provide enough detail as to the depth of groundwater at the site, and have requested that a condition prohibiting excavation within the groundwater table be included on any approval issued.

The applicant has provided details within the application that groundwater was not found at a depth of 4m below the natural surface of the site during testing. Given the pit will be limited to a maximum depth of 2m below the natural ground levels, it is unlikely that the proposal will interfere with groundwater in the area. However in light of the concerns raised, Shire officers recommend that Council include DoW's advice as a condition in order to ensure compliance.

The proposal's DMP provides that all storm water run-off is to enter a water relief point adjacent to the pit in order to address potential turbidity issues. Drainage could then be directed across the natural land form into the dam adjacent to Dingup Road. DoW and a number of the submissions state that stormwater management needs to be better managed on-site to prevent stormwater flows affecting adjoining landowners.

Shire officers also note that the current proposed management of stormwater could impact on the usability of Dingup Road. To this end, Shire officers recommend that Council condition the applicant to provide further detail as to how stormwater will be contained on-site, turbidity from the stormwater removed and normal waterflows from Lot 739 are maintained to ensure that no greater stormwater impacts do not affect the use of Dingup Road or adjoining properties.

DoW have additionally provided a number of standard conditions pertaining to:

- no dewatering of the extraction area;
- no standing water to be left on site post-rehabilitation;
- no storage of hydrocarbons on site;
- that any on-site refuelling is to be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment; and

- no major repairs or maintenance of vehicles used in the proposal are to be undertaken on site.

The above listed conditions provided by DoW will be included on any approval issued by Council to ensure these requirements are met.

Consultation Process

Several of the submissions received express the view that the Shires consultation process was not sufficient.

As detailed in the Public Consultation section of this report, the proposal was advertised for public comment over a 21 day period in accordance with the requirements of Local Planning Scheme No 4 and adopted Policy. The advertising period consisted of a sign on site, advertisement in the local paper, advertisement on the Shire website, correspondence to relevant government agencies and landowners located within a 500m radius.

Given that applicants are entitled to assurance their application will be dealt with in a consistent manner, the adoption of an alternative process would be considered ad-hoc in direct contravention of procedural fairness. It is the author of this reports opinion that the level of submissions received is evidence that the consultation process undertaken was appropriate.

Site Rehabilitation

The proponent has indicated 1ha of the site will be exposed for extraction at any one time, in accordance with the Policy. The applicant has indicated in their plans that the topsoil will be stockpiled and the site repastured once extraction has finished as the preferred method of rehabilitation. To ensure rehabilitation of the extraction site a condition restating the requirement to stockpile topsoil for the progressive rehabilitation of the site will be attached in the event approval is granted by Council.

Compliance with Local Planning Policy 6.1.38 Extractive Industries

The objective of the Policy is to protect the economic viability of the general farming areas and to retain the rural character of the area by preventing the operation of the Industry – Extractive in a detrimental manner. The proposed extraction is considered to comply with the requirements of the Policy, subject to standard conditions.

Time Limit on Approval

It is noted that the Applicant has sought a 5-year approval. Shire staff recommend any planning approval be limited to 5 years or the total proposed amount of material, whichever comes first. Limiting the approval will allow for the operation to be reconsidered in the light of its past performance in the event that an extension in time or volume of material is requested.

Conclusion

The application as submitted complies with the requirements of Local Planning Scheme No 4, adopted Council Policy and EPA Guidelines relating to land use buffers for extractive industries (providing neither screening or crushing is undertaken on site).

In order to reduce the potential impact on the adjacent landowners and amenity of the area, it is recommended that the operation should be restricted to times consistent with normal business hours Monday to Friday.

Furthermore to limit the impact on local roads and avoid potential conflict with the school bus route, it is recommended that appropriate conditions be placed on the approval to:

- (i) limit the maximum number of truck movements to 20 per day (ie 10 loads); and
- (ii) Restrict the hours of operation on site, including associated truck movements) to between 8:30am and 3:00pm.

With appropriate conditions and management, it is the author of this reports opinion that the extractive industry can be undertaken with minimal impact on the amenity of the area.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The application has been assessed against the provisions of the Shire of Manjimup's Local Planning Policy 6.1.38 *Extractive Industries*.

ORGANISATIONAL RISK MANAGEMENT:

Approval of this application by Council, provided that the Industry - Extractive is compliant with the Scheme and Policy, enforced through conditional consent granted by Council, will not generate any organisational risk.

FINANCIAL IMPLICATIONS:

The required Planning Application fee has been paid by the Proponent.

SUSTAINABILITY:

Environmental: As detailed in the comment section above, appropriate conditions and standards of operation are required to ensure that the proposed activity will not result in environmental impact.

Economic: The development if approved will potentially increase the productive use of the land. Ensuring appropriate access to basic raw materials such as sand and gravel is identified by the state as critical to ensuring regional economic development.

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

VOTING REQUIREMENTS:**SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

1. That Council having regard to the submissions received and in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning consent for the Industry Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup (Application TP 122/2016) in accordance with the plans and specifications as submitted and subject to the following conditions:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;
 - b) Prior to commencement of the activity hereby approved, the applicant shall prepare a detailed drainage management plan to the satisfaction of the Chief Executive Officer and the Department of Water. This management plan shall as a minimum address the need to avoid interference with the water table and ensure issues of turbidity are addressed prior to water entering dams on the property;
 - c) All drainage and associated stormwater associated with the gravel extraction pit shall be contained on site to the satisfaction of the Chief Executive Officer;
 - d) This planning approval shall expire on 31 December 2021 or once the extraction area has reached a total of 2ha and/or the volume of gravel extracted totals 10,000m³;
 - e) The operation of the Industry - Extractive and the transportation of materials from the site shall be restricted to the hours 8:30am to 3:00pm, Mondays to Fridays only, but shall not operate on Public Holidays;
 - f) The activity hereby approved shall not include the screening or crushing of gravel on site, unless otherwise approved by Council;
 - g) Prior to commencement of the activity, a noise management plan shall be prepared to the satisfaction of Chief Executive Officer;
 - h) Truck movements associated with the land use hereby approved shall not exceed 20 movements per day (i.e 10 loads of gravel);
 - i) Any damage to Dingup or Balbarrup Roads caused by vehicles associated with the approved Industry - Extractive is to be

repaired at the applicant's cost to the satisfaction of the Shire of Manjimup;

- j) All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process to the satisfaction of the Shire of Manjimup;
- k) The development must not cause airborne dust nuisance to neighbours. In this regard, and prior to the commencement of any such works, the developer is required to prepare and submit to local government for approval a Dust Management Plan covering the measures to be undertaken throughout the duration of the works. The plan as may be approved by local government shall be implemented to its satisfaction.

Advice to Applicant:

- i) Further to condition No f) above, the applicant is advised that in accordance with EPA guidelines for Extractive Industries, a minimum buffer of 500m is required between an extractive industry involving crushing and the nearest residence. In this case, as the extraction pits will be located less than 500m, the Shire is not prepared to support the crushing or screening of gravel in the absence of a scientific assessment of the proposed buffer and the likely impact on the adjacent residential dwellings.
 - ii) The restrictions on the hours of operation and maximum truck movements have been imposed to limit the impact of the activity and associated truck movements on properties abutting Dingup and Balbarrup Roads.
2. Those persons who lodged submissions be advised of Council decision and the officer recommendation as detailed in Attachment:: 9.5.3(2).

COUNCIL RESOLUTION:**MOVED: Jenkins, D SECONDED: Tapley, D****26858**

- 1. That Council having regard to the submissions received and in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning consent for the Industry Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup (Application TP 122/2016) in accordance with the plans and specifications as submitted and subject to the following conditions:**
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;**
 - b) Prior to commencement of the activity hereby approved, the applicant shall prepare a detailed drainage management plan to the satisfaction of the Chief Executive Officer and the Department of Water. This management plan shall as a minimum address the need to avoid interference with the water table and ensure issues of turbidity are addressed prior to water entering dams on the property;**
 - c) All drainage and associated stormwater associated with the gravel extraction pit shall be contained on site to the satisfaction of the Chief Executive Officer;**
 - d) This planning approval shall expire on 31 December 2021 or once the extraction area has reached a total of 2ha and/or the volume of gravel extracted totals 10,000m³;**
 - e) The operation of the Industry - Extractive and the transportation of materials from the site shall be restricted to the hours 8:30am to 3:00pm, Mondays to Fridays only, but shall not operate on Public Holidays;**
 - f) The activity hereby approved shall not include the screening or crushing of gravel on site, unless otherwise approved by Council;**
 - g) Prior to commencement of the activity, a noise management plan shall be prepared to the satisfaction of Chief Executive Officer;**
 - h) Truck movements associated with the land use hereby approved shall not exceed 20 movements per day (i.e 10 loads of gravel);**
 - i) Any damage to Dingup or Balbarrup Roads caused by vehicles associated with the approved Industry - Extractive is to be repaired at the applicant's cost to the satisfaction of the Shire of Manjimup;**
 - j) All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process**

to the satisfaction of the Shire of Manjimup;

- k) The development must not cause airborne dust nuisance to neighbours. In this regard, and prior to the commencement of any such works, the developer is required to prepare and submit to local government for approval a Dust Management Plan covering the measures to be undertaken throughout the duration of the works. The plan as may be approved by local government shall be implemented to its satisfaction.

Advice to Applicant:

- i) Further to condition No f) above, the applicant is advised that in accordance with EPA guidelines for Extractive Industries, a minimum buffer of 500m is required between an extractive industry involving crushing and the nearest residence. In this case, as the extraction pits will be located less than 500m, the Shire is not prepared to support the crushing or screening of gravel in the absence of a scientific assessment of the proposed buffer and the likely impact on the adjacent residential dwellings.
- ii) The restrictions on the hours of operation and maximum truck movements have been imposed to limit the impact of the activity and associated truck movements on properties abutting Dingup and Balbarrup Roads.
2. Those persons who lodged submissions be advised of Council decision and the officer recommendation as detailed in Attachment: 9.5.3(2).

MOTION LOST 1/8

FOR

Cr D Jenkins

AGAINST

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

COUNCIL RESOLUTION:

MOVED: Bavich, D

SECONDED: Taylor, R

26859

That Council having regard to the submissions received and in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 refuse planning consent for the Industry Extractive (Gravel/Laterite) at Lot 739 (274) Dingup Road, Dingup (Application TP 122/2016) in accordance

with the plans and specifications as submitted.

Reasons:

- Look at alternative entry/exit routes.
- Safety issues.
- Dust and noise issues.

Councillors Daubney and Logan returned to Chamber at 6.52pm.

9.9.2 Proposed Budget Amendment for Development of Northcliffe Recreation Grounds Master Plan

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Northcliffe Recreation Grounds, George Gardner Drive, Northcliffe
WARD:	Coastal
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F161125
LEGISLATION:	Local Government Act 1995
AUTHOR:	Evy Apeldoorn
DATE OF REPORT:	21 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The project "Northcliffe Recreation Grounds Master Plan" aims to guide the future development of the Northcliffe Recreation Grounds (NRG). During the initial phase of the project a Needs Assessment was undertaken to identify the community's current and future infrastructure needs. Following the adoption of the Needs Assessment by Council at its Ordinary meeting of 16 June 2016, a Master Plan is currently being drafted.

As identified in the Needs Assessment, a new amenities building will be considered in the Master Plan. The Shire is requested to develop a floor plan and associated costs estimates for a new amenities building. The purpose of this agenda item is to propose to amend the 2016/2017 Adopted Budget to enable this work, costing \$2,950.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Needs Assessment highlighted a strong demand from the different sporting clubs and community groups to upgrade/expand or build new changing rooms, toilets and shower facilities. Furthermore the Northcliffe community would like to see the community gym, currently located in the indoor stadium, enlarged and included in the new building.

If the Stadium was to be extended, provisions of the National Construction Code, comprising the Building Code of Australia, would apply. Fire provisions in this code would include the installation of a fire hydrant system. The significant costs of a fire hydrant system needs to be taken into account when considering a possible extension of the stadium. As the public toilet block is ageing, the Needs Assessment recommends to demolish the old public toilet

block and to replace it with a new amenities building that includes changing rooms, toilets, shower facilities, and storage.

Considering its proposed central location and the current lack of good standard amenity facilities, the new amenities building will serve both the indoor (stadium and Clem Collins pavilion) as well as outdoor (incl. oval, tennis courts, events, functions) sports and activities. As such no duplication of such amenities on the Recreation Grounds would be required.

The proposed budget amendment will allow for the engagement of a recreation consultant and architect/quantity surveyor to provide a floor plan and construction costs estimates for the new building, for inclusion in the Master Plan. There are identified savings within the 2016/0217 adopted budget for the Manjimup Recreation Grounds Development that can be redirected for these works.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

- Strategic Community Plan 2015-2025 - Strategies 3.2 (Proactively create a safe, healthy and liveable Shire), 3.3 (Encourage and facilitate community contribution to making the Shire a better place to live, work and visit), 3.4 (Make useful and empowering resources available to build an inclusive community), 3.5 (Foster a sense of belonging to “one community” and supporting each other), and 3.6 (Managing growth that ensures vibrant townships retention of their characters and housing choice/affordability); and
- Shire of Manjimup Sport & Recreation Strategic Plan 2014-2024.

ORGANISATIONAL RISK MANAGEMENT:

The undertaking of a facilities Master Plan aims to strategically plan future facility developments, including the rationalisation of assets and resources, avoidance of possible duplication of facilities, with the aim to ensure community needs are met in a sustainable way.

FINANCIAL IMPLICATIONS:

It is requested that the amount required to undertake the works (\$2,950) be taken from the remaining funds from the Manjimup Community Recreation Hub project. In the 2016/17 budget \$4,562 was allocated to this project, of which \$3,392 is currently unspent. This project has been finalised and will require no further funds.

SUSTAINABILITY:

Environmental: Nil

Economic: Infrastructure and amenity improvements have the capacity to boost memberships and ultimately sustainability of sporting clubs as well as adding to the appeal for people to reside in Northcliffe and surrounding region.

Furthermore the master plan aims to rationalise facility development and to increase sustainability of the facilities.

Social: The upgrade of recreational facilities may have an impact on elevating participation rates, ensuring greater utilisation of amenities and lifting the numbers of people engaged in physical activities. It would be expected that safe, high standard venues will attract participants considering engaging in physical activity pursuits. Sporting pursuits play a significant role in the general health and wellbeing of residents within local communities of the Shire.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve the 2016/17 budget amendment as described in the table below.

Description	Current Budget	Amended Budget	Variation
Manjimup Rec Ground Development	\$4,562	\$1,612	(\$2,950)
Northcliffe Recreation Grounds Master Plan	\$0	\$2,950	\$2,950
Net Rate Funds			\$0

COUNCIL RESOLUTION:

MOVED: Munro, G SECONDED: Bavich, D

26860

That Council approve the 2016/17 budget amendment as described in the table below.

Description	Current Budget	Amended Budget	Variation
Manjimup Rec Ground Development	\$4,562	\$1,612	(\$2,950)
Northcliffe Recreation Grounds Master Plan	\$0	\$2,950	\$2,950
Net Rate Funds			\$0

CARRIED: 11/0

Cr DeCampo declared an Impartiality Interest in this item as he is the owner of a transport company. Cr DeCampo declared that he would consider the matter on its merits and vote accordingly.

Cr Winfield declared a Financial Interest in this Item as his wife's business is a Shire contractor. Cr Winfield did not speak or vote on the matter and left the Chamber at 6.53pm.

ATTACHMENT

9.13.2 Consideration of Public Submissions for the Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup

PROPONENT OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Lot 443 Wetherell Street, Manjimup
ZONE:	Central
DIRECTORATE:	Parks and Recreation
FILE REFERENCE:	Works and Services
LEGISLATION:	F160962
AUTHOR:	Local Government Act 1995
DATE OF REPORT:	Michael Leers / Andrew Campbell
DECLARATION OF INTEREST:	24/10/2016
	Nil

BACKGROUND:

At the Council meeting 8 September 2016 Council considered the item 9.13.1 Proposal to Construct an Overnight Vehicle Stop at Lot 443 Wetherell Street, Manjimup.

COUNCIL RESOLUTION:

MOVED: DeCampo, W SECONDED: Tapley, D

26791

That Council:

- 1. Endorse the proposal to construct the Overnight Vehicle Stop on Lot 443 Mottram Street, Manjimup in accordance with Concept 2 as detailed in Attachment: (2) for the purposes of community consultation for a 4 week period; and**
- 2. Once the public consultation period has concluded request the Chief Executive Officer bring back the matter before Council for further consideration at the earliest opportunity.**

MOTION CARRIED 7/2

The Council endorsed concept plan is intended to provide for seven (7) long vehicle bays, a dump point, ablution facilities and a barbeque area with landscaping. It also allows for the capacity to expand into the future if deemed warranted. The concept plan is attached.

ATTACHMENT: 9.13.2(1)

The purpose of this report is to report back to Council on the period of public consultation and give consideration as to whether to proceed with the proposed construction on Lot 443 Wetherell Street, Manjimup.

PUBLIC CONSULTATION UNDERTAKEN:

Public consultation was undertaken for a period of six (6) weeks in the following form:

- Public Notice in the Manjimup Bridgetown Times on the 14 September 2016 and 5 October 2016;
- Public Notice on the Shire of Manjimup website from 14 September 2016 to the closing date on 12 October 2016;
- Correspondence to direct stakeholders on 14 September 2016; Farmlink, Fonty's Pool and Caravan Park, Warren District Transport, Manjimup Central Caravan Park and Deli, Cutts Transport and Warren Way Caravan Park;
- Direct email to Tourism WA and Caravan and Motorhome Club of Australia (CMCA); and
- Advertisement in the Manjimup Bridgetown Times on 28 September 2016 as part of the Revitalisation of Manjimup's Town Centre Project update.

By the close of submission the date, 12 October 2016, the Shire had received eight (8) formal submissions with a further two (2) late submissions received after that date. A Schedule of Submissions was prepared and is attached.

ATTACHMENT: 9.13.2(2)

All full submissions will be available for Council to view prior to, or on the day of, the Council meeting on request.

COMMENT (Includes Options):

The proposed Overnight Vehicle Stay (OVS) has been designed to cater for recreational vehicles (RV's), trucks and caravans to stop for a maximum one night stay. The OVS is intended to provide a black water disposal facility along with safe, secure and appropriate parking, charged ablutions and basic charged facilities.

After extensive consideration of a suitable location for an Overnight Vehicle Stop, Lot 443 Mottram Street, Manjimup was proposed for the following reasons:

- Due to its positioning within the town boundary and away from residential properties;
- Location on Shire managed Reserve with the ability to have the Management Order modified to accommodate construction of the facility type;

- Ease of providing power and water services to the site plus the ability to utilise onsite wastewater disposal;
- Proximity to the Shire's fibre optic connection between the Administration Office and Shire Depot to allow effective electronic security surveillance to the site;
- Ease of access and egress to Mottram Street from the site via Wetherell Street;
- Screening of the site by the native vegetation from Mottram Street, but passive community surveillance available from Wetherall Street;
- Proximity to the Shire Depot to ensure close monitoring by enforcement staff; and
- Ability for connectivity to the town centre by a pedestrian network.

Of the ten submissions three of those ten supported the proposal whilst seven objected.

To provide some context to support the proposal a summary of the submission from the Caravan and Motorhome Club of Australia can be found below:

“There are currently more than 500,000 RV's registered in Australia. Of the total RV tourists, 34% stay in caravan parks, 16% stay in non-commercial accommodation such as an OVS and 50% use a mix of non-commercial and caravan park accommodation. The 50% of RV tourists who use a mix of caravan parks and non-commercial accommodation was found to be the largest spending segment. RV tourists comprise up to 70% of the tourism market in some regional and outback LGAs. RV tourists deliver economic benefit into regional communities through directly purchasing from local businesses. To maximise the economic benefits self-contained RV tourists can deliver, towns should offer a range of commercial and non-commercial accommodation options – caravan parks, free and/or low cost camping facilities and RV overnight stays.”

All submitted arguments for the proposal are summarised below:

- Supported by a local CMCA member who considers Manjimup is missing out on thousands of RV's because it is well known as a place to avoid because it is not a RV Friendly community;
- These types of facilities are located everywhere throughout Australia;
- Belief that business will increase in Manjimup as a direct result of the proposal;
- Conditional support from Tourism WA subject to consultation;
- Operational procedures should be developed to control activities;
- Should consider applying nominal fees;
- Support from CMCA;
- A range of commercial and non-commercial options should be available to maximise benefits to communities;
- No evidence that low cost rest areas impact on the operations of Caravan Parks; and

- Management of illegal camping can be adequately dealt with by providing a range of commercial and non-commercial options.

All submitted arguments against the proposal are summarised below:

- Negative effect on local caravan parks;
- Enforcement will be ineffective;
- Unlikely to assist as RV friendly town;
- Will be highly used by backpackers;
- Litter in Public Places can be fixed by other means;
- Zero impact as a safe and useable facility for tired drivers;
- Manjin Park already has facilities and would be better utilised;
- Negative impact on local transport companies;
- Security concerns for own business;
- Unsafe for other users of Wetherell Street;
- Safety of combining trucks with caravans and RV's;
- Does not want trucks staying overnight in the centre of Town;
- Should be encouraging backpackers to use hostels, farms etc;
- Should be located out of town between Manjimup and Pemberton;
- Main Roads Western Australia already caters overnight vehicle stopping in Roadside Rest Areas;
- Expects a high cost of maintenance;
- Location unsuitable due to noise and vehicle lights generated by industry;
- Will not assist the brand "Manjimup"; and
- Cost and enforcement of surveillance and non-compliance.

Whilst the responses are covered in the Schedule of Submissions it considered appropriate to transfer Officer comment about the objections from the Schedule of Submissions into the body of this report.

Negative Effect on Local Caravan Parks

Shire enforcement Officers have noted a considerable increase in recent years in the number of RV's, Caravans, "backpacker" style campers and truck parking in the Manjimup CBD and surrounds within the Manjimup town site. When approached by Shire enforcement Officers, the majority of owners and occupiers of these vehicles state clearly that they will not go to local caravan parks and typically provide a rationale such as this:

1. Caravan Parks do not accept them (normally "backpacker" style campers);
2. Their vehicle is fully self-contained and it is their right to stay on public land;
3. They have stopped in an emergency for a 24 hour period;
4. The Caravan Parks were closed by the time they arrived in Manjimup;
5. They have consumed alcohol since stopping and are unable to drive until morning; and
6. Manjimup is backward as they types of facilities are now provided everywhere.

The proposed Overnight Vehicle Stop will have a maximum one night stay with very basic pay as you go facilities. Rather than driving tourists away from Manjimup through enforcement practices, the encouragement via an overnight stopping opportunity may in fact allow tourists to see what Manjimup and surrounds has to offer which may facilitate additional stays in local Caravan Parks.

Unconfirmed comments from the CMCA supported by research from Balfour Consulting 2010 and IbisWorld 2013 states there is no evidence to support the comment that OVS have a negative impact on Caravan Park business.

Enforcement will be ineffective

Surveillance will be via CCTV and passive surveillance by the Shire's enforcement Officers. It is expected that passive surveillance by Officers who are based on Wetherell Street will ensure enforcement will be effective.

Unlikely to assist as RV friendly town

Whilst the current necessary services and facilities required to be an RV friendly town are available, the Shire's enforcement approach (manufactured through community pressure to do something) to minimise ad hoc overnight stopping throughout the Manjimup CBD and surrounds within the Manjimup town site is significantly impacting on the status of Manjimup being RV friendly. Comments received by the Shire's enforcement Officers often state how the particular tourists will never come back to Manjimup and they will tell all who will listen to do the same. The numbers of visitors moved on by the Shire's enforcement Officers is considerable and whilst every endeavour to encourage these people to relocate to local Caravan Parks, the majority just simply pack up and leave. It is considered that providing an Overnight Vehicle Stop will strongly put Manjimup on the map as RV Friendly, something which it is not currently.

Overnight Vehicle Stop will be highly used by backpackers

The proposed Overnight Vehicle Stop will have a maximum one night stay with very basic pay as you go facilities. Enforcement provisions including CCTV surveillance will ensure the Overnight Vehicle Stop is not used inappropriately. An alternate policy is currently in development to facilitate the short term camping of backpackers on agricultural properties. This policy is expected to be available before the next major working season.

Litter in Public Places can be fixed by other means

Ad hoc overnight stopping throughout the Manjimup CBD and surrounds within the Manjimup town site should not be used to determine where you install rubbish bins as this is simply inefficient and does nothing to discourage what is currently happening. Irrespective, human waste does not get placed in public bins.

Zero impact as a safe and useable facility for tired drivers

Road trauma is considered to be one of the major national issues and will likely be for years to come. Evidence taken from tourists during enforcement often reveals that the reason they have stopped and camped overnight is they

were tired. If an Overnight Vehicle Stop was available in Manjimup and known in the mobile tourist market segment or by truck operators as a place where they could come to safely stop overnight with some basic facilities, perhaps some serious road accidents could be prevented. Even if the Overnight Vehicle Stop prevented one death in its lifetime, it is considered this would be money well spent.

Manjin Park already has facilities and would be better utilised

Manjin Park facilities are only provided for short term parking. As the gateway to the Manjimup CBD, the Shire's enforcement Officers regularly move on people from this area as it is considered inappropriate for Overnight Vehicle Stopping. The objectives of the redevelopment of Manjin Park in the Manjimup Town Centre Revitalisation Project will be diminished if this alternate Manjin Park concept was to proceed. This comment also appears contradictory to the case put forward on the negative effects on local caravan parks is Manji Central Caravan Park and Deli is directly across the road.

Negative Impact on Local Transport Companies

The Overnight Vehicle Stop would provide a facility for truck drivers to stop overnight in one place rather than what they currently do in an ad hoc manner in the Manjimup CBD and surrounds within the Manjimup town site. The Overnight Vehicle Stop is not a transport depot or any form of loading / unloading area and it is difficult to draw any conclusion that it would have a negative impact on any local transport company.

Security Concerns for Own Business (Farmlink)

Currently the business "Farmlink" is adjacent to a heavily vegetated unlit Shire Reserve. The Overnight Vehicle Stop proposes to provide a cleared lit area under constant CCTV security surveillance. It is argued that the criminal risk to Farmlink under the current circumstances is far greater than what it would be under the proposal.

Unsafe for Other Users of Wetherell Street

The proposed crossover is greater than 60 metres from Mottram Street and is located on a significant straight section of Wetherell Street in both directions. The claim of road safety is disputed.

Safety when combining trucks with caravans and RV's

The proposed Overnight Vehicle Stop will have a maximum one night stay with very basic pay as you go facilities. This is not a transport depot or any form of loading / unloading area as it is only a place to safely sleep for the night. The co-mingling of the vehicles as proposed is extremely common in these types of facilities across Australia.

Does not want trucks staying overnight in the centre of Town

The proposal is not located in the centre of Town.

Should be encouraging backpackers to use hostels, farms etc.

The proposed Overnight Vehicle Stop will have a maximum one night stay with very basic pay as you go facilities. Enforcement provisions including

CCTV surveillance will ensure the Overnight Vehicle Stop is not used inappropriately. An alternate policy is currently in development to facilitate the short term camping of backpackers on agricultural properties. This policy is expected to be available before the next major working season.

Should be located out of town between Manjimup and Pemberton

Funding is part of the Revitalisation of Manjimup's Town Centre Project and must be spent within the defined Manjimup town site area. Basic "Overnight Vehicle Stop" areas already exist as Main Roads Western Australia "Roadside Rest Areas" on major highways around the district but it is considered these provide very little benefit to local towns.

Main Roads Western Australia already caters overnight vehicle stopping in Roadside Rest Areas

Agreed that basic "Overnight Vehicle Stop" areas already exist as Main Roads Western Australia "Roadside Rest Areas" on major highways around the district but it is suggested that these provide very little benefit to local towns.

Expects a high cost of maintenance

Maintenance costs are likely to be relatively low to maintain and operate an Overnight Vehicle Stop. The likely economic benefit of the attraction of a significant portion of the RV Friendly market to Manjimup is likely to easily offset any ongoing costs. A small income may also be derived from the pay as you use facilities.

Location unsuitable due to noise and vehicle lights generated by industry

Disagree as the adjacent business operates within business hours and directly opposite is the Manjimup Cemetery. Passing (trucks with noise and lights) on roads are commonplace in vehicle stops around Australia.

Will not assist the brand "Manjimup"

Comments are the submitters' opinion and are not agreed on the basis that an Overnight Vehicle Stop that attracts people to Manjimup can only be good for Manjimup.

Cost and enforcement of surveillance and non-compliance

Surveillance will be via CCTV and passive surveillance by the Shire's enforcement Officers. It is expected that passive surveillance by the Officers also based on Wetherell Street will be offset on less enforcement work dealing with this significant issue throughout the Manjimup CBD and surrounds.

Other matters not forming part of the Schedule of Submissions but are raised for context purposes by Officers.

The "Farmlink" business has its entire crossover constructed within the adjacent proposal Reserve and Road Reserve. This crossover is permitted on the Road Reserve directly out the front of the business which is a road safety matter that is likely to be redressed irrespective of the proposal. Additionally Farmlink has a boundary fence substantially encroaching onto the proposal Reserve that will be required to be redressed irrespective of the proposal.

Conclusion

On balance the total number of submissions to the proposal are relatively moderate with three submissions for the proposal and seven submissions against the proposal. The primary topic of contention is about competition for both Caravan Park owners/operators and transport companies. However comments made in some submissions in support of the proposal, and general observation by senior Officers in the organisation who have observed and even stayed in similar facilities as proposed right across Australia, would suggest that competition based concerns are nowhere near as strong as what are purported from submitters. Other matters raised in objections are either not applicable, relatively weak or will be adequately addressed if the proposal is endorsed.

The upside of providing an Overnight Vehicle Stop is threefold in that:

1. It is likely to attract visitors to Manjimup (a fundamental of the Manjimup Town Centre Revitalisation Project) who would not ordinarily stay which in turn will create economic benefit in the retail sector. This would also provide encouragement for travelling visitors to stay longer than one night in Manjimup once here in accommodation premises such as Caravan Parks;
2. Provides another road safety option for the travelling public; and
3. It is likely to significantly reduce ad hoc overnight parking within the Manjimup CBD and surrounds leading to significantly less enforcement obligations by Shire Officers. This is something that the Manjimup community has expressed considerable concern about in recent years.

On the basis of the arguments generated by the community for and against the Overnight Vehicle Stop it is recommended that Council proceed with the proposal.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The approach to the delivery of the Revitalisation of Manjimup's Town Centre project is intended to narrow the scope of outcomes and allow the Shire of Manjimup to control functional elements to guide detailed design and ultimately achieve the desired result whilst ensuring expenditure is controlled.

ORGANISATIONAL RISK MANAGEMENT:

A risk management plan was prepared as part of the Revitalisation of Manjimup's Town Centre Stage 2. Risks will be managed throughout the course of the project in accordance with this plan as well as any unforeseen risks will be identified and addressed accordingly.

FINANCIAL IMPLICATIONS:

Design and construction of the proposed Overnight Vehicle Stop and the associated facilities is funded by the Revitalisation of Manjimup's Town Centre Project. It is estimated that the proposal will cost approximately \$500,000 (ex

GST) including the dump point, car park, lighting, security, ablutions, other facilities, landscaping and crossover.

On all capital projects there is an ongoing maintenance consequence and this will be required to be factored in to future annual budgets. The Shire's strategic planning, including the Long Term Financial Plan, is the correct framework to adequately capture and plan for future maintenance obligations.

SUSTAINABILITY:

Environmental: As detailed in the Growth Plan.

Economic: As detailed in the Growth Plan.

Social: As detailed in the Growth Plan.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council approves construction of the Overnight Vehicle Stay at Lot 443 Wetherell Street, Manjimup, as shown in Attachment: 9.13.2(1).

COUNCIL RESOLUTION:

MOVED: Jenkins, D SECONDED: Taylor, R

26861

That Council not approve construction of the Overnight Vehicle Stay at Lot 443 Wetherell Street, Manjimup, as shown in Attachment: 9.13.2(1).

MOTION CARRIED 9/1

FOR

Cr D Bavich
Cr L Daubney
Cr W DeCampo
Cr V Herbert
Cr D Jenkins
Cr C Logan
Cr G Munro
Cr P Omodei
Cr R Taylor

AGAINST

Cr D Tapley

Reasons:

- Have Caravan Parks.
- Not answer to backpackers.
- Take it off the table.

Cr Winfield returned to the Chamber at 6.56pm.

Councillors Taylor, Winfield and Omodei declared an Impartiality Interest in this item as Councillors Taylor and Winfield are members of the Southern Forests Food Council and Councillor Omodei is a shareholder in Perth Market Ltd. Crs Taylor, Winfield and Omodei declared that they would consider the matter on its merits and vote accordingly.

**ATTACHMENT
APPENDIX**

9.15.2 Minutes of the Manjimup Agricultural Expansion Project Management Committee Meeting 27 October 2016

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160285
LEGISLATION:	Local Government Act 1995
AUTHOR:	Andrew Campbell
DATE OF REPORT:	27/10/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Council Meeting 12 November 2015 Council resolved the following:

That Council resolve to adopt the following two step approach:

STEP 1

1. Form the Manjimup Agricultural Expansion Project Management Committee in accordance with the Terms of Reference as contained in Attachment: 14.1.1(2);
2. Request the Department of Regional Development to amend the Financial Assistance Agreement for the Manjimup Agricultural Expansion Project by replacing the existing Steering Committee with the Manjimup Agricultural Expansion Project Management Committee in accordance with the Terms of Reference as contained in Attachment: 14.1.1(2);
3. Commence and delegate responsibilities to the Manjimup Agricultural Expansion Project Management Committee from the date effective from inclusion of the Management Committee in the Manjimup Agricultural Expansion Project Financial Assistance Agreement;
4. Appoint Councillor Bavich, Councillor Logan, and Councillor Jenkins (Proxy) to the Manjimup Agricultural Expansion Project Management Committee effective from the point of inclusion of

- the Management Committee in the Manjimup Agricultural Expansion Project Financial Assistance Agreement; and
5. Support the inclusion of additional administrative support in the Manjimup Agricultural Expansion Project Financial Assistance Agreement to assist the Shire of Manjimup with reporting and other administrative obligations for the Manjimup Agricultural Expansion Project.

STEP 2

6. Request the Manjimup Agricultural Expansion Project Management Committee, utilising independent facilitation, collaboratively review and amend where required the Deed of the Agreement between the Shire of Manjimup and the Southern Forests Food Council to reflect current obligations and future strategies taking into account the requirements of the amended Manjimup Agricultural Expansion Project Financial Assistance Agreement;
7. If the Deed of the Agreement between the Shire of Manjimup and the Southern Forests Food Council is agreed, request the Department of Regional Development amend the Financial Assistance Agreement to reflect the agreed Deed of Agreement; and
8. Note that an amended Deed of Agreement between the Shire of Manjimup and the Southern Forests Food Council will not take effect until the Manjimup Agricultural Expansion Project Financial Assistance Agreement is amended to reflect any changes in the Deed of Agreement.

MOTION CARRIED 8/1

Amendments to the Manjimup Agricultural Expansion Project Financial Assistance Agreement between the Department of Regional Development and the Shire of Manjimup, and the Deed of Agreement between the Shire of Manjimup and the Southern Forests Food Council were finalised in July 2016. This has permitted the Manjimup Agricultural Expansion Project Management Committee to form and replace the Manjimup Agricultural Expansion Project Steering Committee which held its last meeting on 30 June 2016.

The purpose of this report is to provide the minutes of the inaugural Manjimup Agricultural Expansion Project Management Committee meeting held on 27 October 2016 to be presented to Council.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The minutes of the Manjimup Agricultural Expansion Project Management Committee are shown in the attachment.

ATTACHMENT: 9.15.2 (1)

Arising from the minutes the following recommendation is provided for Council's consideration:

Committee Recommendation	Officer Recommendation
<p>That the Manjimup Agricultural Expansion Project Management Committee's Terms of Reference are amended accordingly to reflect the current membership:</p> <ul style="list-style-type: none"> • Tilwin Westrup replaces Kim Antonio as Project Manager (excluding Southern Forests Food Council component) Department of Agriculture and Food WA; • Laura Bolitho replaces Jayme Hatcher as the Southern Forests Food Council General Manager; • South West Development Commission are allocated a proxy being Simon Taylor; and • Department of Agriculture and Food WA are allocated a proxy being Tilwin Westrup. 	<p>The Committee's recommendation is supported by Shire officers.</p>

The current Terms of Reference for the Manjimup Agricultural Expansion Project Management Committee are shown in the appendix.

APPENDIX: 9.15.2(A)

The proposed Terms of Reference for the Manjimup Agricultural Expansion Project Management Committee are shown in the attachment.

ATTACHMENT: 9.15.2(2)**STATUTORY ENVIRONMENT:**

Local Government Act 1995 enables the establishment of Management Committees.

POLICY / STRATEGIC IMPLICATIONS:

A third party arrangement such as this has the potential to create liability issues or reputational damage to the Shire of Manjimup unless managed

appropriately. A Management Committee is considered an accountable and transparent method of ensuring legal obligations are adhered to.

ORGANISATIONAL RISK MANAGEMENT:

The establishment of the Manjimup Agricultural Expansion Project Management Committee removes considerable risk from the Shire of Manjimup by making decisions and activities more transparent and accountable.

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the minutes of the Manjimup Agricultural Expansion Project Management Committee in accordance with ATTACHMENT: 9.15.2 (1); and
2. Amend the Terms of Reference of the Manjimup Agricultural Expansion Project Management Committee in accordance with ATTACHMENT: 9.15.2(2).

COUNCIL RESOLUTION:

MOVED: Bavich, D

SECONDED: Daubney, L

26862

That Council:

1. Receive the minutes of the Manjimup Agricultural Expansion Project Management Committee in accordance with Attachment: 9.15.2 (1); and
2. Amend the Terms of Reference of the Manjimup Agricultural Expansion Project Management Committee in accordance with Attachment: 9.15.2(2).

CARRIED: 11/0

9.16.1 Meeting Notes of Manjimup Recreation Advisory Committee Meeting held 13 September 2016

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F160038
LEGISLATION:	Nil
AUTHOR:	Evy Apeldoorn
DATE OF REPORT:	13 October 2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The unconfirmed Notes of the Manjimup Recreation Advisory Committee (MRAC) meeting held on 13 September 2016 are attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

No quorum was met at the meeting. No items arised at the informal meeting that require a decision from Council.

Since the meeting, advice from the Manjimup Netball Association was received that, due to changes in the Association's committee members, the resignation of Neroli Logan and Tara Namnik (proxy) from the MRAC is requested. The Association intends to nominate new MRAC members at their next committee meeting.

ATTACHMENT: 9.16.1(2)

As result of the resignations, the Terms of Reference will be amended and are attached.

ATTACHMENT: 9.16.1(3)

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Sport & Recreation Strategic Plan 2014-2024

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Acknowledgement of contribution of sporting clubs and community members 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 13 September 2016 as per ATTACHMENT: 9.16.1(1);**
- 2. Accept the resignation of Neroli Logan as Manjimup Netball Association representative and Tara Namnik as Manjimup Netball Association proxy representative; and**
- 3. Amend the Terms of Reference as per Attachment: 9.16.1(3) in accordance with the before mentioned resignations.**

COUNCIL RESOLUTION:

MOVED: Taylor, R

SECONDED: Tapley, D

26863

That Council:

- 1. Receive the unconfirmed meeting notes of the Manjimup Recreation Advisory Committee meeting held 13 September 2016 as per Attachment: 9.16.1(1);**
- 2. Accept the resignation of Neroli Logan as Manjimup Netball Association representative and Tara Namnik as Manjimup Netball Association proxy representative; and**
- 3. Amend the Terms of Reference as per ATTACHMENT: 9.16.1(3) in accordance with the before mentioned resignations.**

CARRIED: 11/0

10. LATE REPORTS

Cr DeCampo declared a Financial Interest in this item as he is transporting the tree for free from Perth to Manjimup. Cr DeCampo did not speak or vote on the matter and left the Chamber at 6.57pm

Cr Bavich assumed the Chair at 6.57pm

ATTACHMENT

L.1 Proposed Christmas Tree - Manjimup Central Business District

PROPONENT	Manjimup Chamber and Commerce
OWNER	Crown Land
LOCATION / ADDRESS:	Reserve 43342 Giblett Street (Johnston Crescent)
WARD:	Central
ZONE:	Railway Reserve
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160234
LEGISLATION:	Local Government Act 1995
AUTHOR:	Brian Robinson
DATE OF REPORT:	7/11/2016
DECLARATION OF INTEREST:	Nil

BACKGROUND:

For numerous years, the Manjimup Chamber of Commerce has been promoting a festive atmosphere, co-ordinating Christmas decorations and lighting in the Manjimup Central Business District. The Shire has supported this through the allocation of funding on an annual basis.

More recently, the Chamber of Commerce has been liaising with the City of Perth over the potential purchase of surplus decorations held by the City.

Correspondence has been received from the Chamber advising that they have been successful in acquiring, at a greatly reduced cost, a 13m high Christmas tree, together with decorations and lights. The Chamber is now requested approval to erect the tree in Coronation Park, in a similar location to last year (near the ANZAC memorial). A copy of the Chambers correspondence is shown as attachment No 1.

ATTACHMENT: L.1(1)

The Chamber of Commerce has provided the following details in respect of the Christmas tree:

- a) The tree is 13m tall, supported by a circular steel framed based being approximately 3.5m in diameter;
- b) A conical concrete base, installed within the base, has a 1.5m diameter, stands 1.6m and weighs approximately 2.5 tonnes;

- c) The City of Perth is yet to provide any structural details;
- d) There is no current certificate of electrical safety, which the Chamber intends to address once the tree is located in Manjimup.

Photographs of the tree have also been supplied and are shown as attachment No 2.

ATTACHMENT: L.1(2)

Council is requested to determine the request as the matter cannot be determined under current delegations of authority.

PUBLIC CONSULTATION UNDERTAKEN:

Discussions have been held with the Manjimup Visitor Centre Management (Roy Piggott) and representatives from the Manjimup Chamber of Commerce.

COMMENT (Includes Options):

In considering this request, Council must have regard to relevant safety issues and the impact the tree structure may have on events to be held in Coronation Park whilst the tree is erected. In terms of safety, the following matters must be addressed:

- a) Electrical Safety – The tree, like any other electrical appliance should be tested and tagged prior to connection;
- b) Structural Integrity – The structural integrity of the tree and the ability of the concrete base to support the structure requires a structural certification; and
- c) Given that the decorations appear to commence within 2m of the ground, there is a need for a safety fence to be erected around the base of the tree to discourage people accessing or attempting to remove the decorations.

As detailed in the background section, in their correspondence, the Chamber are seeking approval to erect the new tree in a similar location, being adjacent to the ANZAC memorial between Giblett Street and Johnston Crescent. Given the size of the new Christmas Tree, there are some issues associated with the proposed location, which are summarised as follows:

- a) The size of tree base would make it very difficult to crane the base into position between the memorial and flag pole; and
- b) There would not be sufficient room in this position to ensure the tree is effectively fenced.

In consultation with representatives of the Chamber, two alternative positions have been examined. The first of these is immediately to the east of the flag pole between the flag pole and the adjacent steps. Whilst sufficient room is available in this area, this would effectively prevent this paved area from being used in association with the Cherry Harmony Festival.

The second alternative that was examined is in that area immediately south of the Manjimup Visitors Centre. As elected members would be aware, at its meeting held on 20 October 2016, Council resolved to conditionally accept ownership of the Timber Whim. Arrangements can be made to have the Whim relocated off site prior to the end of this month. The advantages of this location are summarised as:

- a) Sufficient room exists for both the tree and the required fencing;
- b) The area is relatively level with Johnston Crescent, making positioning of the tree by crane relatively easy;
- c) The area is subject of surveillance from two security cameras located on the Visitors Centre Building; and
- d) A source of power can easily be established through the installation of an elevated weather proof outdoor power point.

This alternative location has been discussed with the Visitors Centre Management and Chamber of Commerce on site. Both parties agree that this would in fact be a good location for the tree, which would be easily seen from both Coronation Park/CBD and Manjin Park / Mottram Street.

STATUTORY ENVIRONMENT:

Council's prior approval is required for erection of the tree on a Council reserve in accordance with clause 2.2 of the Shire of Manjimup – Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

POLICY / STRATEGIC IMPLICATIONS:

By supporting the request for the Chamber of Commerce, Council will be ensuring continual improvement to the festival decorations erected within the Manjimup Central Business District.

ORGANISATIONAL RISK MANAGEMENT:

Organisation risk can be minimised by ensuring that the tree meets both electrical safety and structural integrity requirements.

FINANCIAL IMPLICATIONS:

To facilitate the location of the Christmas tree in the proposed location, it is proposed that an outdoor, water proof power point will be fitted to the Manjimup Visitor Centre building. Costs associated with this work would be wholly contained within the Building Maintenance budget as adopted by Council.

Whilst security are fitted to the Manjimup Visitors Centre, it is recommended that these be inspected by Shire staff to ensure their suitability.

SUSTAINABILITY:

Environmental: Nil

Economic: All ongoing costs associated with the tree and its decorations are to be met by the Manjimup Chamber of Commerce.

Social: Festive lighting and decorations bring vitality to the Manjimup Central Business District during the month of December.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. pursuant to clause 2.2 of the Shire of Manjimup - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, grant permission to the Manjimup Chamber of Commerce to erect the newly acquired Christmas Tree on the southern side of the Manjimup Visitors Centre;
2. condition the permit, granted in accordance with point 1 above, subject to compliance with the following requirements:
 - a. Provision of an Electrical Safety certificate for the proposed tree; and
 - b. The proposed tree and the proposed method of installation being certified by a suitably qualified practicing structural engineer.
3. authorise the installation of a weather proof outdoor power point above the roof line of the Manjimup Visitors Centre to provide power.

COUNCIL RESOLUTION:

MOVED: Taylor, R SECONDED: Jenkins, D

26864

That Council:

1. pursuant to clause 2.2 of the Shire of Manjimup - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, grant permission to the Manjimup Chamber of Commerce to erect the newly acquired Christmas Tree on the southern side of the Manjimup Visitors Centre;
2. condition the permit, granted in accordance with point 1 above, subject to compliance with the following requirements:
 - a. Provision of an Electrical Safety certificate for the proposed tree; and
 - b. The proposed tree and the proposed method of installation being certified by a suitably qualified practicing structural engineer.
3. authorise the installation of a weather proof outdoor power point above the roof line of the Manjimup Visitors Centre to provide power.

CARRIED 10/0

Cr DeCampo returned to Chamber and resumed the Chair at 7.00pm.

11. QUESTIONS FROM MEMBERS:

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

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

MOVED: Cr Omodei

That the Shire of Manjimup lobby State and Federal Government to retain the Warren District Hospital (current) for possible future uses to include: respite centre, allied health, community use, crisis centre for families at risk.

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

14. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 7.01pm.

SIGNED:.....DATE:

**Wade DeCampo
Shire President**