



SHIRE OF
MANJIMUP

MINUTES

COUNCIL MEETING

16 AUGUST 2018

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Manjimup, Thursday, 16 August 2018.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open 5.30pm.

I begin by acknowledging the Traditional Custodians of the land on which we meet today, and pay our respects to Elders past and present.

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President made the following announcements:

- I, along with all the Councillors, attended the annual Local Government Week. It is an opportunity to network with other Local Governments and learn from them and build relationships.
- Congratulations to Wade De Campo, former Shire President for 12 years, was presented with an Eminent Service Award at the recent Local Government Week Awards night.
- I attended the opening of the Warren Health Service.
- I participated in a tour of local streams/dams with members of the Warren Donnelly Advisory Committee, along with our local member Terry Redman MLA.
- I opened the Manjimup State Timber Museum last Thursday, quite an historical event.
- The State Government has reversed its decision to cut funding to regional Community Resource Centres. A great outcome for the regions.
- Pemberton has a small event on this Saturday that everyone should attend called 'Pemberton's Got Talent' it should be a fun night.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)

Cr L Daubney

Cr W Eiby

Cr V Herbert

Cr D Jenkins

Cr J Salomone

Cr D Tapley

Cr R Taylor

Cr M Ventris

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)
Mr Jason Giadresco (Senior Governance Officer)
Ms Jocelyn Baister (Coordinator Statutory Planning)
Ms Elaine Clucas (Principal Environmental Health Officer)

Gallery

Alana Starkie
David Giblett
Nancy Giblett
John Kilrain
Tiago Neto
Rafael Francisco
Caria Francisco
Gordon Smith
Mary Nixon

Media

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 4 Financial Interest Declarations from Councillor Eiby for Items 9.5.8 and 9.16.3, Councillor Omodei for Item 9.5.2, Councillor Daubney for Item 9.5.2 and Councillor Winfield for Item 9.5.4.

Councillor Eiby declared a Financial Interest in Item 9.5.8 as the proponent is Northcliffe Hotel which is a member of the Northcliffe Visitor Centre, of which I am the Manager. Cr Eiby also declared a Financial Interest in Item 9.16.3 as the committee has a recommendation that relates to the Northcliffe Visitor Centre of which I am the Manager.

Councillor Omodei declared a Financial Interest in Item 9.5.2 as his sons are owners of Liquor Barons in Pemberton.

Councillor Daubney declared a Financial Interest in Item 9.5.2 as she is a Sales Representative for Harcourts, Manjimup..

Councillor Winfield declared a Financial Interest in this item as his wife consults to the Shire of Manjimup on related projects.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil

5.2 Public Question Time

5.2.1 Alana Starkie – Item 9.5.1 Proposed Commencement of Legal Action for Unauthorised Development (Dam) - Location 9340 Piano Gully Road, Middlesex.

- I would ask that the recommendation to pursue legal action against us for illegal construction of a dam within 20m of our boundary, be voted down.
- I have brought a plantation map dated 1994 that clearly shows the locations of 2 soaks, one in the north east corner (where our application was) and one in the south east corner of our property. Both were construction at least 20 years before we purchased the property.
- We did not reduce the setbacks of the existing soak to the boundary, only cleared it out and extended it approximately 7m inside our property.
- I did receive correspondence from the Shire which outlined that if I did not supply the additional info our application would be withdrawn, which is the outcome I wanted as the application shouldn't have been submitted in the first place as it was not a new structure.
- Disappointed that the Planning Officer arrived unannounced and didn't come up to the house for a chat or pick up the phone and issued a letter advising that legal action would be commenced without any comment from me.

5.2.2 Gordon Smith – Item 9.5.2 Proposed Change of Use of Restaurant to Tavern, Gloucester Motel, Lot 1 (No. 30 Ellis Street, Pemberton.

- Mr Smith read from a prepared statement which is attached.

ATTACHMENT 5.2.2(1)

5.2.3 John Kilrain - Item 9.5.2 Proposed Change of Use of Restaurant to Tavern, Gloucester Motel, Lot 1 (No. 30 Ellis Street, Pemberton.

- I am an employee of Barricade Holdings.
- The venue was used for weddings many years ago. The proponents sees it as a good investment and Pemberton needs this sort of venue.
- The property needs to generate money for it to grow.
- 5 – 10 years from now it could be a very good venue for Pemberton.
- When the weddings were occurring previously I don't think anyone complained about the noise.
- One of the main reason for doing this is to bring the backpackers inside and therefore reduce the noise outside.

5.2.4 Mary Nixon – Resident and Ratepayer of Manjimup Shire.

- Having read the minutes of the 26 July 2018 Council Meeting I must congratulate Kaylene Roberts, minute taker for the Town Centre Revitalisation Committee, for the thorough minutes taken. Anyone who cared to read them would have a good understanding of the discussion that took place and the decisions that were made at that meeting.
- I ask can other Shire committees present thorough meeting minutes in future so that Councillors and ratepayers get a clear understanding of matters discussed at those committee meetings.
- Newly formed Manjimup Road Infrastructure Committee minutes were also in the 26 July Council Meeting. I believe this is going to become one of the most important committees in coming years.
- The subject of roads and road budgets is one of the fundamental concerns of all ratepayers and particularly to rural residents.
- I ask that Council organise a series of public meetings for to understand the needs of ratepayers and that they do so before the next committee meeting, scheduled for March 2019. And that the information gained from those meeting be taken into consideration during the review of the road infrastructure works budget.
- Are the staff members on this committee there in an advisory capacity only or do they have voting rights on any recommendations made to Council by this committee and if so why?

The Chief Executive Officer responded: In relation to the standard of minutes at meetings. Committee meetings and Council meetings are not a transcript of exactly what was said by whom. The only authority in the State that does that is the Hansard transcript from Parliament. Under the Act we are required to record the general conversation and any motion that comes out of conversation. Council has the ability to ask for further detail about any Advisory or Management Committee and there is often a Councillor involved in the Committee anyway.

The second question relating to a series of public meetings to understand the issues of the community in relation to roads. The committee is not designed for that purpose. Through the Strategic Community Plan process, that's how we formulate advice and feedback on roads. We also get direct advice and feedback that make submissions to Council on the condition of roads. There are a whole series of matters that need to be considered when prioritising roads, right down to the use of those roads and also those funding opportunities that may present.

I believe that having public meetings will only confuse the situation in relation to our 10 Year Road Program, that is set on the basis of priority.

In relation to your final question as to whether staff have a vote on those committees, staff are members of that committee and they do have voting rights. That committee is only an Advisory Committee of Council. Council has the final decision in relation to that.

6. PRESENTATIONS:

6.1 Petitions: Nil
 6.2 Presentations: Nil
 6.3 Deputations: Nil
 6.4 Delegates' reports: Nil
 6.5 Conference reports: Councillor Omodei - The Western Australian Local Government Association conference occurs every year at the beginning of August. Local Governments attend from throughout the State and there are a series of speakers and forums. This year the feedback has been generally from the Local Governments is that is probably one of the best we have had.

There were presentations on the South West Native Title Agreement and a range of other matters. The big thing we receive from the conference is the interaction between other Councils and what they are doing and what we can learn from their experiences

Both myself and the Chief Executive Officer attended some speed dating meetings from the Department of Planning, Lands and Heritage and also the Department of Water, Environment and Regulation. The CEO presented at the conference on the Town Centre Revitalisation and Manjimup going forward.

East Manjimup Primary School won the Primary Schools Banners in the Terrace Award which we will be presenting to them in the next couple of weeks.

7. CONFIRMATION OF MINUTES:

MOVED: Eiby, W SECONDED: Winfield, C

27501

That the Minutes of the Ordinary Meeting of the Council held on 26 July 2018 be confirmed.

CARRIED: 10/0

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

9. COUNCIL OFFICERS' REPORTS:

MOVED: Salomone, J SECONDED: Tapley, D

27502

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

exception of:

CARRIED: 10/0

9.5.1	Proposed Commencement of Legal Action for Unauthorised Development (Dam) - Location 9340 Piano Gully Road, Middlesex
9.5.2	Development Application - Proposed Change of Use (Restaurant to Tavern) - Lot 1 (30) Ellis Street, Pemberton
9.5.4	Application to Amend to Development Approval - Exhibition Centre and Restaurant (Cafe) - Reserve 26199 (Lot 629) Edwards Street, Manjimup (Manjimup Heritage Park)
9.5.5	Proposed Heritage Impact Assessment - Rest Point Guest Houses - Lot 303 Rest Point Road, Walpole
9.5.8	Proposed Remote Advertisement Sign on Road Reserve Corner of Wheatley Coast Road and Muirillup Road, Northcliffe
9.9.1	Proposed Budget Amendment - Financial Contribution from Western Power Toward the South West Energy Experience Exhibition Development
9.16.3	Minutes of the Northcliffe Forest Park Management Committee meeting held 18 July 2018

Items passed by En Bloc Resolution

- 9.2.1 Quarterly Report October - June 2018 Business
- 9.3.1 Proposed Rating Policy 4.1.15 Relating to Change in Predominant Use of Land
- 9.3.2 Council Financial Payments June 2018
- 9.3.3 Monthly Financial Activity Statement - June 2018
- 9.5.3 Retrospective Change of Use from an 'Outbuilding' to 'Holiday Accommodation' (Holiday House) at Lot 179 (9) Walpole Street East, Walpole
- 9.5.6 Delegated Planning Decisions for June 2018
- 9.5.7 Delegated Planning Decisions for July 2018
- 9.16.1 Minutes of the Local Emergency Management Committee 12 June 2018
- 9.16.2 Minutes of the Northcliffe Town Centre Revitalisation Committee Meeting held on 24 July 2018

ATTACHMENT**9.2.1 Quarterly Report October - June 2018 Business**

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160966
LEGISLATION:	Nil
AUTHOR:	Greg Lockwood
DATE OF REPORT:	3/08/2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the quarter ending 30 June 2018 for the Business Directorate is attached.

ATTACHMENT: 9.2.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The report outlines key activities that have occurred for the final quarter of 2017/2018. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising from those activities.

STATUTORY ENVIRONMENT:

Nil

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the June 2018 Quarterly Report – Business as contained in the Attachment: 9.2.1(1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27503

That Council receive the June 2018 Quarterly Report – Business as contained in the Attachment: 9.2.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

**ATTACHMENT
APPENDIX**

9.3.1 Proposed Rating Policy 4.1.15 Relating to Change in Predominant Use of Land

PROPOSER	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Business
FILE REFERENCE:	F161011
LEGISLATION:	Local Government Act 1995
AUTHOR:	Tracy Horn
DATE OF REPORT:	23 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this policy is to provide guidelines for the process to be followed where there is a change in the predominant use of rural land or a change in use resulting from the subdivision of rural land.

The Shire currently does not have a policy which addresses the subdivision of rural property where the predominant use of the land changes. A review of rural residential subdivisions within the Shire have shown that not all properties within these estates are being rated equally. Some properties are still being rated on unimproved value (UV), where others are being rated on gross rental value (GRV).

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

It is important that Council has guidelines in place to provide a fair and equitable basis to assess subdivided rural land within the Shire where the predominant use of the land changes.

After subdivisions have occurred within the Shire on rural land, the valuation remains as UV, regardless of the lands predominate use, this is not appropriate when these lots are primarily used as lifestyle lots.

Through the adoption of this proposed policy, small lifestyle lots currently valued as UV are proposed to change to GRV, unless we ascertain that the property is used predominantly for rural purposes. The predominate use is determined by a questionnaire sent out to each affected land owner, asking among other things is there significant income derived from the property in question, and are the activities allowed under the relevant Town Planning Scheme.

The Shire of Gingin change the valuation method from Unimproved Value to Gross Rental Value when land is subdivided into smaller urban development lots. These lots are typically 2-7 acres.

The Shire of Denmark completed this process many years ago.

The Shire of Augusta Margaret River change the valuation method from Unimproved Value to Gross Rental Value when land is subdivided into smaller urban development lots and are typically less than 5 hectares.

The proposed Rating Policy relating to Change in Predominant Use of Land is attached for Council's consideration.

ATTACHMENT: 9.3.1(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995

6.28 Basis of rates

- (1) The Minister is to:
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be:
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

POLICY / STRATEGIC IMPLICATIONS:

This policy is the result of an identified need within the Shire of Manjimup. It can be used in conjunction with Policy 4.1.9 Rating Policy as appended.

APPENDIX: 9.3.1(A)

As appended, the Department of Local Government, Sport and Cultural Industries have a Valuation of Land Rating Policy and application forms which provide guidance on the method of valuation of land for rating purposes. This policy and application forms will be used in conjunction with the Shires policies.

APPENDIX: 9.3.1(B)

ORGANISATIONAL RISK MANAGEMENT:

It is important that Council has guidelines in place to provide an equitable basis to assess subdivided rural land within the Shire where the predominant use of the land changes.

FINANCIAL IMPLICATIONS:

A consistent equitable approach is required so land owners side by side carrying out the same activity will be rated through the same process.

An estimate for the difference for rural residential properties would be an increase of approximately \$6,000.

SUSTAINABILITY:

Environmental: nil

Economic: If clear guidelines are not set down properties will not be rated correctly which could significantly affect Council's ability to raise sufficient rates, as well as adversely affecting other rate payers who will then receive the cost shifting burden.

Social: nil

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council adopt the Rating Policy 4.1.15 Change in Predominant Use of Land as per the attachment 9.3.1(1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27504

That Council adopt the Rating Policy 4.1.15 Change in Predominant Use of Land as per the attachment 9.3.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.3.2 Council Financial Payments June 2018**

PROPOSER	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:	3 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The accounts for payment totalling \$2,599,917.38 for the month of June 2018 are itemised in the attachment and in the Corporate Card statement listed below.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 16 August 2018.

Fund	Vouchers	Amount
Municipal	91174 - 91242	\$204,520.66
Trust Fund	3114 - 3120	\$79,052.50
Total Cheques for Month of June 2018		\$283,573.16

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 16 August 2018

Fund	Batch	Amount
Municipal	388 – 398	\$2,309,312.98
Total EFT for Month of June 2018		\$2,309,312.98

Corporate Credit Card June 2018 – Municipal Account

20027.29.52	Novotel Langley 2x night's accommodation CESM to attend Disaster & Emergency Comm. Conference	\$395.07
20049.955.58	DNH*GODADDY.COM Premium DNS Service – 5 Years	\$230.44
86.4999.6405.57	Adobe Creative Cloud CS7 Suit to design docs - PRO	\$74.76
20031.198.52	Broadwater Resort Apartments 2x night's accommodation for CF & AS to attend conference	\$358.00
69.4999.7300.57	DIGICERT Inc SSL Certificate – manjimup.wa.gov.au	\$1,455.04
99999.908.99	Westnet Internet services 1/6/18 – 1/7/18	\$589.64
54.2940.2281.57	DWER – Water Road Clearing Permit – Pimella Road	\$200.00
69.4999.7300.57	PDQCOM PDQ Deploy Enterprise licence renewal	\$610.65
20049.197.57	Patricia Ann Keegan (Bello Torta) SMT meeting ST:6	\$132.80
20395.198.52	EB *Critical Horizons- Richmond Registration to Critical Horizons – Powering the future of WA	\$90.00
10069.233.12	Environmental Health Shenton Park Waste water application Pemberton Golf Club	\$56.00
20247.197.57	SQ *Southern Roasting Manjimup Refreshments for 2 nd interview BMO ST:2 NS:1	\$18.00
20049.197.58	The Olde Shed Café Balingup Refreshments DWS, MP, PS & PCT – Funeral D. Callaghan	\$64.50
20049.197.58	HJ Bunbury Lunch for DWS, MP, PS & PCT – Funeral D. Callaghan	\$98.00
20049.197.58	Patricia Ann Keegan (Bello Torta) SMT Meeting Breakfast ST:5	\$103.00
1010WA3.2.57	Walpole IGA Pioneer Store Fuel 1010WA	\$100.33
66.4999.7300.57	Adobe Creative Cloud Creative cloud monthly subscription - CAO	\$74.76
92.8500.3240.57	Target Manjimup Kitchen Cutlery for Wellness Centre	\$420.00

20484.1025.58	Officeworks Online 10x Stackable chairs for Tai Chi Class MRAC	\$429.80
20221.196.57	Museums Australia 2018/19 membership Museums Galleries Aust	\$220.00
85.4200.1061.57	STK*Shutterstock.com 25x downloadable image credits for advertising	\$259.45
20221.196.57	Our Community Pty Ltd 2018/19 membership Our Community	\$400.00
20511.1030.57	Clifford Hallam Health 5x 850g Glucerna - O. Pillinger	\$148.76
20221.197.57	Two Little Black Birds Manjimup Refreshments for meeting	\$9.00
20221.945.57	Comfort Inn Bel Eyre Belmont Advance Deposit – Accommodation CDO CSCP Forum	\$115.20
20219.29.52	Hotel Ibis Melbourne Accomm PMTC to attend Museums Conference	\$250.00
20221.197.57	Pemberton FI W GY PL Refreshments for meeting	\$24.00
20441.432.58	FACET Registration Ian Wilson to attend FACET, our heritage workshop	\$85.00
85.4220.7328.57	WEX Australia Milk, Tomato Sauce, Storage Bags, Cleaning Wipes for Café Lil – MRAC	\$19.04
Total Credit Card Payments		\$7,031.24
Total Payments for the month June 2018		\$2,599,917.38

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 June 2018 totalling \$2,599,917.38 as detailed in Corporate Card Statement and Attachment: 9.3.2(1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27505

That Council receive the accounts paid during June 2018 totalling \$2,599,917.38 as detailed in Corporate Card Statement and Attachment: 9.3.2(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.3.3 Monthly Financial Activity Statement - June 2018**

PROPOSER	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:	3 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The Financial Activity Statement report for the period to 30 June 2018 is attached. The report is summarised by Function/Activity with operating comments via department.

ATTACHMENT: 9.3.3 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 30 June 2018 is a projected surplus of \$10,727,785.

This surplus similar to last year has been influenced heavily by unexpended grant funding and abnormal items to be completed in 2018/19. They are;

- \$5,407,423 Manjimup Town Centre Revitalisation Stage 2;
- \$1,095,052 Seniors Affordable Housing Project;
- \$365,230 Agriculture Expansion Project;
- \$2,162,860 Advance General Purpose Grants;
- \$967,427 various capital jobs (Whole Shire); and
- \$649,075 various abnormal items (Whole Shire).

After removing the carry forwards that form part of the 2018/19 adopted budget, the projected surplus for the 2017/18 financial year is \$80,718. The \$80,718 is still only a provisional figure as during the preparation of the end of financial year accounts there may be some adjustments required to complete the year.

Whilst the Shire of Manjimup ends the year with a moderate surplus position, there have been many items that have both positively and negatively affected the end of year position. The list below does not include items that form part of the carry forward figure.

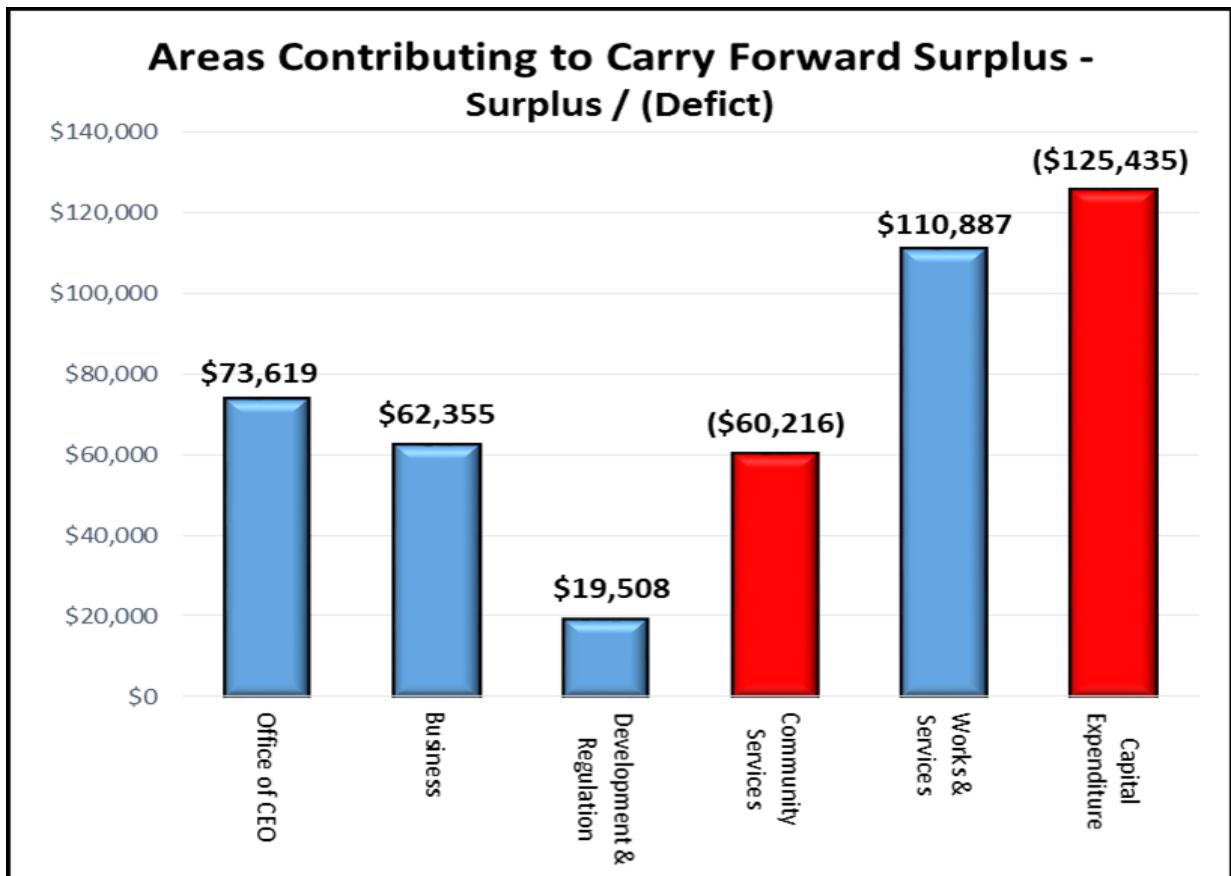
Areas that have had a negative effect on Council's end of year position;

- Rates Income \$42,351 under budget – 2017/18 Annual Budgeted anticipated \$40,000 worth of Interim Rates. This was considered achievable considering previous year's levels however those Interim Rates did not eventuate, the remaining \$2,351 is negative growth in the rate base;
- Interest on Investments \$83,176 – Due to very low investment interest rates Investment Income is well under budget;
- AquaCentre Facilities Operating (net \$65,789 over budget) – The failure of an air source heat pump has put significant pressure on both income and expenditure at the AquaCentre. The ongoing temperature issue, whilst it is stable now has had an overall effect on casual entry to the AquaCentre with reduced income of \$55,400. Running a plant room to maintain acceptable pool temperatures with reduced capacity has put major pressure on the current equipment causing other failures. The plant is being run for longer periods which has also increased electricity costs, over all costs for the AquaCentre were \$10,389 over budget;
- Storm Damage Works/Parks (\$56,592 over budget) – Storm damage accounts had been under some pressure for most of the year a particularly wet and windy winter has caused Storm damage to exceed budget. This over spend will be offset to some degree by maintenance accounts, as whilst staff are carry out storm damage clean-up they are not booking their wages to other maintenance accounts.

Positive items helping arrest the end of year position are;

- Corporate Salaries/Superannuation \$64,407 – The Senior Governance Officer position was vacant for some time during 2017/18 which netted a significant saving;
- Environment Health Salaries/Superannuation \$46,291 – The actual Salaries/Superannuation savings were \$89,291 due to a vacant position but after the backfill of the position by a consultant for specific tasks costing \$43,000 the nett saving was \$46,291;
- Street Light \$39,470 – Previous years have there has been a conscious effort to keep a sufficient budget for sudden and large rises in utility costs;
- Manjimup Tipping Fees \$84,814 - One area that has benefited from all the building activity in Manjimup are Tipping Fees. Any excess funds within the Waste Management budget will be transferred to the Waste

Management Infrastructure Reserve. The purpose of the reserve is “for the development of waste facility sites upon the expiry of existing landfill sites and the rehabilitation of existing landfill sites”.



Whilst the final end of year position will not be determined until the Annual Financial Accounts have been audited in October it is expected that the reported \$80,718 should only receive minor adjustments as the accounts are finalised.

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 June 2018 as per Attachment: 9.3.3(1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27506

That Council receive the Monthly Financial Activity Statement Report for June 2018 as per Attachment: 9.3.3(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT

9.5.3 Retrospective Change of Use from an 'Outbuilding' to 'Holiday Accommodation' (Holiday House) at Lot 179 (9) Walpole Street East, Walpole

PROPOSER	Mr GP & Mrs RM Christian
OWNER	Mr GP & Mrs RM Christian
LOCATION / ADDRESS:	Lot 179 (9) Walpole Street East, Walpole
WARD:	South
ZONE:	Residential R20
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA18/105: P54400
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	26 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for retrospective approval to a change of use from an outbuilding to holiday accommodation at Lot 179 (9) Walpole Street East, Walpole. A location plan is shown below.

Location Plan

The subject site has an area of 911m² and currently contains a dwelling, carport/garage and associated outbuildings. An aerial photograph of the site is shown attached.

ATTACHMENT: 9.5.3(1)

It was brought to the attention of Shire Officers that a holiday accommodation unit on the subject land was being offered for short term rental via Airbnb. Following contact with the owners it was identified that works had been completed by a registered builder on an existing outbuilding, converting the building to a self-contained holiday accommodation unit. The landowners have now applied for retrospective approval to the works and ongoing use of the building for Holiday Accommodation.

Details submitted in support of the application, including a covering letter and management details are attached.

ATTACHMENT: 9.5.3(2)

As shown at Attachment: 9.5.3(2), the accommodation unit contains a combined bathroom/laundry and an open plan area comprising a kitchen, dining, lounge and bedroom. The key elements of the proposal are:

- The application is proposing the number guests to be a maximum of two (2) persons;
- The management of the property will be undertaken by a third party nominated by the applicants;
- The cleaning will be undertaken by professional cleaners;
- No signage is proposed for the Holiday Accommodation (Holiday House);
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Parking is available for 2 cars, undercover area; and
- Bookings for the Holiday Accommodation (Holiday House) will be online through the Walpole Visitor Centre.

The application is referred to Council for determination as Holiday Accommodation (Holiday House) in a Residential zone constitutes an 'A' land use which requires Council approval after advertising in accordance with clause 9.6 of the Scheme.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for 21 day period to all adjoining landowners and the Ward Councillor. Council from 11 July 2018 with the submissions closing on 1 August 2018. A sign was placed onsite. No submissions were received.

COMMENT (Includes Options):

The provisions of the Local Planning Scheme No.4 (the Scheme) include the subject land within the Residential Zone.

As outlined by clause 4.3 the purpose of the Residential Zone "*is to provide for the adequate provision of suitably located land for varied urban residential environment to meet the need of the community and to promote the amenity of residential areas.*" Consistent with this purpose, the objectives for the zone include a limitation on "*non-residential activities to those which create self-employment or creative activities, provided such activities have no detrimental effect on residential amenity.*"

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

Consistency with Zoning

The objectives of the Residential Zone as outlined in clause 4.3.2 of the Scheme are designed to manage and conserve the amenity of residential locales and provide for adequate supply of residential land. Non-residential activities are to create self-employment and not have a detrimental impact on the amenity.

The proposed Holiday Accommodation (Holiday House) will provide the owner with a source of income and provided that the behaviour of future occupants is appropriately managed, the proposed Holiday Accommodation (Holiday House) is not expected to have any impact upon the amenity of the surrounding area or environmental attributes of the area.

Land Use Classification

Table No 1 of the Scheme identifies that two forms of Holiday Accommodation may be permitted within the Residential Zone, being a Bed and Breakfast and Holiday House. The Scheme defines these uses as follows:

“bed and breakfast” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast accommodating a maximum of 6 guests;

“holiday house” means a dwelling together with its associated outbuildings: (a) designed primarily as a dwelling house for permanent residential purposes whether or not occupied periodically as such; and (b) used, whether or not for commercial gain or reward, from time to time for unsupervised, short-stay tourist accommodation purposes excluding people that are members of the owner’s family but including all people where the owner is a company; but does not include a “bed and breakfast” facility;

As detailed above, both land use definitions relate to the use of a “dwelling” for the provision of holiday accommodation. The potential for the converted outbuilding to be considered a dwelling is detailed within the Classification of Building section below.

Both Bed and Breakfast and Holiday House are ‘A’ uses within the Residential Zone. That is uses which are not permitted unless approval is sought and granted by Council following the advertising of the proposal.

Classification of Building

As detailed above, the two potential forms of holiday accommodation involve the use of a dwelling. The provisions of the Scheme adopt by reference the definition of a dwelling as contained in the Residential Design Codes of Western Australia (R-Codes), being:

Dwelling – *A building or portion of a building being used, adopted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family or no more than six persons who do not comprise a single family.*

In this case, the accommodation unit does not conform to a standard design for a single dwelling. However if the building was not being used for short stay accommodation, the now converted outbuilding would comply with the definition of ancillary accommodation, which is defined by the R-Codes as:

“Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.”

The converted outbuilding is self-contained and would therefore comply with the definition of ancillary accommodation, which is also considered to be a form of dwelling. Given this, use of the premises for short stay accommodation would be consistent with the Scheme definition for a “Holiday House”.

Compliance with the Holiday Houses Policy

Local Planning Policy No 6.1.5 was adopted by council to provide a set of development requirements and protocols for the effective management of holiday house operations. Details supplied in support of the application confirm the proposed use will be managed as follows:

- The property manager lives approximately 400m from the subject property, ensuring that they within 30 minutes of the site as required by the Policy ;
- The cleaning of the holiday accommodation will be undertaken by a paid cleaner who will be responsible for the cleaning as well as collecting the rubbish bins;
- The proponent has stated that bookings will be made on-line through the Walpole Visitor Centre and the keys will be made available through a locked key box on the property;
- The number of guests is to be limited to two (2) persons;
- There is sufficient car parking spaces for two (2) cars undercover on site, it can be satisfied that there is sufficient car parking on site;
- The proponent has supplied an Emergency Evacuation Plan showing the evacuation points as well as the assembly area and a plan will also be displayed showing where the fire extinguishers and fire blankets are located;
- Details of signage has not been provided for the Holiday Accommodation (Holiday House) as part of this application. This will be conditioned on any approval granted by Council, restricting to no more than two business signs; and
- The proponents have stated that they have Public Liability Insurance, but have not provided any evidence of this at this time. This will be conditioned on any approval granted by Council.

The above arrangements will ensure that operation of the proposed use will be consistent with the requirements of Local Planning Policy 6.1.5.

Building Act/Building Code

In accordance with the National Construction Code, the proposed Holiday Accommodation (Holiday House) will require a change of classification prior to the commencement of the use. It is proposed that an advice note be included on any approval granted.

As stated within the background section of this agenda item, works have already been completed to physically convert the outbuilding to an accommodation unit. Within their supporting correspondence (shown at Attachment: 9.5.3(2)), the owners have identified that this work was completed by a registered builder.

Correspondence has been forwarded to the builder requesting that they show cause as to why legal action should not be commenced for proceeding with the works without a building permit.

Health Act 1911

The proposed use will be required to operate in compliance with all relevant requirements of the *Health Act 1911*. Shire staff propose that an advice note be included on any approval granted by Council to reflect this requirement.

Guest Register

The applicant is required to maintain a guest register of all guests and this is to be made available to the Shire of Manjimup on request.

Conclusion

The Holiday Accommodation (Holiday House) at Lot 179 (9) Walpole Street East, Walpole conforms to the provisions of the Shire of Manjimup Local Planning Scheme No. 4 and is compliant with Local Planning Policy 6.1.5 – *Holiday Houses*.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

As outlined in the comment section above, the application has been assessed in accordance with the provisions of Local Planning Policy 6.1.5 – *Holiday Houses*.

Approval to the applicant will result in an additional form of Holiday Accommodation is available within the Walpole Townsite. This is consistent with Community Strategy B9, to encourage extended service provision and activate town centres.

ORGANISATIONAL RISK MANAGEMENT:

Approval of this application by Council, provided that the Holiday Accommodation (Holiday House) is compliant with Scheme and Policy, and enforced through conditional consent granted by Council, will not generate any organisation risk.

FINANCIAL IMPLICATIONS:

The required Development Application Fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: The proposal if approved by Council will allow the proponent to increase business activity on the property and potentially increase the economic return of the property.

Social: Approval to the application as submitted will result in the provision of a form of Holiday Accommodation, not currently available in Walpole.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective planning approval for a Change of Use from an Outbuilding to Holiday Accommodation (Holiday House) at Lot 179 (9) Walpole Street East, Walpole (TP100/2018) in accordance with the submitted plans as attached at 9.5.3(2), and subject to the following conditions:

1. Prior to the commencement of the approved use, the application is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
2. The Holiday Accommodation hereby approved is limited to a maximum of two (2) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup;
3. The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup on demand;
4. The submitted management details form part of the application and shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
5. The Emergency Evacuation Response Plan, including provision of the Manager's contact details, is to be displayed in the Holiday Accommodation at all times;

6. Two (2) car parking spaces are to be provided onsite for the use of users of the Holiday Accommodation at all times; and
7. Details shall be provided of proposed signage with a maximum of two (2) signs permitted as part of this proposal and being no more than 1m in size prior to the commencement of the approved use.

Advises the applicant that:

1. In all buildings approved for use as a Holiday Accommodation, a system of emergency lighting will need to be installed to assist in the evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and
 - b) consist of:
 - lights incorporated into the smoke alarm itself; and
 - lighting incorporated in the corridor, hallway or area served by the required smoke alarm(s).
2. The approved development must comply with all relevant provisions of the Health Act, 1911 and the Building Act 2011.
3. A Building Permit is required to be obtained from Building Services for the reclassification of the Outbuilding to a Holiday Accommodation.

COUNCIL RESOLUTION:

MOVED: Salomone, J **SECONDED:** Tapley, D

27507

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective planning approval for a Change of Use from an Outbuilding to Holiday Accommodation (Holiday House) at Lot 179 (9) Walpole Street East, Walpole (TP100/2018) in accordance with the submitted plans as attached at 9.5.3(2), and subject to the following conditions:

1. Prior to the commencement of the approved use, the application is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
2. The Holiday Accommodation hereby approved is limited to a maximum of two (2) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup;
3. The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup on demand;

4. The submitted management details form part of the application and shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
5. The Emergency Evacuation Response Plan, including provision of the Manager's contact details, is to be displayed in the Holiday Accommodation at all times;
6. Two (2) car parking spaces are to be provided onsite for the use of users of the Holiday Accommodation at all times; and
7. Details shall be provided of proposed signage with a maximum of two (2) signs permitted as part of this proposal and being no more than 1m in size prior to the commencement of the approved use.

Advises the applicant that:

1. In all buildings approved for use as a Holiday Accommodation, a system of emergency lighting will need to be installed to assist in the evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and
 - b) consist of:
 - lights incorporated into the smoke alarm itself; and
 - lighting incorporated in the corridor, hallway or area served by the required smoke alarm(s).
2. The approved development must comply with all relevant provisions of the Health Act, 1911 and the Building Act 2011.
3. A Building Permit is required to be obtained from Building Services for the reclassification of the Outbuilding to a Holiday Accommodation.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.6 Delegated Planning Decisions for June 2018**

PROPOSER	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Samantha Royer
DATE OF REPORT:	2 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in June 2018 is attached.

ATTACHMENT: 9.5.6(1)

PUBLIC CONSULTATION UNDERTAKEN:

As shown in the attachment, each application has been advertised in accordance with the Scheme and Council's adopted Local Planning Policy as detailed in the Policy/Strategic Implications section of this agenda item.

COMMENT (Includes Options):

During June 2018, seven (7) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for June 2018 compared to June 2017:

Table 1: Planning Decisions Made June 2017 and 2018

	June 2017	June 2018
Delegated Decisions	12 (\$2,251,797)	7 (\$603,895)
Council Decisions	8 (\$850,000)	1 (\$250,000)
Total	20 (\$3,151,797)	8 (\$853,895)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2017-18 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2016-17 and 2017-18

	YTD 2016-17	YTD 2017-18
Delegated Decisions	148 (\$11,681,809)	147 (\$9,095,047)
Council Decisions	55 (\$10,142,313)	65 (\$21,241,264)
Total	203 (\$21,824,122)	212 (\$30,336,311)

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for June 2018 as per Attachment: 9.5.6 (1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27508

That Council receives the report on Delegated Development Approvals for June 2018 as per Attachment: 9.5.6 (1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.7 Delegated Planning Decisions for July 2018**

PROPOSER	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Samantha Royer
DATE OF REPORT:	2 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in July 2018 is attached.

ATTACHMENT: 9.5.7(1)

PUBLIC CONSULTATION UNDERTAKEN:

As shown in the attachment, each application has been advertised in accordance with the Scheme and Council's adopted Local Planning Policy as detailed in the Policy/Strategic Implications section of this agenda item.

COMMENT (Includes Options):

During July 2018, six (6) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for July 2018 compared to July 2017:

Table 1: Planning Decisions Made July 2017 and 2018

	July 2017	July 2018
Delegated Decisions	15 (\$970,662)	6 (\$685,500)
Council Decisions	4 (\$4,305,000)	6 (\$1,100,000)
Total	19 (\$5,275,662)	12 (\$1,785,500)

The monthly report normally includes an overview of the Year-to-Date statistics for the current and previous Financial Year. However, given this

report covers the start of the new Financial Year, this summary is not required at this time.

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for July 2018 as per Attachment: 9.5.7 (1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27509

That Council receives the report on Delegated Development Approvals for July 2018 as per Attachment: 9.5.7 (1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.1 Minutes of the Local Emergency Management Committee 12 June 2018**

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160103
LEGISLATION:	Emergency Management Act 2005, Local Government Act 1995
AUTHOR:	Todd Ridley
DATE OF REPORT:	18 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Minutes of the Local Emergency Management Committee (LEMC) meeting held on the 12 June 2018 are attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The Local Emergency Management Committee made one resolution that will be dealt with by administration.

LEMC Resolutions	Officers Comments
That the Shire of Manjimup Chief Executive Officer write to Manjimup Police requesting that they hold an Airfield Exercise before the end of 2018.	This matter will be dealt with by administration.

STATUTORY ENVIRONMENT:

Emergency management Act 2005
Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Nil

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council receive the minutes of the Local Emergency Management Committee held on the 12 June 2018 as contained in the Attachment: 9.16.1(1).

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27510

That Council receive the minutes of the Local Emergency Management Committee held on the 12 June 2018 as contained in the Attachment: 9.16.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.2 Minutes of the Northcliffe Town Centre Revitalisation Committee Meeting held on 24 July 2018**

PROPOSER	Northcliffe Town Centre Revitalisation Committee
OWNER	N/A
LOCATION / ADDRESS:	Northcliffe Town Centre
WARD:	Coastal
ZONE:	N/A
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F160288
LEGISLATION:	Local Government Act 1995
AUTHOR:	Brian Robinson
DATE OF REPORT:	3 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Northcliffe Town Centre Revitalisation Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the Local Government Act 1995. The purpose of the committee is to:

- Monitor and review the Northcliffe Townscape Plans;
- Provide advice on priorities; and
- Assist in coordinating community participation.

The latest committee meeting was held on 24 July 2018 at the Northcliffe Information and Visitors Centre. Council is requested to receive the unconfirmed minutes of that meeting.

ATTACHMENT: 9.16.2(1)

A copy of the draft Townscape Plan as presented to the committee is shown attached.

ATTACHMENT: 9.16.2(2)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil

COMMENT (Includes Options):

As reflected within the unconfirmed minutes, a number of resolutions were passed. The following table details those resolutions that require the consideration of Council:

Committee Recommendation	Officer's Comment
1 That the draft Townscape Plans for Northcliffe to be further modified to reflect additional landscaping within the main carpark on Wheatley Coast Road, being the removal of existing trees within the splitter island and	Refer to comments under the heading Landscaping below. It is recommended that the recommendation be supported.

	establishment of 9 new, more suitable trees wholly contained within 9 carparking bays.	
2	<p>The Committee supports the installation of new dark green refuse and recycle bins (to be supplied by Exteria) throughout the main street upgrade on the following principals:</p> <ul style="list-style-type: none"> a) Refuse and recycle bins being installed with 1 metre separation between; b) A combination of sizes to be used with 120 litre bins to be used in the main street and 240 litre bins to be used elsewhere; c) The exact number of bins to be determined in consultation with the Shires waste management, having regard to current budget constraints; and <p>Further consideration being given to artwork being retrofitted to the bins as part of a community exercise at a later date.</p>	Refer to comments under Refuse bins below. It is recommended that the committee recommendation be supported.

Landscaping

As elected members may be aware, there are significant issues with existing trees planted in the splitter island between Wheatley Coast Road and the main carpark, with tree roots causing significant damage to kerbing and lifting the carpark surface. As a result the use of several carparking bays is restricted and the surface is no longer considered to be pedestrian friendly.

Removal of the existing trees abutting Wheatley Coast road is therefore essential and unavoidable to ensure a safe pedestrian environment within the carpark. Replacement of the trees as proposed, and supported by the committee will ensure that the amenity of the townsite will not be detrimentally effected in the longer term.

Refuse Bins

The current bins in Northcliffe are 60 litre open top bins, which allow birds and other animal life to gain access to the refuse. The committee has received many anecdotal comments regarding the resultant windblown litter within the main street.

As a result, the committee has recommended that more suitable enclosed bins are required. Following discussion, it was identified that the committee's preference would be the use of standard bins, as used in Walpole. It was also agreed that to avoid the bins being too predominant, refuse and recycling bins should be separated (as undertaken in Manjimup townsite), with 120 litre bins being used on the main street and 240 litre bins elsewhere.

Whilst a standard bin style has been selected, in order to ensure that the bins are unique to Northcliffe and add to the sense of place, the committee is seeking to use a base colour of green and to have lazer cut panels or other artwork applied to the bins at a later date.

Whilst the exact number and location of bins is yet to be determined by the Shires Works and Services division, the number of bins will be identified so as to not result in increased costs associated with refuse disposal in Northcliffe.

Shire officers involved with the committee and townscape works within Northcliffe recommend that the committee's recommendation be supported.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Revitalisation of the Northcliffe Town Centre will ensure that the centre is accessible, attractive and inviting, whilst maintaining its unique character, consistent with Community Goal 4.4 as identified in the Shires Strategic Community Plan.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

The costs of landscaping and bin purchase and installation will be wholly contained within the budget allocation Town Revitalisation contained in the adopted 2018/19 annual budget. It is anticipated that further funding will need to be allocated to the revitalisation works given the significant scope of the balance of works as reflected on the draft Townscape Plan.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Landscaping and street furniture are important elements when creating a sense of place as part of any townscape works. The elements as supported by the committee are consistent with this principle.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council:

1. **receive and note the unconfirmed minutes of the Northcliffe Town Centre Revitalisation Committee meeting held on 24 July 2018, as shown at Attachment: 9.16.2(1);**
2. **having regard to the advice of the Director of Works and Services, and endorsed the Northcliffe Town Centre Revitalisation Committee support the removal of street trees on the eastern side of Wheatley Coast Road abutting the existing public carpark;**
3. **authorise the Chief Executive Officer to proceed with the tree removal referred to in point 2 above, as part of works to be undertaken on the public carpark, with 9 new trees to be**

incorporated into the proposed parking design through the deletion of up to 9 parking bays abutting Wheatley Coast Road;

4. endorse the recommendation of the Northcliffe Town Centre Revitalisation Committee to utilise standard 120 litre and 240 litre "Exteria" refuse and recycling bins, being green in colour; and
5. authorise the Chief Executive Officer to proceed with the purchase of bins in accordance with point 4 above, subject to the number and location of bins not increasing the annual costs associated with refuse collection within the Northcliffe Townsite.

COUNCIL RESOLUTION:

MOVED: Salomone, J SECONDED: Tapley, D

27511

That Council:

1. receive and note the unconfirmed minutes of the Northcliffe Town Centre Revitalisation Committee meeting held on 24 July 2018, as shown at Attachment: 9.16.2(1);
2. having regard to the advice of the Director of Works and Services, and endorsed the Northcliffe Town Centre Revitalisation Committee support the removal of street trees on the eastern side of Wheatley Coast Road abutting the existing public carpark;
3. authorise the Chief Executive Officer to proceed with the tree removal referred to in point 2 above, as part of works to be undertaken on the public carpark, with 9 new trees to be incorporated into the proposed parking design through the deletion of up to 9 parking bays abutting Wheatley Coast Road;
4. endorse the recommendation of the Northcliffe Town Centre Revitalisation Committee to utilise standard 120 litre and 240 litre "Exteria" refuse and recycling bins, being green in colour; and
5. authorise the Chief Executive Officer to proceed with the purchase of bins in accordance with point 4 above, subject to the number and location of bins not increasing the annual costs associated with refuse collection within the Northcliffe Townsite.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT

9.5.1 Proposed Commencement of Legal Action for Unauthorised Development (Dam) - Location 9340 Piano Gully Road, Middlesex

PROPOSER	Mr P C & Mrs A Starkie
OWNER	Mr P C & Mrs A Starkie
LOCATION / ADDRESS:	Lot 9340 Piano Gully Road, Middlesex
WARD:	East
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA17/269 & P52325
LEGISLATION:	Planning & Development Act 2005
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	19 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider commencing legal action against the owners of Lot 9340 Piano Gully Road, Middlesex (the subject land) for a breach of the provisions of Local Planning Scheme No.4.

The subject land is 33ha, situated on the southern side of Piano Gully Road and is located within the Priority Agriculture zone. The Department of Primary Industries & Regional Development (Agriculture & Food) share the eastern boundary with the subject land. A location plan is shown below.

LOCATION PLAN:



In October 2016, Council conditionally approved the construction of a dam in the south-east corner of the subject land with reduced setbacks of 5m.

Subsequently in November 2017 an application was received for a second dam in the north-east corner of the land, also with 5m setbacks to the eastern and the northern (road) boundaries. A copy of the application, as submitted, is shown attached.

ATTACHMENT: 9.5.1(1)

The application was considered to be incomplete, with additional information and payment of the application fee required in order to undertake a planning assessment. Despite attempts to obtain this information from the owners of the subject land, the information remains outstanding. A summary of the correspondence is provided below.

Date	Description of contact	Method of contact
17 January 2018	Letter seeking information	Letter
13 March 2018	Letter seeking information	Email
26 April 2018	Letter seeking information	Letter

Despite no response being provided to the Shire, a site inspection undertaken in May 2018 identified that the applicant had proceeded with the development of the dam in the proposed location, as evident in the attached site photographs taken in May 2018.

ATTACHMENT: 9.5.1(2)

Correspondence has now been forwarded to the landowners, requesting a retrospective application to now be lodged. In the interim, Council is requested to consider commencing legal action for a breach against the provisions of Local Planning Scheme No. 4 (the Scheme). Further discussion regarding the identified breaches are provided in the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

As the application is not considered complete, Shire Officers have been unable to advertise the proposed setback relaxation in accordance with clause 9.5 of the Local Planning Scheme No 4.

COMMENT (Includes Options):

The subject land is zoned Priority Agriculture under Local Planning Scheme No 4 (the Scheme). The purpose of this zone is to provide high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources.

The Scheme objectives for this zone reinforce the requirement for the protection of rural activities.

The Scheme clause 8.4(xxiv(b)) and Local Planning Policy 6.1.11 - Rural Land Use (LPP 6.1.11), exempts dams from requiring planning approval in Priority Agriculture and General Agriculture zones where the lower edge of the dam wall, and any other part of the dam including the dam water is further than 20m from the property boundaries.

As the subject dam is setback 5m from the external boundaries, the Shires prior development approval was required, but was not obtained.

STATUTORY ENVIRONMENT:

In accordance with Part 8 – Development of Land of the Scheme, the Shire's prior planning approval is required to be obtained unless the development is identified as 'Permitted Development' under clause 8.4. Given that the subject dam was constructed without a valid approval, the works have been undertaken in breach of Part 8 of the Scheme.

Having regard to the following matters, it is recommended that legal action be commenced for a breach of the Scheme:

- a) The landowners have previously applied for and were granted approval to a dam with a reduced setback in October 2016;
- b) The owners are clearly aware of the need to obtain approval to the reduced setback having lodged the application for development approval; and
- c) The owners were aware of the Shires request for additional information, but failed to respond to three written requests for the information to be supplied.

It is noted that should Council resolve to take legal action, this will not impede the Shire's ability to consider a complete application for retrospective approval of the development in accordance with clause 8.6 of the Scheme.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

There has been a noticeable increase in the level of unauthorised development within the Shire. This has been reflected in the number of applications referred to Council for retrospective approval. It is considered that to ignore unauthorised development could set an undesirable precedence and unrealistic expectations within the community.

FINANCIAL IMPLICATIONS:

Any costs associated with legal action for a breach of Local Planning Scheme No. 4, can be sourced from within the Shire's annual adopted budget the awarding of costs will be sought should the legal action be successful.

SUSTAINABILITY:

Environmental: No vegetation has been removed as a result of the works undertaken.

Economic: Nil

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Authorise the Chief Executive Officer to proceed with legal action against the owners of Lot 9340 Piano Gully Road, Middlesex for a breach of Local Planning Scheme No. 4 in respect of the unauthorised development of a dam, the application for development approval being incomplete; and
2. Await a further agenda item in respect of a retrospective application for the unauthorised dam works.

COUNCIL RESOLUTION:

MOVED: Winfield, C **SECONDED:** Daubney, L

27512

That Council defer this item to clarify information.

CARRIED: 10/0

Councillor Daubney declared a Financial Interest in this Item as she is a Sales Representative for Harcourts. Councillor Omodei declared a Financial Interest in this as his sons are the owners of Liquor Baron in Pemberton. Crs Daubney and Omodei did not speak or vote on the matter and left the Chamber at 6.00pm.

Deputy Shire President Cliff Winfield assumed the Chair in Cr Omodei absence.

ATTACHMENT

9.5.2 Development Application - Proposed Change of Use (Restaurant to Tavern) - Lot 1 (30) Ellis Street, Pemberton

PROPOSER	Barricade Holdings Pty Ltd
OWNER	Barricade Holdings Pty Ltd
LOCATION / ADDRESS:	Lot 1 (30) Ellis Street, Pemberton
WARD:	West
ZONE:	Tourist Enterprise
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA18/64
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jocelyn Baister/Brian Robinson
DATE OF REPORT:	24 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to seek Council approval for a Change of Use application from the existing Restaurant at Lot 1 (30) Ellis Street, Pemberton (subject land) to a Tavern.

The subject land is situated 600m south of the main street of Pemberton and is currently occupied by the Gloucester Motel. The motel consists of 47 rooms approved as sleeping apartments for lodgers with the maximum number of lodgers set as 130 under the *Health Act 1911*. A location plan is shown below.



An application has been received which seeks approval to change the land use of the part of the motel complex approved as a 'Restaurant' to a 'Tavern'. The area measures approximately 90sqm and is currently licenced as a Restaurant under the *Liquor Control Act 1988*. As such the approved hours of operation are unrestricted except for Anzac Day and the premise is authorised for the sale and supply of liquor ancillary to a meal to a patron seated at a dining table.

The applicant has advised that they are progressively changing their business model to cater for the backpacker market and that the restaurant is no longer a viable option as the guests tend to cater for themselves. A Tavern liquor licence (Restricted) will allow to operators to supply liquor without the sale of food.

ATTACHMENT: 9.5.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

In accordance with clause 9.6 of the Scheme and Local Planning Policy (LPP) 6.1.2 the application was advertised for a period of 21 days. Of the 16 submissions received all provided objection to the proposal. A summary of the submissions have been provided in Attachment 2 and the topics of concern are discussed below in the comment section.

ATTACHMENT: 9.5.2(2)

COMMENT (Includes Options):

The subject land is zoned Tourist Enterprise under the Shire of Manjimup Local Planning Scheme No.4 (the Scheme) and is bound by Residential of varying densities to the north-west, north-east and south-east with General Agriculture land to the south-west.

As outlined in clause 10.2 of the Scheme, when considering an application for planning approval, the local government is to have due regard to the following matters, including but not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xi) *any social issues that have an effect on the amenity of the locality;*
- (xv) *the preservation of the amenity of the locality;*
- (xvii) *whether the proposed means of vehicular access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (xviii) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (xxvi) *any relevant submissions received on the application.*

The following discussion is provided to assist Council in the determination of the proposal.

Scheme Aims and Objectives

The aims of the Scheme are through the zoning and reserving of land in appropriate locations to:

- (vi) *Provide opportunities to improve the economic base of the Scheme Area through mixing of compatible uses as recognised in the zoning and development tables;*
- (vii) *Promote appropriately located and designed tourist development;*
- (xi) *preserve and enhance the amenities of the district and to manage land uses so as to minimise conflicts between otherwise incompatible uses.*

It is considered that by zoning the subject land and allocating the land use of 'Motel' as a discretionary land use in that zone, that the Council has previously determined that the land use is appropriate for that location. Both the existing ancillary 'Restaurant' and proposed 'Tavern' land uses are allocated as 'A' within the zoning table, meaning that the land use is not permitted unless the local government has exercised its discretion following advertising. The zoning table treats the two land uses in the same manner.

The subject property is located within a Tourist Enterprise Zone in the Scheme, to which its purpose is to *"encourage the development of a wide range of tourist and recreational facilities and quality tourist accommodation and activities for visitors at appropriate locations with the rural areas and townsites of the local government area"*.

The objectives of the zone, encourages a range of recreational activities and accommodation styles which are compatible with the surrounding land uses. can be adequately serviced and complements the natural and built features of the locality. Concerns were raised during consultation as to whether the land use is compatible with the surrounding residential land uses and the potential noise impacts and antisocial behaviour associated with the proposed 'Tavern' linked to excessive drinking due to the change of liquor licence.

Liquor Licensing

As previously discussed the Scheme treats a 'Restaurant' and a 'Tavern' as the same when considering appropriate land uses within the Tourist Enterprise Zone. The *Liquor Control Act 1988* however treats the land uses differently in the following manner:

	RESTAURANT	TAVERN (RESTRICTED)
Licenced hours	Anytime Anzac day until 3am in the morning then any time after 12pm	6am to midnight (Mon-Sat) 10am to midnight (Sun) New Year's eve 6am to 2am (Mon-Sat) New Year's eve 10am to 2am (Sun) Good Friday 12pm to 10pm (meal) Christmas Day 12pm to 10pm (meal) Anzac Day 12pm to midnight
Takeaway's permitted	no	no
Meal required	yes	no

As reflected above, the hours of operation for a Tavern are more restricted than that of a Restaurant. In practice, however the typical operation of a

restaurant would normally see the majority of patrons leave following completion of their meal, resulting in the premises closing well before midnight on most days.

Given that it is highly unlikely that the current restaurant would operate until 12 midnight daily, there is potential for the extended hours of a Tavern to impact on the amenity of the adjacent residential properties.

Noise Management

Submissions received also raise concern in relation to noise from the premise as well as from patrons leaving the proposed 'Tavern'.

The application as submitted provides little information in respect of the proposed management arrangements, particularly in respect of noise management. It is recommended that the preparation of a noise management plan should be required to demonstrate that the application will not result in detrimental impacts on the amenity of the area (through noise) prior to determining the application.

Car Parking & Traffic

Currently there are a total of 66 carbays located on the property. Allowing for 1 carbay per motel unit (47 bays), as required by the Scheme, 19 carbays are available to service the current restaurant and function room.

As identified within the table below, the parking requirements for a Tavern and Restaurant are different.

Land Use	Scheme Standards	Parking Requirements based on 90m ²
Restaurant	1 per 4 patrons (seats)	10 parking bays
Tavern	1 per 5 sqm public area	18 parking bays

With a typical restaurant dining table catering for 4 persons requiring approximately 9m², the level of parking required effectively increases by 8 bays. Approval to the application therefore requires a relaxation of the scheme requirements.

Some justification may exist for such a relaxation on the basis that the applicant considers the majority of patrons would be staying at the property.

Compatible Use

As discussed above, the proposed 'Tavern' would normally require the provision of additional parking bays on site. Given the concerns raised by a number of residents in the surrounding area, it is subjective as to whether the development will be compatible with its surrounding land uses.

Conclusion

To ensure that any approval will not result in detrimental impacts on the amenity of the area, it is recommended that the application be deferred pending the preparation of a Noise Management Plan to assure both Council and the adjacent residents that the use as proposed will be compatible with the adjacent residential land uses.

Should Council wish to approve the application it is recommended that appropriate conditions be imposed to require the preparation and implementation of a noise management plan. Additionally consideration should be given to granting a temporary planning approval for a 12 month period. A temporary approval will give the land owner time to demonstrate that the use is compatible with the surrounding uses.

In accordance with clause 10.6.2 the approval may then be renewed with or without a time limit and the local government is not bound to consult with nearby or other affected land owners.

STATUTORY ENVIRONMENT:
Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:
Nil

ORGANISATIONAL RISK MANAGEMENT:
Nil

FINANCIAL IMPLICATIONS:
Nil

SUSTAINABILITY:
Environmental: Nil
Economic: Nil
Social: Nil

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council defer consideration of the proposed Change of Use (Restaurant to Tavern) at Lot 1 (30) Ellis Street, Pemberton (Application TPS58/2018) pending the submission of a Noise Management Plan prepared by a suitably qualified acoustic engineer.

COUNCIL RESOLUTION:**MOVED: Jenkins, D SECONDED: Eiby, W****27513**

That Council defer consideration of the proposed Change of Use (Restaurant to Tavern) at Lot 1 (30) Ellis Street, Pemberton (Application TPS58/2018) pending the submission of a Noise Management Plan prepared by a suitably qualified acoustic engineer.

MOTION CARRIED 5/3**FOR**

Cr D Jenkins
Cr J Salomone
Cr R Taylor
Cr M Ventris
Cr C Winfield

AGAINST

Cr W Eiby
Cr V Herbert
Cr D Tapley

Councillors Daubney and Omodei returned to the Chamber at 6.06pm.

Councillor Winfield declared a Financial Interest in this Item as his wife consults to the Shire of Manjimup on related projects. Cr Winfield did not speak or vote on the matter and left the Chamber at 6.05pm.

**ATTACHMENT
APPENDIX**

9.5.4 Application to Amend to Development Approval - Exhibition Centre and Restaurant (Cafe) - Reserve 26199 (Lot 629) Edwards Street, Manjimup (Manjimup Heritage Park)

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Reserve 26199 (Lot 628 & 629) Edwards Street, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P53582, P53583, P53584
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Jocelyn Baister/Brian Robinson
DATE OF REPORT:	30 July 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The propose of this report is for Council to consider an application to amend the development approval for the South West Energy Experience (SWEE) – Exhibition Centre and Restaurant (Café) at the Manjimup Heritage Park on Lot 629 Edwards Street, Manjimup.

Lot 628 and Lot 629 form Reserve 26199 (the Subject Site) which is bound by Giblett Street to the east, Graphite Road to the north, Ward Street to the west and Edwards and Rose Streets to the south.

Location Plan



On the 19 January 2017, Council resolved to grant planning approval for a Community Purpose, Exhibition Centre and Restaurant (Café) building at the subject site. The proposal consisted of a two storey building, having a floor area of 2,286sqm consisting of:

- a Restaurant (Café) with 178sqm of internal and external dining area;
- a green roof;
- approximately 735sqm of exhibition space;
- 131.7sqm of external exhibition, storage and mezzanine;
- 82sqm of Retail and 32sqm of office; and
- 182 parking bays in accordance with the overall concept plan.

Relevant excerpts from minutes of the Council meeting held on 19 January 2017 are shown attached.

APPENDIX: 9.5.4(A)

Since planning approval was granted, the design of the building has substantially changed, so much so that an application to amend the approval is warranted. The nature of the amendments are listed below:

- 'Flipping' the building so the Café is directly adjacent to the playground;
- Removing the upper level green roof and mezzanine floor;
- Overall reduction in building floor area of 806sqm to 1,481sqm;
- Increase in Café dining area from 178sqm to 190sqm; and
- The delivery of a total of 112 vehicle bays (92 parking bays, 10 motorcycle bays and 10 long vehicle bays) in addition to the existing 20 bays on Edwards Street.

A copy of the revised application is shown attached.

ATTACHMENT: 9.5.4(1)

Council is requested to determine the application for amendment to the planning approval given the previous consideration of the application, the strategic nature of the proposal and the fact that the development is to be located on a Crown Reserve vested with the Shire of Manjimup.

PUBLIC CONSULTATION UNDERTAKEN:

Shire officers have been liaising closely with the Timber and Heritage Park Advisory Committee over the final design and location of the SWEE Building. A member of that committee also participates in the project management group for both Component 2 of the Town Revitalisation Project and the more specific SWEE working group.

The general public was previously consulted on the SWEE proposal through the SuperTown Growth Plan, Local Planning Policies LPS4 6.1.31 Manjimup Townscape and LPS4 6.1.32 Manjimup. The two Local Planning Policies have subsequently been consolidated into Local Planning Policy LPS4 6.1.14 Development of Manjimup Town Site, which was also advertised for public comment.

COMMENT (Includes Options):

Council has previously considered this proposal against the provisions of the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) for the proposed land uses, development controls relating to parking and landscaping and drainage management. To assist Council in determining the application to amend the planning approval, the following comments are provided in relation to the parking amendments only.

Car parking

To date, Council approvals to development associated with the revitalisation project have been based on the 2012 Concept Landscape Master Plan included in the Timber & Heritage Park Masterplan prepared by Opus (the Masterplan). The Masterplan indicatively showed how 182 car parking bays could be provided adjacent to the site.

Detailed parking designs have now been prepared and form part of the current application. These plans identify that 102 car bays, 10 motorcycle bays and 10 long vehicle bays will be provided in addition to the existing parking bays located on Edwards Street. Whilst this represents a reduction of 80 standard car parking bays from the Masterplan 10 motorcycle bays and 10 long vehicle bays will now be provided.

The application for amendment to the car parking numbers has been assessed against the provisions of the Scheme with the following assumptions:

- Existing development at Heritage Park has been in operation with the current parking bays on Edwards Street and therefore does not need a recalculation for parking requirements;
- The Sound Shell was approved with a parking requirement of nine (9) car parking spaces; and

- The SWEE development consists of two (3) main land use attractions which would create a parking requirement – the Restaurant (Café) and the balance of the building containing a Visitors Centre/Reception area and Exhibition Centre.

As detailed in the January 2017 agenda item, it was recommended that the car parking requirements be based on the restaurant/café seating numbers, with the balance of the building to be considered a ‘Civic Use’.

The following table provides a breakdown of the parking requirements using the principals outlined above:

Proposed Land Use	Scheme provision	Requirement
SWEE Exhibition space, Visitors Centre and ancillary areas	1 bay for every 30sqm NLA	744sqm /30 = 25
Restaurant (café)	1 bay for every 4 patrons (seats)	80 seats / 4 = 20 bays
Total Requirement		45 Bays

With 9 bays required for the Sound Shell, a total parking requirement of 54 bays would apply. It is therefore considered that the provision of 102 car bays, 10 motorcycle bays and 10 long vehicle bays complies with the provisions of the Scheme.

Event Management

It is expected that the proposed number of parking bays will cater for the day to day activities within the Heritage Park. However the demand for parking associated with major events is likely to far exceed the 102 car bays that are being provided by the Shire.

In order to address parking during major events, it is recommended that event management plans for significant events be required to address traffic and parking management issues are addressed.

Conclusion

The application received for approval to amend the planning approval for the Community Purpose, Exhibition Centre and Restaurant is considered to no alter the intent of the resolution granted by Council 19 January 2017. The requirement for parking has been reassessed based on a review of the land uses, reduction in floor area and the parking needs generated by the land uses. The parking numbers proposed as part of the development are considered to meet the needs of the land uses associated with the revitalisation works.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposal has been assessed against and found to be consistent with the following policies and strategic documents relating to the Heritage Park:

- Local Planning Policy LPS4 6.1.14 Development of Manjimup Townsite
- Manjimup Timber and Heritage Park Management and Development Plan
- Manjimup Timber and Heritage Park Interpretive Plan
- Timber and Heritage Park Landscape Master Plan.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil.

Economic: The proposed development will help meet the following Key Performance Indicators listed at 'Our Prosperity' Strategy 2.1 of the Shire of Manjimup Strategic Community Plan 2015-2025:

- Increase the number of visitors to the Shire; and
- Provision of new infrastructure to maximise visitor experiences.

Social: The proposed development will have a positive effect on the social fabric of Manjimup with an increase in the range of community facilities available for use and a corresponding broadening of social activities for the community and visitors to partake in.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council:

1. In accordance with Part 8 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grant approval for an amendment to the planning approval (TP162/2012) on Reserve 26199 Giblett Street, Manjimup, in accordance with the conditions and advice outlined in the notice of determination issued 23 January 2017, subject to the following revision of conditions a) and b) to read as follows:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application as listed below and these shall not be altered and/or modified without the prior knowledge and written consent from the local government;

Drawing Ref	Document Name	Date Received
	Site Plan	30 August 2018
A.02.0	Overall Floor Plan	30 August 2018

A.07.0	Overall Elevations	30 August 2018
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- b) Prior to commencement of the use hereby approved, the proposed 102 car parking and 10 motorcycle spaces, access ways and vehicle manoeuvring areas shall be laid out and constructed at the time of the development of the 'South West Energy Experience' building and those areas shall thereafter be permanently maintained as vehicle parking and manoeuvring areas to the satisfaction of the Shire of Manjimup;

2. Require significant events to be held at the Heritage Park be supported by event management plans that adequately address traffic and parking management plans based on projected attendance numbers.

COUNCIL RESOLUTION:

MOVED: Salomone, J **SECONDED:** Jenkins, D

27514

That Council:

1. In accordance with Part 8 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grant approval for an amendment to the planning approval (TP162/2012) on Reserve 26199 Gblett Street, Manjimup, in accordance with the conditions and advice outlined in the notice of determination issued 23 January 2017, subject to the following revision of conditions a) and b) to read as follows:
 - a) The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application as listed below and these shall not be altered and/or modified without the prior knowledge and written consent from the local government;

Drawing Ref	Document Name	Date Received
	Site Plan	30 August 2018
A.02.0	Overall Floor Plan	30 August 2018
A.07.0	Overall Elevations	30 August 2018

- b) Prior to commencement of the use hereby approved, the proposed 102 car parking and 10 motorcycle spaces, access ways and vehicle manoeuvring areas shall be laid out and constructed at the time of the development of the 'South West Energy Experience' building and those areas shall thereafter be permanently maintained as vehicle parking and manoeuvring areas to the satisfaction of the Shire of Manjimup;

2. **Require significant events to be held at the Heritage Park be supported by event management plans that adequately address traffic and parking management plans based on projected attendance numbers.**

CARRIED: 9/0

Councillor Winfield returned to the Chamber at 6.06pm.

**ATTACHMENT
APPENDIX**

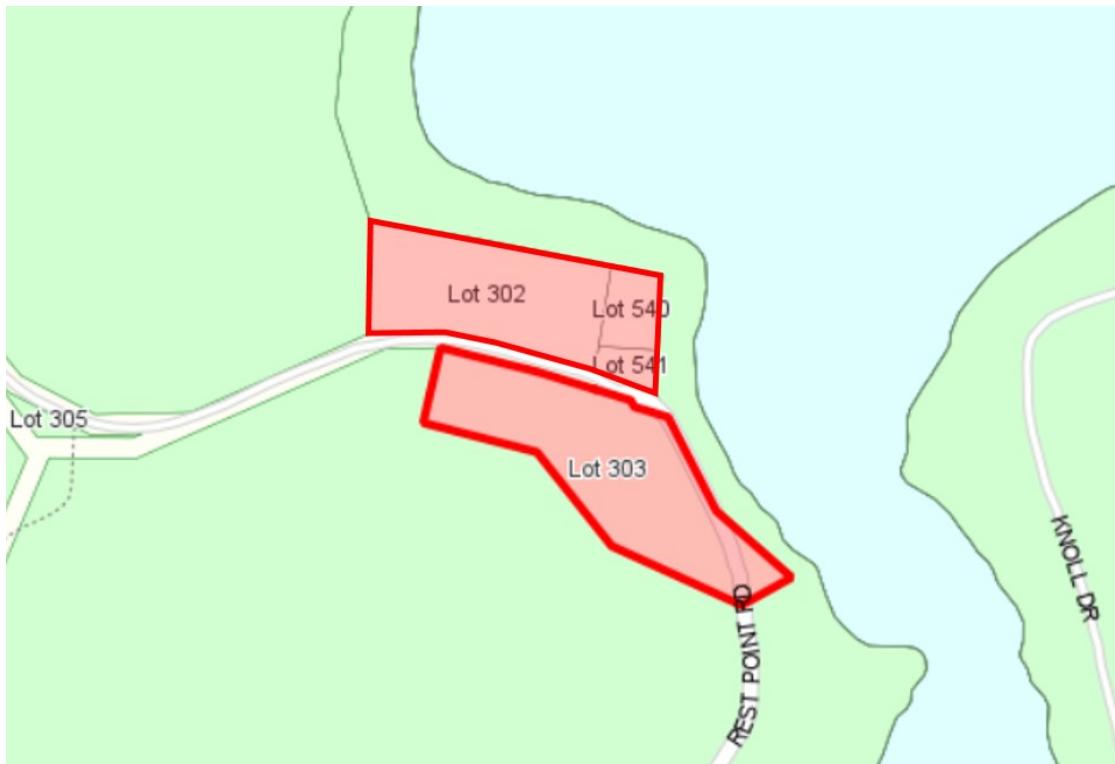
9.5.5 Proposed Heritage Impact Assessment - Rest Point Guest Houses - Lot 303 Rest Point Road, Walpole

PROPOSER	Halsall & Associates and Heritage Intelligence WA
OWNER	Summerstar Pty Ltd
LOCATION / ADDRESS:	Lot 540 Rest Point Road, Walpole
WARD:	South Ward
ZONE:	Caravan Park
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	DA17/111 & P54694
LEGISLATION:	Planning and Development Act
AUTHOR:	Brian Robinson
DATE OF REPORT:	16 July 2018
DECLARATION OF INTEREST:	Nil

At its Ordinary Meeting held on 26 July 2018, Council resolved to defer consideration of the following item to the next agenda. The Item is now presented as appeared within the 26 July 2018 agenda for elected members further consideration.

BACKGROUND:

Council is requested to consider a Heritage Impact Assessment submitted in respect of the Rest Point Holiday Village located at Lots 302, 303, 540 and 541 Rest Point Road, Walpole. A location plan is shown below.



On 14 August 2017, the Southern Joint Development Assessment Panel (JDAP) issued conditional approval to a \$12 million staged redevelopment of the Rest Point Holiday Village, consisting of:

- An increase in the number of caravan and camping sites from 110 to 127;
- Demolition of the existing 8 chalets and guesthouse, with 38 new chalets, being a mixture of 2-3 bedroom accommodation units, to be constructed;
- Retention of 5 existing Park Homes;
- New Ablution and Laundry Facilities;
- A range of new Recreational Facilities, including playgrounds, indoor swimming pool, nature play area, mountain bike trail and car parking.

A copy of the approved site plan is appended.

APPENDIX: 9.5.5(A)

Condition No 15 as imposed by JDAP required a Heritage Impact Assessment to be prepared by a suitably qualified heritage professional prior to the demolition of Rest Point Guest House. A Heritage Impact Assessment has now been received and is shown attached.

ATTACHMENT: 9.5.5(1)

PUBLIC CONSULTATION UNDERTAKEN:
Nil

COMMENT (Includes Options):

The Heritage Impact Assessment as shown at Attachment: 9.5.5(1) has been prepared by Heritage Intelligence WA, being suitably qualified heritage consultants as required by condition No 15 of the JDAP approval. To assist Council in determining its response to the assessment, the following comments are offered:

Municipal Heritage Inventory

The Shire of Manjimup 2008 Municipal Heritage Inventory (MHI) makes the following references to Rest Point:

- Within section 9.3 – Occupations (1914-1945), it is noted that “*a significant place for visitors in the Walpole District is the Rest Point Guest House*”, which was established in 1930 by the Swarbrick family.
- Within section 10.3 – Occupations (1945-1975) notes that the Swarbrick Family had, who had started the Rest Point Guest House, decided after World War Two to use “*the timber around them to develop a saw mill.*”
- Section 16.5 – South Ward Historical Notes also reflect that in “*the 1930's the Swarbricks developed a guest house at Rest Point, which has been a popular holiday and tourist destination since that time.*”

The “Rest Point Guest House and Jetty” were assessed under the 2008 MHI and were identified as having a “C” Management Category, meaning:

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

It should be noted that in preparing the 2008 MHI, consultants on behalf of the Shire completed a detailed public consultation process, including workshops in Manjimup, Pemberton, Northcliffe and Walpole. The Walpole workshop, held in 2004 was attended by Geoff & Lee Fernie (Walpole Historical Society), Joe Burton and David Tapley.

Details including management recommendations contained within the MHI were based on the findings of the consultants, including the public workshops.

Heritage Impact Assessment

The Heritage Impact Assessment as submitted details that:

- a) The original Guest House, constructed by the Swarbrick Family during 1926/27, opened at Easter 1927;
- b) The 1927 Guest House consisted of 8 bedrooms with a 10 foot wide verandah to 3 sides, a kitchen, dining hall and lounge;
- c) In 1935 the second guest house was constructed, immediately north of the original guest house, consisting of an estimated six rooms (3 facing

west and 3 facing east), with a gable roof facing south and one facing east;

- d) The second guest house was modified soon after its construction with additions on the west side of the building, completed around 1937. This extension included the northern gable, resulting in the symmetrical appearance of the building.
- e) The Heritage Impact Study identifies that plans from 1955 show the brick toilet block, which is located between the original and second guest house;
- f) Sometime around 1960, the bedrooms associated with the 1926/27 guest house were demolished, leaving only the Kitchen, Dining and Lounge Room.
- g) Also in 1960 the 'barn' being a boat building shed was constructed to facilitate production of the Reliance.
- h) A new Staff House and Office was also constructed in 1960;
- i) In 1990 the remaining 1935 guest house was re-stumped and raised more than a metre off the ground;
- j) In 1993 a new owner of Rest Point completed the following works:
 - The 1935 guest house was divided into self-contained units resulting in a complete re-arrangement of the rooms throughout. The Heritage Impact Assessment identifies that "*other than the three rooms off the east facing veranda, there is minimal evidence of the original layout of the 1935 guesthouse or the c.1937 additions*"; and
 - A second story was added to the 1960 built staff accommodation/office using floorboards from the "Hall". The Heritage Impact Assessment identifies that it is "*likely that the hall was the dining hall of the 1926/27 building that was refurbished at that time with the ablutions and porch additions.*"
- k) It is assumed that at the same time, what remained of the original guest house was also divided into 3 self-contained units, each having an enclosed gable porch (two facing south and one facing east). Extensions were also added to the north side of the building to provide en-suite facilities for each of the three rooms.

The Heritage Impact Assessment concludes that the primary heritage significance of the Rest Point Guesthouses is their association with the Swarbrick Family and their pioneering initiatives in Rest Point establishing sawmills, the guesthouses and boat building.

It should be noted that the landowners propose to retain and restore the Rest Point Jetty and a Boat Shed that was built to facilitate the construction of the 'Reliance' prior to the majority of the Swarbrick family relocating to Perth to progress their boat building business.

Heritage Value of Guest House Buildings

As result of the information detailed in the Heritage Assessment, and additional research by the author of this report, it can be confirmed that with respect to the 1926/27 guest house:

- The structure was substantially altered around 1960 with the demolition of the majority of the building, being the accommodation rooms, leaving only the lounge, dining and kitchen rooms. Photographs showing the original building and level of alteration are shown attached.
- The eastern wall of the building has been substantially altered with the existing window etc. being removed, door installed and enclosed gable roof porch;
- The northern wall has been substantially altered through extensions to accommodate en-suite facilities;
- Two chimney's that served fire places in the Lounge Dining and Kitchen remain, although photographic evidence demonstrated that the most western chimney top appears to have been altered at some time. Photographs incorporated into the Heritage Impact Assessment also show that the associated fireplaces are not functional;
- The original timber flooring was removed from the building and utilised in the construction of a second story extension of the staff accommodation/office building;
- The roofing material has been replaced with more modern zincalume material.
- Only the western wall and western chimney appear to remain 'intact'.

With reference to the 1935/37 guest house, the research has demonstrated that:

- The original building was substantially modified shortly after its construction;
- Extensions have subsequently been undertaken on all sides of the building, including the enclosing of all verandah's;
- In 1990, the building was re-stumped and raised by more than one metre, requiring the addition of stairs etc.;
- In 1993 the internal layout was substantially modified by the owner who divided the building up into self-contained accommodation units. This included the installation of en-suite bathrooms, requiring extensive plumbing work;
- As a result of the works over the life of the building, in particular those undertaken in 1993 (until approx. 1997), there is little evidence of the original layout of the building, other than the three rooms off the east facing verandah;
- The roofing material has been replaced with more modern zincalume material;
- Photographs contained within the Heritage Impact Assessment demonstrate that the original flooring has been replaced with particle board.

The author of this agenda item agrees with the findings of the Heritage Impact Assessment that:

- a) Demolition of what remains of the original guesthouses will have minimal impact on the heritage significance of the site; and
- b) The development of an interpretative display of the history of the site and the Swarbricks family's history and achievements is an informative and

respectful means by which to fully appreciated and celebrate the rich history of Rest Point.

Public Objection to Demolition of Guest Houses

As elected members may be aware, several members of the Walpole Community have offered strong objection to the demolition of what remains of the original Rest Point Guesthouses. The basis for these objections is understood given that not many historic buildings remain in the Walpole area and the guesthouses have been a predominant element of the development as viewed from the adjacent estuary since their construction.

However as demonstrated by the Heritage Impact Assessment, the original guesthouses have been altered many times over their history to now be in a form that is almost unrecognizable when compared to the original development. Photographs comparing the original and current appearance are shown attached.

ATTACHMENT: 9.5.5(2)

Conclusion

The Heritage Impact Assessment provides a detailed history of the two original guesthouses that were constructed at Rest Point, identifying that the buildings have been substantially modified a number of times. In order to help refine the exact timing and nature of some of these modifications, it is recommended that a detailed archival search of the Shire's building permits be completed and any detailed information be incorporated into the Heritage Impact Assessment.

Given that very little of the original form and fabric of those original guesthouses remain, the Heritage Impact Assessment has adequately demonstrated that little impact will result from demolition of these buildings.

It is recommended that the heritage consultant recommendation that an interpretative display be developed and established on site to recognise the importance of the guesthouses and their role in the history and development of Walpole be supported.

Council may also wish to consider encouraging the landowner to modify the current design to provide a similar appearance to the guesthouses as viewed from the estuary. For example similar gable end construction and verandahs could be designed to somewhat mimic elements of the original buildings.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:

Community Goal 4.8 relating to Our Infrastructure in the Shire of Manjimup Strategic Community Plan identifies the importance of recognising and retaining places of heritage value. In this case the heritage value of the Rest Point Guesthouses is debatable given the significant modifications that have occurred over time.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:Environmental: NilEconomic: NilSocial: Nil**VOTING REQUIREMENTS:** **SIMPLE MAJORITY****OFFICER RECOMMENDATION:****That Council:**

1. Accept the Heritage Impact Assessment undertaken by Heritage Intelligence WA in respect of Rest Point, Walpole, subject to the following modifications;
 - a. Updating to include reference to any building permits issued in respect of the two original guesthouse buildings as may be held in Shire archives.
2. Acknowledge that the two guesthouses evidence little of the original form or fabric of the original building and therefore have little heritage value;
3. Acknowledge the landowners intentions to retain and restore the Rest Point Jetty and Boat Shed/Barn;
4. Require the landowners of the Rest Point Holiday Village to develop and establish an interpretative display on site to recognise the history of the site, the original guesthouses and the Swarbrick family's history and achievements at Rest Point as recommended within the Heritage Impact Assessment referred to in point 1 above;
5. Encourage the landowners to consider modifying the elevations associated with the development approved by the South West Joint Development Assessment Panel in the area of the original guesthouses to reflect elements of the original design such as the gable end construction as viewed from the adjacent estuary; and
6. Request the Chief Executive Officer update the Shires Municipal Heritage Inventory to reflect the conditional approval of the Joint Development Assessment Panel and the findings of the Heritage Impact Statement as referred to in point No 1 above.

COUNCIL RESOLUTION:**MOVED: Tapley, D SECONDED: Eiby, W****27515****That Council:**

1. **Accept the Heritage Impact Assessment undertaken by Heritage Intelligence WA in respect of Rest Point, Walpole, subject to the following modifications;**
 - a. **Updating to include reference to any building permits issued in respect of the two original guesthouse buildings as may be held in Shire archives.**
2. **Acknowledge that the two guesthouses evidence little of the original form or fabric of the original building and therefore have little heritage value;**
3. **Acknowledge the landowners intentions to retain and restore the Rest Point Jetty and Boat Shed/Barn;**
4. **Require the landowners of the Rest Point Holiday Village to develop and establish an interpretative display on site to recognise the history of the site, the original guesthouses and the Swarbrick family's history and achievements at Rest Point as recommended within the Heritage Impact Assessment referred to in point 1 above;**
5. **Encourage the landowners to consider modifying the elevations associated with the development approved by the South West Joint Development Assessment Panel in the area of the original guesthouses to reflect elements of the original design such as the gable end construction as viewed from the adjacent estuary; and**
6. **Request the Chief Executive Officer update the Shires Municipal Heritage Inventory to reflect the conditional approval of the Joint Development Assessment Panel and the findings of the Heritage Impact Statement as referred to in point No 1 above.**

CARRIED: 10/0

Councillor Eiby declared a Financial Interest in this Item as the proponent is a member of the Northcliffe Visitor Centre of which I am the Manager. Cr Eiby did not speak or vote on the matter and left the Chamber at 6.10pm.

ATTACHMENT

**9.5.8 Proposed Remote Advertisement Sign on Road Reserve
Corner of Wheatley Coast Road and Muirillup Road, Northcliffe**

PROPOUNDER	Southern Forest Leisure Pty Ltd
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Corner of Wheatley Coast Road and Muirillup Road, Northcliffe
WARD:	Coastal
ZONE:	Road Reserve
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA18/2; P57473
LEGISLATION:	Planning and Development Act 2005
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	6 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

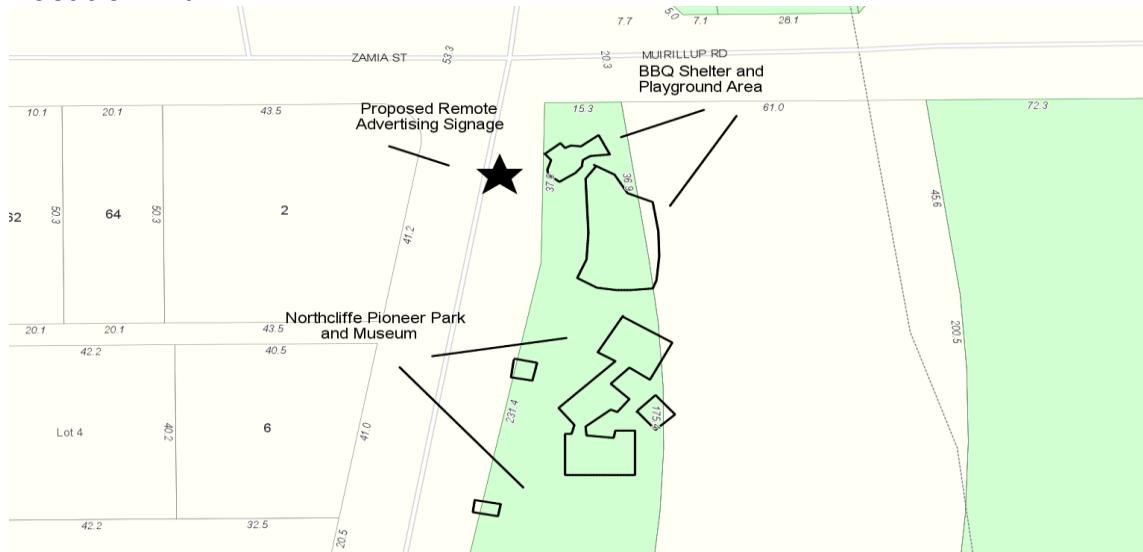
An item previously prepared for Council consideration at the 26 July 2018 Ordinary Meeting, was withdrawn at the request of the applicant due the need to clarify the signage proposals for the Northcliffe Hotel. Council is now in receipt of applications for three signs, which are described as follows:

- a) A 1.64m and 1.22m chalkboard to be located on the south eastern side of the intersection between Zamia and Wheatley Coast Road;
- b) A sandwich board sign adjacent to the Hollowbutt Café sign located on Zamia Street (near the intersection of Wheatley Coast Road; and
- c) A sandwich board sign adjacent to the hotel on Wheatley Coast Road.

A copy of the submitted application for sign (a) is shown attached, with the proposed location shown below. A further agenda item will be presented to Council at its 6 September 2018 meeting regarding sign (b), whilst sign (c) is being processed under delegated authority.

ATTACHMENT: 9.5.8(1)

Location Plan



The chalkboard sign is to be used to advertise the up and coming events at the Northcliffe Hotel, and is situated on the back of a vehicle which the owners park adjacent to the intersection of Wheatley Coast Road and Muirillup Road. As a chalkboard the message and level of detail will vary week to week.

Council is requested to determine the application as it is recommended to refuse the proposal as it does not meet the current Council Policy relating to advertising signage.

PUBLIC CONSULTATION UNDERTAKEN:

No public consultation was undertaken by Shire Staff as the Shire own the adjoining land around the Road Reserve.

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (the Scheme) include the subject property as Road Reserve. As prescribed by clause 5.29 of the Scheme:

“the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning and Development Act 2005 and requires the planning approval of the local government in accordance with the provisions of Part 9 of the Scheme, unless it is an exempted advertisement as listed in Schedule 15.”

The proposal is considered to meet general definition of "advertisement" meaning any word, letter, model, sign, placard, board, notice, device or representation for the purposes of announcement or direction so as to serve the purpose of advertising.

Council adopted Local Planning Policy No. 6.1.4 (LPP 6.1.4) – Advertisements on 8 December 2016 in order to guide officers in assessing

applications for Advertising Signage. An assessment against this policy is outlined below.

LPP 6.1.4 - Advertisements

The policy, which applies to all advertisements being constructed on land in all Scheme zones, details that remote signs will not be approved by the local government unless the identified criteria are met. Assessment of the application against this criteria confirms that the application is contrary to the following requirements of the policy:

- b) It is erected within private property in a location approved by the local government and Main Roads in the event of it being located adjacent to a road dedicated under the Main Roads Act 1933;*
- h) It is not located within a gazetted townsite.*

Although the proposed sign could be considered a portable sign (rather than a remote sign) under the policy, the policy advocates that portable signs should only be located immediately adjacent to the business to which they relate.

Matters to be Considered

In considering application for planning approval, clause 10.2 of the Scheme requires that Council have due regard to various matters. These matters include but not limited to:

- (v) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (vi) the local government's adopted Local Planning Strategy and any local Planning Policy adopted by the local government under clause 2.4.....,*
- (x) the compatibility of the use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xv) the preservation of the amenity of the locality.*

As detailed above, the proposed sign is classified as a remote sign under the adopted Local Planning Policy 6.1.4. Approval to the application as submitted would be contrary to the Local Planning Policy requirements.

The application was referred to the Shire's Technical Services seeking their comments and they do not support the application as they consider the signage is not clear and has the potential to distract drivers posing a safety issue.

Driver Distraction

As shown in Attachment: 9.5.8(1) the chalkboard sign contains lettering of varying colour, size and font and attempts to convey a significant amount of information regarding up and coming events to passing traffic. Variances in the level of detail, size and style of the font result in varying levels of readability.

To ensure that roadside signage does not present a potential distraction to passing drivers, the sign detail should be restricted to a simple easy to read message, where the information is easily conveyed.

Should Council wish to approve the application it is recommended that a clear signage format should be enforced where standard fonts are used and only the event date, time and location should be conveyed. A sample design using these principals will be provided to elected members prior to the Council meeting.

Conclusion

Given that approval to the application as submitted would be contrary to adopted LPP No 6.1.4 provisions relating to remote business signs, it is recommended that the application be refused. Approval to the application would create an undesirable precedent for remote signage within all townsites in the Shire.

The above said, the applicants need to ensure that community members and passing traffic are aware of events being held at the Hotel is understood. It is therefore recommended that consideration be given to:

- a) Encouraging the applicants to make application for a remote sign on private property outside of the townsite, consistent with the provisions of LPP No 6.1.4; and
- b) The establishment of an events noticeboard within the Northcliffe Townsite.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Compliance with Local Planning Policy LPS4 6.1.4 *Advertisements* is discussed as above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The appropriate fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The Northcliffe Hotel is an important part of the Northcliffe communities social fabric. As such the need for the hotel to promote up and coming events is understood and supported. It is however recommended that methods used to promote these events are undertaken in accordance with adopted policy, so as not to create an undesirable precedent for remote signage in Northcliffe and other townsites within the Shire.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Refuse the proposed Remote Advertisement Sign on Road Reserve, Corner of Wheatley Coast Road and Muirillup Road, Northcliffe, as submitted for the following reasons:
 - (i) Approval to the application as submitted would be contrary to the requirements of Local Planning Policy LPS4 6.1.4 *Advertisements* for remote signs to be located outside of gazetted townsites only;
 - (ii) Approval to the application as submitted would result in the creation of an undesirable precedent for the establishment of remote signage within the Shire of Manjimup.
2. Requests the Chief Executive Officer to order the business operators to cease using the advertising signage, effective immediately;
3. Recommend to the applicant that they give consideration to:
 - a) Identifying a proposal for remote advertising signage to be located on private property outside of the townsite; and
 - b) liaising with the Shire's Technical Services to update directional signage for the business; and
4. Request the Chief Executive Officer examine the potential for the establishment of a notice board within the Northcliffe Townsite for advertising of events held within the Northcliffe community.

COUNCIL RESOLUTION:

MOVED: Herbert, V **SECONDED:** Taylor, R

27516

That Council:

1. Refuse the proposed Remote Advertisement Sign on Road Reserve, Corner of Wheatley Coast Road and Muirillup Road, Northcliffe, as submitted for the following reasons:
 - (i) Approval to the application as submitted would be contrary to the requirements of Local Planning Policy LPS4 6.1.4 *Advertisements* for remote signs to be located outside of gazetted townsites only;
 - (ii) Approval to the application as submitted would result in the creation of an undesirable precedent for the establishment of remote signage within the Shire of Manjimup.
2. Requests the Chief Executive Officer to order the business

operators to cease using the advertising signage, effective immediately;

3. Recommend to the applicant that they give consideration to:
 - a) Identifying a proposal for remote advertising signage to be located on private property outside of the townsite; and
 - b) liaising with the Shire's Technical Services to update directional signage for the business; and
4. Request the Chief Executive Officer examine the potential for the establishment of a notice board within the Northcliffe Townsite for advertising of events held within the Northcliffe community.

CARRIED: 9/0

Cr Eiby returned to the Chamber at 6.11pm.

9.9.1 Proposed Budget Amendment - Financial Contribution from Western Power Toward the South West Energy Experience Exhibition Development

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup Heritage Park
WARD:	Central
ZONE:	Central
DIRECTORATE:	Community Services
FILE REFERENCE:	F170511
LEGISLATION:	Local Government Act 1995 s6.8
AUTHOR:	Jessica Winters
DATE OF REPORT:	1 August 2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In June 2016 the Shire of Manjimup were gifted the former World of Energy (“the Energy Collection”) exhibition comprising. Since then, the Shire have been engaging the Retired Members of the Energy West Social Club (former Western Power employees), of which many members have an intricate knowledge of Western Power operations and the objects within the Energy Collection.

Early in 2018 the Shire awarded Creative Spaces the contract of preparing the design and delivery of the exhibition fit out in the proposed South West Energy Experience. The first phase of this design development includes the discovery and collation of information pertaining to the Energy Collection.

Creative Space and the Retired Members of the Energy West Social Club ('Retired Members') have expressed interest in holding a workshop in Manjimup for former engineers, operators, mechanics and asset staff to view the Energy Collection and help develop the exhibition teams understanding of the individual objects that may be on display in the new South West Energy Experience. Such a workshop would require funding for the transport, accommodation and other disbursements to cover the costs of a trip of up to 12 Retired Members to Manjimup for two nights, three days. The Retired Members do not have access to such funding.

The Shire sought support from Western Power (former collection owners) in funding such a trip and they have committed to contributing \$2,000 excluding GST to facilitate this workshop. As such the purpose of this report is to seek Council authorisation to amend the 2018/2019 budget to reflect the contribution from Western Power.

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

The workshop proposal was developed by the Retired Members of the Energy West Social Club, our project team and interpretive consultants, Creative Spaces. The workshop will only be available for ex Western Power employees with knowledge on the Energy Collection objects and/or the former World of Energy museum.

The secured contribution will allow the Shire to arrange transportation to Manjimup from Perth (and return), accommodation for 2 nights and some meals for up to 12 ex-Western Power employees.

The workshop will involve the Manjimup Heritage Park curator, the Manjimup Heritage Park Project manager, three (3) staff from Creative Spaces (at their own expense) and up to 12 ex-Western Power Employees.

The primary objective of the two day workshop is to provide the Retired Members an opportunity to view the collection (which has recently been unpacked for the first time in 10 years) and support our exhibition team to learn more about the objects. Many of the objects have only minimal documented history, with many having only operational manuals as reference, and some with no documented history at all. The members should be able to provide a more practical and cultural history of some of the objects e.g. when it was used, whether it worked well, stories of its use etc. In addition to history of the museum objects we have found that many of the members have a significant recollection of power generation, transmission and distribution in the South West which could be of great use to the project.

All information captured at the workshop will be documented with the Energy Collection, regardless of whether it will be used in the exhibition or not. Once the contribution from Western Power is secured, the Shire will liaise with the Retired Members and arrange the two day workshop in September.

A media release will be prepared after the workshop to demonstrate the successful partnership between the Retired Members, Western Power and the Shire of Manjimup.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s6.8

POLICY / STRATEGIC IMPLICATIONS:

Strategic Community Plan 2017 – 2027

3. Our Community outlines multiple strategies encouraging community engagement, stakeholder consultation and engagement. This proposal encompasses the ethos of the community Strategic Plan and the ongoing engagement of stakeholders in the Town Centre Revitalisation works and specifically the Manjimup Heritage Park.

ORGANISATIONAL RISK MANAGEMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:Environmental: Nil

Economic: The workshop is deemed essential to the development of the exhibition. If the contribution was not received from Western Power, alternative funds may have had to been used from the project funding (Royalties for Regions) or from municipal funds, both of which are limited. Further the trip will be more attractive to the Retired Members if they are not required to self-fund much, if any, of the trip.

Social: The Retired Members are heavily invested in the Energy Collection and are one of our most important interest groups in the development of the South West Energy Experience. Not only will the workshop inform our exhibition design team to deliver the most informative and accurate exhibition, it will also help encourage visitation from the Retired Members when the museum is open, as well as create buy-in to the project from their members.

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

That Council amend the 2018-19 budget under Community Services to include Retired Members Workshop Energy Collection Western Power Contribution funding of \$2,000 (excluding GST)

Description	Current Budget	Amended Budget	Variation
Retired Members Workshop – Energy Collection	\$0	\$2,000	\$2,000
Western Power Contribution	\$0	(\$2,000)	(\$2,000)
Net Rate Funds	\$0	\$0	\$0

COUNCIL RESOLUTION:

MOVED: Ventris, M SECONDED: Taylor, R

27517

That Council amend the 2018-19 budget under Community Services to include Retired Members Workshop Energy Collection Western Power

Contribution funding of \$2,000 (excluding GST)

Description	Current Budget	Amended Budget	Variation
Retired Members Workshop – Energy Collection	\$0	\$2,000	\$2,000
Western Power Contribution	\$0	(\$2,000)	(\$2,000)
Net Rate Funds	\$0	\$0	\$0

CARRIED: 10/0

Cr Eiby declared a Financial Interest in this Item as the committee recommendation relates to the Northcliffe Visitor Centre, of which I am the Manager. Cr Eiby did not speak or vote on the matter and left the Chamber at 6.12pm.

ATTACHMENT

9.16.3 Minutes of the Northcliffe Forest Park Management Committee meeting held 18 July 2018

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Northcliffe Forest Park
WARD:	Coastal
ZONE:	N/A
DIRECTORATE:	Works & Services
FILE REFERENCE:	F161261
LEGISLATION:	Local Government Act 1995
AUTHOR:	Nicole Booth
DATE OF REPORT:	3/08/2018
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Minutes of the Northcliffe Forest Park Management Committee meeting held 18 July 2018, as attached.

ATTACHMENT: 9.16.3(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

There were no recommendations made by the Northcliffe Forest Park Management Committee requiring Council approval. However the Committee requested Northcliffe Visitor Centre to proceed with guided bushwalks in Forest Park.

Committee Recommendation	Officer's Comment
Northcliffe Visitor Centre is asked to proceed with guided bushwalks in Forest Park.	Supported, this is a function of the Management Committee's terms of Reference.

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:

Nil

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 receive the minutes of the Northcliffe Forest Park Management Committee meeting held 18 July 2018 as included in attachment 9.16.3(1).

COUNCIL RESOLUTION:

MOVED: Taylor, R **SECONDED**: Daubney, L

27518

That Council receive the minutes of the Northcliffe Forest Park Management Committee meeting held 18 July 2018 as included in attachment 9.16.3(1).

CARRIED: 9/0

Councillor Eiby returned to the Chamber at 6.12pm.

10. LATE REPORTS: Nil

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice. Nil

11.2 Questions from members. Nil

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:
Nil

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

14. MEETING CLOSED TO THE PUBLIC:

14.1 Matters for which the meeting may be closed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

MOVED: Jenkins, D SECONDED: Daubney, L

27519

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (e) it deals with a matter that if disclosed, would reveal (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

Item 14.1.2 as under Section 5.23(2) (e) it deals with a matter that if disclosed, would reveal (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

CARRIED: 10/0

14.1.1 Proposed New Lease - Cafe` at South West Energy Experience Building - Manjimup Heritage Park - Reserve 26199, Manjimup

PROPOSER	Pianta Unit Trust
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Portion of Reserve 26199 and being portion of Lot 629 Edwards Street, Manjimup Heritage Park, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F180195
LEGISLATION:	Local Government Act 1995 Land Administration Act 1997
AUTHOR:	Jessica Winters
DATE OF REPORT:	30 July 2018
DECLARATION OF INTEREST:	Nil

14.1.2 Minutes of the Manjimup Agricultural Expansion Project Management Committee Meeting 24 July 2018

PROPOSER	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:	30/07/2018
DECLARATION OF INTEREST:	Nil

MOVED: Jenkins, D SECONDED: Daubney, L

27520

That Council come from behind closed doors.

CARRIED: 10/0

14.2 Public reading of resolutions that may be made public.

RESOLUTIONS WERE READ OUT

REPORT 14.1.1

That Council;

1. Request the Chief Executive Officer to negotiate the conditions of offer with Pianta Unit Trusts to lease the new 362m² café lease area in the Manjimup Heritage Park Reserve 26199 subject to:
 - A. Lease term of five years, with an option of a further five year term;
 - B. An agreed market rental review at the end of the initial five year term of the lease should the proponent exercise their option;
 - C. Lease commencement date being the opening of the South West Energy Experience building (December 2019);
 - D. An initial 12 month rent waiver, from the day the lease commences, in lieu of the lessee being responsible for the installation of permanent kitchen fixtures;
 - E. A rental fee of \$35,000 per annum excluding GST, to be reviewed annually in accordance with Consumer Price Index (CPI) increases;

- F. Preparation of an agreed upon list of permanent fixtures, not less than the value of rent waiver, to be provided by the lessee but owned by the Shire of Manjimup;
- G. Advertising intention to lease in accordance with the Local Government Act; and
- H. Approval of the Minister for Lands.

2. Receive a report back on the outcomes of negotiation with Pianta Unit Trusts prior to approval for advertising intention to lease in accordance with the Local Government Act 1995.

REPORT 14.1.2

That Council receive the minutes of the Manjimup Agricultural Expansion Project Management Committee held 24 July 2018 in accordance with Attachment: 14.1.2(1).

15. APPLICATIONS FOR LEAVE OF ABSENCE:

COUNCIL RESOLUTION:

MOVED: Eiby, W SECONDED: Salomone, J

27521

That Council grant Councillor Daubney a Leave Absence for the Council meeting to be held on 6 September 2018.

CARRIED: 10/0

16. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.20pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**