



SHIRE OF MANJIMUP

AGENDA

COUNCIL MEETING

26 MAY 2022

Our Community Vision

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

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

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

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

SHIRE OF MANJIMUP – COUNCIL MEETING AGENDA**26 MAY 2022****NOTICE TO ALL COUNCILLORS**

An Ordinary Meeting of Council is called for Thursday 26 May 2022 commencing at 5:30pm in the Council Chamber.



Andrew Campbell
CHIEF EXECUTIVE OFFICER

17 May 2022

DISCLAIMER

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

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

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

SHIRE OF MANJIMUP**COUNCIL MEETING THURSDAY 26 MAY 2022**

**TO BE HELD
IN THE COUNCIL CHAMBER**

COMMENCING AT 5:30PM

AGENDA**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:****2. ANNOUNCEMENTS BY THE PRESIDENT:**

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

3. ATTENDANCE:

3.1 Apologies:

3.2 Approved Leave of Absence:

3.2.1 Councillor Denise Jenkins has been granted a Leave of Absence for this meeting.

4. DECLARATIONS OF INTEREST:

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

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice.

5.2 Public Question Time.

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

6. PRESENTATIONS:

- 6.1 Petitions.
- 6.2 Presentations.
- 6.3 Deputations.
- 6.4 Delegates' reports.
- 6.5 Conference Reports.

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 5 May 2022 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

9. OFFICERS' REPORTS:

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

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

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

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

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

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**OCCASIONAL AND MANAGEMENT
COMMITTEES**

9.16

ADVISORY COMMITTEES

 /

"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 61 of the Agenda with the exception of:

**ATTACHMENT
APPENDIX**

9.1.1 Proposed Review of Council Policy 2.6.1 Occupational Health and Safety

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995, Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	3 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies require regular review to ensure the contents remain relevant and appropriate. Council Policy 2.6.1 Occupational Health and Safety, is now due for its annual review. A copy of the current policy is appended.

APPENDIX: 9.1.1 (A)

The purpose of the review is to correct or update administrative terminology, and to make minor changes to these policies where required. Proposed changes are indicated in detail in the Comment section of this report. A copy of the proposed policy is attached.

ATTACHMENT: 9.1.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

This policy is required to be reviewed annually. In the time since this policy was reviewed in May 2021, there has been considerable legislative change with regard to workplace safety. The *Work Health and Safety Act 2020* (the Act) and *Work Health and Safety (General) Regulations 2022* (the Regulations) have replaced the *Occupational Health and Safety Act 1984* as the legislative instrument guiding workplace safety in Western Australia. Changes to the policy are detailed below:

Policy Name

The policy has been retitled to 2.6.1 Workplace Health and Safety to be consistent with the legislative changes described above.

Scope

In this section of the proposed policy, reference to 'employees' has been removed and replaced with 'workers'. This change has been made to reflect the Act and Regulations definition that workers also represent contractors, sub-contractors, self-employed persons, apprentices or trainees, work experience students, labour hires and volunteers, not just Shire employees. All these persons are required to abide by this policy when engaged by the Shire.

Policy Statements

Reference to the Occupational Health and Safety Committee (OSH) in this policy section has been removed, as the Act and Regulations now use the term 'work groups'. The new Act and Regulations also stipulate that there is no requirement to have an organisational Work Health and Safety Committee unless requested by employees and agreed to by the Chief Executive Officer. This change has also been reflected in this section of the policy.

Aside from some minor grammatical changes and formatting, no further changes to the policy beyond the above described have been made.

In consideration of the above, it is recommended that Council determine to adopt the proposed policy in accordance with the officer recommendation.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022.

POLICY / STRATEGIC IMPLICATIONS:

Policies should be periodically reviewed to ensure currency and effectiveness.

ORGANISATIONAL RISK MANAGEMENT:

As described above at Policy/Strategic Implications.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Policy 2.6.1 Work Health and Safety as attached at 9.1.1(1).

ATTACHMENTS

1 [⇒](#) Council Policy 2.6.1 Work Health and Safety (Reviewed) 2 Pages

APPENDICES

A [⇒](#) Council Policy 2.6.1 Occupational Health and Safety (Current) 2 Pages

**ATTACHMENT
APPENDIX**

9.1.2 Proposed Review of Council Policy 2.3.12 Wood Encouragement

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	3 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies require regular review to ensure the contents remain relevant and appropriate. Council Policy 2.3.12 Wood Encouragement, is now due for review. A copy of the current policy as adopted by Council in 2016 is appended.

APPENDIX: 9.1.2(A)

The purpose of the review is to correct or update administrative terminology, and to make minor changes to these policies where required. Proposed changes are indicated in the Comment section of this report. A copy of the proposed policy is attached.

ATTACHMENT: 9.1.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The changes effected to the policy as provided in the attachment are minimal. The reviewed policy has been renumbered from 2.3.12 to 2.3.15, as the policy number 2.3.12 is already in use with Council's Fraud Management Policy. The original Council adoption and review dates have also been added to the policy for document control purposes.

No further amendments to the policy are required, and it is recommended that Council adopt the policy according to the officer recommendation provided.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Policies should be periodically reviewed to ensure currency and effectiveness.

Adoption of a Wood Encouragement Policy has been identified as an actionable activity for South West local governments through Regional Development Australia South West's document *South West Regional Futures 2022*. Re-adoption of this policy satisfies completion of that action.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Wood is widely recognised as the only renewable building product that stores carbon, having a positive environmental impact where the product is appropriately sourced.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council adopt Policy 2.3.15 Wood Encouragement as attached at 9.1.2(1).

ATTACHMENTS

1  Council Policy 2.3.15 Wood Encouragement (Reviewed) 2 Pages

APPENDICES

A  Council Policy 2.3.12 Wood Encouragement (Current) 2 Pages

9.1.3 Proposed Award of Tender RFT 04-21, Manjimup Trail Bike Hub - Trail Centre

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	51 Mottram Street, Manjimup
WARD:	Central
ZONE:	Town Centre
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F220066; F161002
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
DATE OF REPORT:	10 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In 2021 the Shire of Manjimup acquired 51 Mottram Street, Manjimup for the purpose of constructing the Manjimup Trail Bike Hub – Trail Centre (Trail Centre) as one part of the overall Manjimup Trail Bike Hub concept. The Manjimup Trail Bike Hub is a \$1.56M project funded through a Commonwealth grant contribution of 63% and a Shire of Manjimup contribution of 37%.

After consultation with Manjimup Trail Bike Hub Inc., a conceptual design for the Trail Centre was produced and used to guide the creation of Request for Tender 04-21 Manjimup Trail Bike Hub – Trail Centre (RFT 04-21).

The purpose of this report is for Council to consider the awarding of RFT 04-21.

PUBLIC CONSULTATION UNDERTAKEN:

RFT 04-21 was advertised in the West Australian Newspaper on 9 April 2022 and in the Manjimup Bridgetown Times on 13 April 2022. In addition the tender was directly supplied to all Registered Builders on the Shire of Manjimup's Approved Contractor List. RFT 04-21 closed on 6 May 2022 with one tender received.

COMMENT (Includes Options):

RFT 04-21 yielded one tender submission from a building company called Brausch Construction Group Pty Ltd for a submission value of \$466,498 (ex GST). The submission was assessed by the Chief Executive Officer and the Senior Governance Officer and it was found to meet the requirements of RFT 04-21 sufficiently to recommend the award of tender.

The price of the tender submission is approximately \$100,000 (ex GST) more than what was originally projected for this part of the project however given the current demands on building supplies and building contractors creating significant cost escalation, the submitted tender price is considered fair in the current economic climate. As the Trail Centre is considered integral to ensuring

the success of the overall project, the shortfall will need to be absorbed by the other project components.

Established in 2020, Brausch Construction Group Pty Ltd is a small team led by Martin Brausch as the Registered Builder. The company is currently involved in several commercial fit-out projects and residential construction projects however the timing for completion for the majority of these projects will enable the completion of the Trail Centre by the end of 2022 as specified. Whilst it is acknowledged that Brausch Construction Group Pty Ltd is a relatively new company and as a result has limited history, it is considered that given the relative simplicity of the Trail Centre and the projects they have completed or are currently constructing, they are well suited to the Trail Centre and on this basis are recommended.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The high profile location of the Trail Centre is considered highly desirable and is likely to ensure project success.

ORGANISATIONAL RISK MANAGEMENT:

The Manjimup Trail Bike Hub – Trail Centre is a relatively simple building project that is considered to present a low risk to the organisation as strong project and payment controls will be imposed by the Chief Executive Officer who is responsible for overseeing the delivery of this project.

FINANCIAL IMPLICATIONS:

The recommended tender is within the available approved overall project budget and is consistent with the tender document RFT 04-21.

SUSTAINABILITY:

Environmental: The Manjimup Trail Bike Trails Hub Feasibility Report involved consultation with State Government agencies which included constraint and opportunity mapping that included locations of existing environmentally sensitive areas, disease risk areas and water catchments. Initial indication of areas where trails potentially could be located are provided in the report which also meet market demands and other concerns such as noise pollution. A detailed account of the process to formalise these trails including environmental protection is also reported and would have to be undertaken in any implementation. It should be noted that any routes to be included in Stages 1 and 2 are currently already open for public motorised use.

Economic: The Manjimup Trail Bike Trails Hub Feasibility Report and independent Economic Impact Assessment identify a potential sustainable market for users of the trails hub including local, interstate and intrastate users. Significant potential for local and regional economic impact has been identified in the both studies. Investment is required from various government agencies

as well as potential commercial operators for the establishment and maintenance of the hub.

Social: The provision of a formalised, safe and attractive network of trails for local residents and visitors to recreate on trail bikes, establishes a place where trail bike riders feel welcomed and have a high quality trails experience exploring the forest.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council award Request for Tender 04-21 Manjimup Trail Bike Hub – Trail Centre to Brausch Construction Group Pty Ltd at a cost of \$466,498 (ex. GST).

ATTACHMENT**9.3.1 Monthly Financial Activity Statement - March 2022**

PROPOSER	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	12 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The *Local Government (Financial Management) Regulations 1996* require monthly Financial Activity Statement reports to be prepared and presented to Council, containing the following information;

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

The Financial Activity Statement report for the period to 31 March 2022 is attached. The report is summarised by Function/Activity with operating comments via department.

ATTACHMENT: 9.3.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 March 2022 is a projected loss of \$30,000.

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

To date there have been some moderate issues both in the positive and in the negative influencing the Shire's end of year position. Listed below are those items, with explanation of the variance within the Operating comments of this report.

Positive

- Planning Fees (gain \$30,000) – to date \$81,359 has been received for planning fees with a budget of only \$55,000;
- Building Fees (gain \$5,000) – to date \$45,251 has been received for building fees with a budget of \$66,000; and
- Property Information Fees (gain \$8,000) – to date \$41,649 has been received with a budget of \$42,000 (adopted 21/22 budget was \$27,000).

Negative

- Power Up entry (loss \$55,000) – a lack of experience based tourism has seen entry to Power Up well below budget;
- Interest Received (loss \$35,000) – very low interest rates have seen a projection well below budget;
- COVID-19 related expenditure (loss \$40,000) – funds required to purchase Rapid Antigen Tests, additional PPE and minor computer items like cameras and headsets to allow for online meetings;
- Audit Fees (loss \$11,000) – this financial year both the Financial Management Systems Review and Regulation 17 Review are due this financial year.

Monitoring

There are several accounts being regularly monitored as we progress towards 30 June 2022, being;

- Storm Damage – at the end of March 2022 storm damage actuals were \$185,061 from a \$127,185 budget. The end of year position will be dependent upon future storm events however typically storm damage is offset by road maintenance as timesheet employees will charge their time to storm damage opposed to road maintenance; and
- Road Maintenance – at the end of March 2022 road maintenance categories are 72.61% expended with 25% of the year remaining. Whilst slightly below budget, April and May will see timesheet employees allocate time to capital jobs further improving the road maintenance position. This account is heavily relied upon in late May/June when road maintenance becomes works staff primary activity.

In summary, typical of this time of year, pressure is beginning to build on the Shire's end of year position. A projected loss of \$30,000 is very manageable through savings in other areas, however if any more budget issues arise, adjustments will be required to offset the losses so as not to influence the 2022/23 budget process with a possible carry forward loss.

STATUTORY ENVIRONMENT:

Section 6.8 of the *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: Expenditure in the 2021/22 budget will be important to stimulate local businesses and support the community post COVID-19 restrictions. There are significant works proposed for community amenities and recreation.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council receive the Monthly Financial Activity Statement Report for March 2022 as per Attachment: 9.3.1(1).

ATTACHMENTS

1  Monthly Financial Activity Statement - March 2022 14 Pages

ATTACHMENT**9.3.2 Proposed Budget Review Adjustments - March 2022**

PROPOSER	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160191
LEGISLATION:	Section 6.8 <i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	17 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following a review of the monthly accounts to 31 March 2022 a budget adjustment sheet has been prepared to reflect variations to expenditure and revenue compared to that contemplated in the adopted 2021/2022 Annual Budget.

ATTACHMENT: 9.3.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The March 2022 Monthly Financial Statement Report has been completed and is the subject of a separate agenda item providing a full explanation of “actual” compared to “budget” for the nine months of operation to 31 March 2022.

Adjustments required to the 2021/2022 adopted budget, already approved by Council by way of specific agenda items, are:

- Drainage 80 Rose St \$50,000 – Relocation of Shire drainage infrastructure from 80 Rose St into road reserve;
- Autopatching Truck additional \$48,000 – Additional funding required to purchase autopatching truck;
- Blackspot Grant Funding \$54,000 - recognise additional funding for Blackspot works on Mordalup Rd, plus \$27,000 Shire municipal matching funding as required by the grant agreement;
- Local Roads & Community Infrastructure Funding Phase 3 \$1,825,974 – allocation of Phase 3 funding; and
- Lotterywest \$127,716 – recognise the auspicing of grant to move and repair Munro House to Northcliffe Pioneer Museum.

Proposed other adjustments not yet considered by Council are:

- Department of Primary Industries and Regional Development \$8,550 – recognise grant received for training of Rangers in the area of Animal Welfare in Emergencies; and

- Australian Museum and Galleries Assoc. \$2,958 – Recognise successful application to carry out promotion of art gallery.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Details of the recommended budget adjustments are attached.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: **ABSOLUTE MAJORITY**

OFFICER RECOMMENDATION:

That Council adopts the March 2022 budget adjustments as contained in Attachment: 9.3.2(1).

ATTACHMENTS

1 ➔ Proposed Budget Adjustments - March 2022 2 Pages

ATTACHMENT**9.3.3 Adoption of Proposed 2022/23 Fees & Charges**

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole Of Shire
WARD:	Whole Of Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F161100
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Craig Martyn
DATE OF REPORT:	12 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A review of fees and charges is an annual practice within the normal budget process.

Proposed fees and charges were presented to Councillors as part of the Councillor Budget meeting on 5 May 2022. In general as discussed at that budget meeting only minimal increases were proposed. Statutory fees have been amended where required, and other Shire of Manjimup fees and charges increased by 2% where appropriate to cover increasing costs.

It is proposed this year that fees and charges are adopted at the Council Meeting on 26 May 2022 and those fees and charges are effective from the 1 July 2022.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Annual Lease Fees for Windy Harbour are not detailed within the proposed 2022/23 Fees and Charges document. A valuation of the Windy Harbour leasehold sites has been requested from an external valuation service as per Council resolution. Lease fees will be determined once this information becomes available.

The Rubbish Collection Service fees for the Shire are also yet to be determined.

These fees will be calculated and proposed to Council with the 2022/23 Annual Financial Budget later in the year.

A copy of the proposed 2022/23 Shire of Manjimup Fees and Charges is attached.

ATTACHMENT: 9.3.3(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 (Part 6, Division 5, s.6.17 and s.6.19) states in part:

6.17 Setting the level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –

- the cost to the local government of providing the service or goods;
- the importance of the service or goods to the community; and
- the price at which the service or goods could be provided by an alternative provider.

6.19 Local Government to give notice of fees and charges

If a Local Government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees and charges, give local public notice of –

- its intention to do so; and
- the date from which it is proposed the fees and charges will be imposed.

POLICY / STRATEGIC IMPLICATIONS:

The Shire's business performance is about seeking continuous improvement in delivering quality services, ensuring that they are appropriate, responsive, and cost effective and meet community needs.

ORGANISATIONAL RISK MANAGEMENT:

The risk to the organisation is that without regular review of fee and charges the cost of the services provided will outweigh the recoup obtained. This will put pressure onto other income sources to increase to maintain service levels.

FINANCIAL IMPLICATIONS:

Fees and charges in general have been increased by 2%. This should see a minor increase in Councils fees and charges revenue to cover increasing costs to provide the service.

SUSTAINABILITY:

Environmental: Nil.

Economic: The annual review of fees and charges allows for annual cost rises to be reflected within the setting of fees and charges.

Social: The review of fees and charges seeks to recognise the low socio-economic nature of the region.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Adopts the 2022/23 Fees and Charges Schedule as per Attachment: 9.3.30 (1); and**
2. **Endorse the statutory advertising of the 2022/23 Fees and Charges for the Shire of Manjimup effective 1 July 2022.**

ATTACHMENTS

1⇒ Proposed 2022/23 Fees and Charges 24 Pages

ATTACHMENT**9.3.4 Council Financial Payments for April 2022**

PROPOSER	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Tracie Williams
DATE OF REPORT:	13 May 2022
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 \$1,202,811.93 for the month of April 2022 are listed below and in the attachment.

ATTACHMENT: 9.3.4(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 26 May 2022.

Fund	Vouchers	Amount
Municipal	94984 - 95007	\$66,742.03
Trust Fund	-	\$0.00
Total Cheques for Month of April 2022		\$66,742.03

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 30 September 2021.

Fund	Batch	Amount
Municipal	184 - 189	\$1,136,069.90
Total EFT for Month of April 2022		\$1,136,069.90

Corporate Credit Card Transactions 21 February 2022 – 20 March 2022 (Paid 6 April 2022) and 21 March 2022 – 20 April 2022 (paid 6 May 2022) were unavailable at the time of writing this report.

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 April 2022 Accounts for payment totalling \$1,202,811.93 as detailed in the Attachment: 9.3.4(1).

ATTACHMENTS

1  Cheque Payments for April 2022 31 Pages

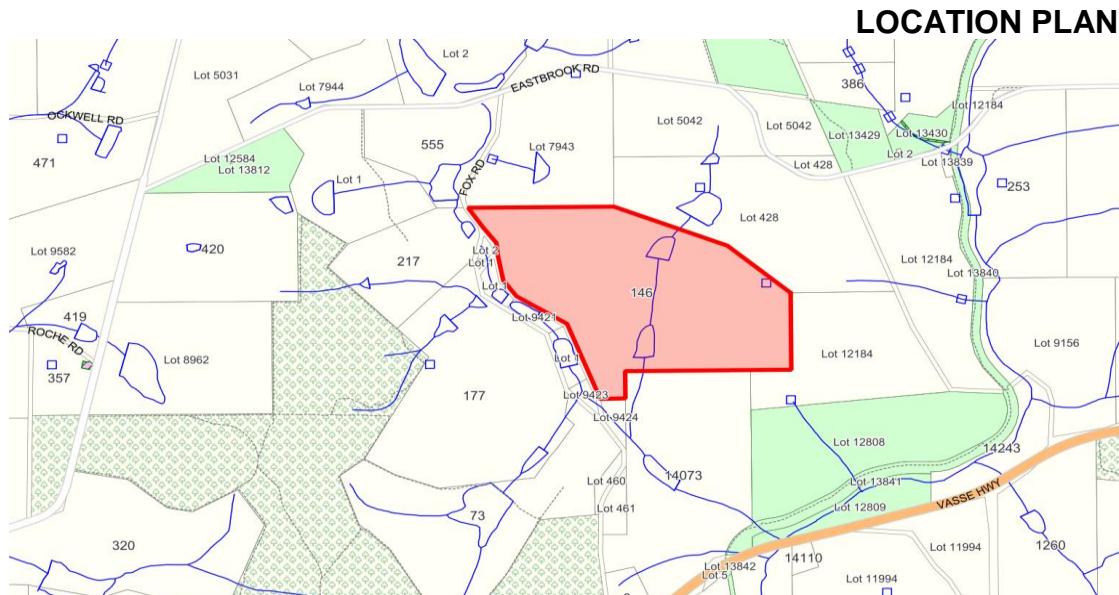
ATTACHMENT

9.5.1 Proposed Horticultural Netting with Setback Reduction at Lot 1 (146) Fox Road, Eastbrook

PROPOSER	Mr J D Omodei
OWNER	Ms G M Pilat
LOCATION / ADDRESS:	Lot 1 (146) Fox Road, Eastbrook
WARD:	West
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/42; P56710
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	29 April 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Lot 1 (146) Fox Road, Eastbrook is 86.79 hectares in area and contains two dams, a dwelling, numerous outbuildings, water tank, pasture and orchard. A location plan is shown below.



Council is requested to consider the proposed installation of horticultural netting that is suspended on a steel frame structure, 6 metres in height with a reduced setback to the southern boundary. The netting structures contains tapered walls to three sides that can be rolled up to assist with maintenance and access. The fourth side will not have a netting structure so as to allow for future expansion to the east.

Details of the proposal is as follows:

- a horticultural netting structure, being 273m by 422.5m;
- total area to be netted is 11.5 hectares (including the tapered sides);

- netting will be installed over a 6 metre high galvanised steel pole frame which is attached to the ground by tensioned cables attached to anchors at 0.5 metres from the boundary;
- the top net is high density polyethylene stitched UV stabilised knitted fabric. This has a 16mm white mesh with a 'quad' hexagonal profile and optical porosity of approximately 50 percent;
- netting is installed to the top and three edges of the structure fixed to the anchor points;
- proposed setback to the side (southern boundary) is 0.5m; and
- access under the structure is to be facilitated by a double swing gate 4.5m high and 6.0m wide.

A copy of the development application plans and information is attached.

ATTACHMENT: 9.5.1(1)

Council is requested to consider the application due to the significant variation to property boundary setbacks.

PUBLIC CONSULTATION UNDERTAKEN:

In accordance with clause 9.6 of Local Planning Scheme No. 4 (the Scheme) the proposal was referred to neighbouring landowners and Ward Councillors for a period of 21 days. Advertising closed on 27 April 2022 with no comments being received.

The proposal was also referred to the Department of Fire and Emergency Services (DFES) for a 42 day period with no comments received.

COMMENT (Includes Options):

The provisions of the Scheme includes the subject land within the Priority Agriculture Zone, where 'agriculture – intensive' is a 'P' use. That is a use, which is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:

- "(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (xiv) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being unlikely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any the other risk;*
- (xv) the preservation of the amenity of the locality; and*
- (xxvii) the comments and submissions received from any authority consulted under Clause 10.1".*

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

Council at its Ordinary Meeting held 20 January 2022 resolved (Resolution 28687) to determine that Horticultural Netting on framed structures are not listed as a permitted incidental structure within clause 8.4(v) of Local Planning Scheme No. 4 and therefore prior planning approval will be required where compliance with required setbacks is not achieved.

Consistency with Zoning

The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving agricultural production and allowing for new agricultural production by securing suitable land and water resources and to provide for intensive agricultural and horticultural production including market gardens, orchards and vineyard enterprises.

Development Requirements

Development in the Priority Agriculture Zone is prescribed by the following minimum setback standards:

- Front Setback – 30 metres;
- Side Setback – 10 metres; and
- Rear Setback – 30 metres.

The proposed netting structure complies with the front, rear and northern side boundary setbacks as specified by the Scheme. As outlined in the Background Section of this agenda item, a setback of 0.5 metres to the southern side boundary. Approval to the application therefore requires a relaxation of the side setback.

In accordance with clause 5.34.2.4(3) of the Scheme, a reduction in the setbacks *“may be permitted where the topography, soil conditions, location or shape of the lot are such as to make adherence to the requirement impractical...”*. In this case, as the relaxation is not being sought due to the factors outlined above, but is solely due to the location of the existing of the orchard, approval to application may only granted through a relaxation of standards.

Relaxation of Standards

In accordance with clause 5.5 of the Scheme, the local government may approve an application for planning approval, despite the application not complying with a standard or requirements prescribed under the Scheme.

However, prior to relaxing a standard, the local government must be satisfied that:

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

In this case, the relaxation of the setback is consistent with the requirements of Clause 10.2 and the adjacent landowner has not lodged a submission or objection to the proposed setback relaxation.

Annual Firebreak Notice/Fire Hazards

In addition to setback requirements, the Shire's Annual Firebreak Notice sets out the bushfire mitigation works that are required on private land, including firebreaks. In this case the Shire's Community Emergency Services Manager has advised that:

- a) Firebreaks are not required around an orchard;
- b) A firebreak would be required abutting native vegetation, which in this case is located adjacent to the eastern (rear) boundary;
- c) It is unlikely that respondents to a bushfire will need to access under the Horticultural netting.

In order to ensure that access is available during a bushfire, it is recommended that the applicants be required to prepare a basic bush fire management plan identifying suitable contact persons to ensure the netting can be opened to facilitate access in the event a bushfire on the western boundary.

Advice on the matter has been sought from DFES, as there are concerns about emergency vehicles entering a potentially flammable structure and receiving damage from molten plastic. As mentioned above DFES did not submit any comments on the proposal.

Conclusion

As detailed above, the application relates to the establishment of horticultural netting over an existing orchard involving a reduced setback to the southern side boundary. As it is considered by Shire Officers that the establishment of the proposed netting structure as proposed will not impact on the amenity of the adjacent property or area is consistent with the requirements of the Shire's Annual Firebreak Notice, conditional approval is recommended.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Approval of the proposal will assist the Shire in the delivery of Strategy B4 of the Strategic Community Plan 2021-2031 relating to ongoing support of sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agri-tourism, and protections, and continued support for the Southern Forest Food Council.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid by the applicant.

SUSTAINABILITY:Environmental: Nil.Economic: Horticultural netting is an increasingly important tool in limiting damage to produce from extreme weather events and pests whilst increasing water use efficiency.Social: Nil.**VOTING REQUIREMENTS:****SIMPLE MAJORITY****OFFICER RECOMMENDATION:**

That Council, in accordance with clause 5.5 and Part 10 of Local Planning Scheme No. 4, grant planning approval for the proposed Horticultural Netting on framed structure at Lot 1 (146) Fox Road, Eastbrook (Application TP47/2022) in accordance with the plans and specifications shown at Attachment 9.5.1(1) and subject to the following conditions and advice:

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

Reference	Document Title	Date Received
1120-001-A	Site Plan	18 March 2022
1120-002-A	Block Plan Layout	18 March 2022
1120-003-A	Structure Detail Sheet	18 March 2022
Pg 4 of 4	Gate Plan	18 March 2022

2. Prior to the commencement of the development hereby approved, the applicant shall prepare a Basic Bushfire Management Plan to the satisfaction of the Shire of Manjimup. This plan should include the contact details of persons who can assist in opening the horticultural netting to facilitate access in the event that emergency access is required.
3. The Horticultural Netting shall be kept in good condition and presentation at all times.

ATTACHMENTS

1  Attachment No. 1 - Plans and Information 4 Pages

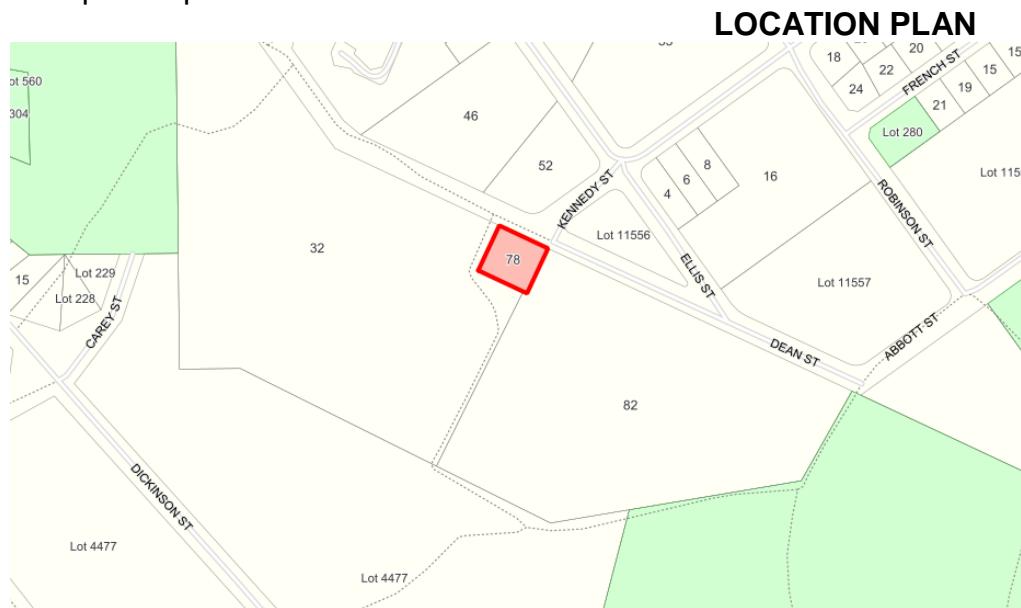
ATTACHMENT

9.5.2 Proposed Holiday Accommodation - Holiday House at Lot 9820 (78) Dean Street, Pemberton

PROponent	Mrs C A Swaithes
OWNER	Mrs C A & Mr J P Swaithes
LOCATION / ADDRESS:	Lot 9820 (78) Dean Street, Pemberton
WARD:	West
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/16 P51155
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	2 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire is in receipt of an application for Holiday Accommodation – Holiday House at Lot 9820 (78) Dean Street, Pemberton. The subject property is 2,024m² and consists of a two storey dwelling which received approval in 1998, subject to the demolition of an existing cottage on the property. Although a demolition permit was also granted in 1998, the cottage was never removed and the property has had two change of owners since the permit was issued. A location plan is provided below.



The applicant is seeking planning approval to retain and convert the cottage to Holiday Accommodation and for a partial conversion of the main dwelling for use as Holiday Accommodation. The details of the application are as follows:

- The application is proposing the number of guests to be a maximum of 12 persons, four (4) in the cottage and eight (8) in the main dwelling;
- The land owners reside on the property;

- The guests of the cottage have full access to a kitchen, whilst the guests in the main house will have access to a kitchenette and outdoor barbecue;
- Key collection will be from the owners;
- Parking will be available for seven (7) cars on-site;
- The cleaning of the property will be undertaken by the land owner;
- The Emergency Evacuation Response Plan will be implemented as submitted;
- Owners will make separate application for Development Approval for business signage; and
- Bookings for the Holiday Accommodation (Holiday House) will be made through the AirBnB website and Trip Advisor.

Details of the proposal as submitted are attached.

ATTACHMENT: 9.5.2(1)

Council is requested to consider the application having regard to the submissions received following advertising of the proposal.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) for a 21 day period to all adjoining landowners, the Ward Councillor and to Department of Fire and Emergency Service (DFES) for 42 days.

Two public submissions were received both in support of the application, however one submission raised concerns regarding the amount of parking allowed for on the property. Comments and an assessment of the application were received from DFES who did not support the application due to areas of non-compliance with the bushfire protection criteria outlined within State Planning Policy No 3.7 and the associated guidelines.

Copies of the submissions are provided attached, with their content addressed in the Comment section below.

ATTACHMENT: 9.5.2(2)

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (the Scheme) include the subject land within the General Agriculture Zone. The property is also located in Development Investigation Area No. 20 (DIA 20) and Planning Precinct PP4 Pemberton Urban Centre.

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:-

- “(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within in the Scheme area;

- (vi) the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4....;
- (vii) the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;
- (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;
- (xiv) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (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;
- (xxvi) any relevant submissions received on the application; and
- (xxvii) the comments or submissions received from any authority consulted under Clause 10.1.”

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

Land Use Classification

The Scheme defines “Holiday Accommodation” as *land and buildings providing facilities for tourist and travellers, including chalets, cabins, farm stay, bed and breakfast, camping grounds, caravan parks and motels, none of which is to be occupied for a period of more than three months in any one calendar year.*

“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;
- 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 described in the proponent’s management plan, the application is for short-term accommodation to be operated by the landowner on a commercial basis. The application proposes that a maximum of 12 guests, will use the Holiday Accommodation (Holiday House) at any one time. As there are two separate buildings being used, the managers may rent these out to separate groups of guests not necessarily known to each other.

Land Use Permissibility

A Holiday House is an 'A' use in the General Agricultural Zone. That is a use that is not permitted unless the local government has exercised its discretion by granting planning approval after given special notice in accordance with Clause 9.6 of the Scheme. With advertising of the proposal completed in accordance with Clause 9.6, the application may be determined.

Consistency with Zoning

The objectives of the General Agricultural Zone are designed to manage and guide land use development and to permit low impact tourism accommodation – short stay proposals where relevant, provided that any impact from any such land uses or development are contained on-site.

The Holiday House is considered to meet the objectives of the zone as it will provide the owner with a source of income and provided that the behaviour of occupants is appropriately managed, the Holiday House is not expected to have any impact on the amenity of the surrounding area. The change of land use will not prejudice the ability of the development to be used for residential purposes in the future.

Clause 5.34.2.6, as it applies to development in the Priority Agriculture Zone, also applies to the General Agriculture Zone and states that the local government may approve up to two dwellings on any lot, provided that the lot exceeds 40 hectares in area and the land is managed for agricultural production, tourism, or education and the occupants are engaged in those land uses. In this case the property does not comply with the minimum land area, being only 2,024m². However the proposed land use falls into the tourism category and the occupiers will be tourists.

Development Investigation Area 20

The land use expectation for DIA 20 is for low impact tourism and that development should be located close to the western boundary of the land. The subject property contains existing development and the proposed land uses is consistent with the low impact tourism intent.

Planning Precinct Statement PP4 Pemberton Urban Centre.

The statement associated with this Planning Precinct as it relates to this application states that planning should provide for tourist accommodation that integrates with the precinct where it is compatible with adjacent land uses.

Compliance with LPS4 6.1.5 – Holiday Houses

Local Planning Policy 6.1.5 was adopted by Council to provide a set of development requirements and protocols for the effective management of holiday house operations. The application has been assessed against the Policy and is considered to be compliant other than the fact the applicant has not supplied a copy of their current Public Liability Insurance Certificate.

An appropriate condition of approval is recommended to require the submission of a copy of the Insurance Certificate prior to commencement of the use.

Bushfire Prone Area

The subject property has been identified as being in a designated bushfire prone area. The applicant has had a Bushfire Management Plan (BMP) prepared by a qualified Level 3 Assessor. The Bushfire Attack Level contour map contained in the BMP indicates that the cottage falls within the Flame Zone (FZ) contour, whilst the main Dwelling is located in a BAL 29 contour. In accordance with State Planning Policy 3.7 applications for vulnerable land uses in BAL FZ will not be supported unless the BAL rating can be altered.

The BMP has been assessed against Element 5: Vulnerable Tourism Land Uses of the Guidelines for Planning in Bushfire Prone Areas, which replaced Position Statement: Tourism Land Uses in Bushfire Prone Areas in March 2022. Shire Officers note that the proposal cannot achieve compliance with all applicable 'acceptable solutions' including all habitable buildings being surrounded by an Asset Protection Zone (APZ).

The BAL Assessor has identified that the proposed development is located within a residential built-out area and therefore provided assessment of the application and risk against the criteria for minor development.

A residential built-out area is defined in the Guidelines as "*a locality serviced with reticulated water and is within or contiguous (sharing a common border or touching) with an urban area or town (or similar), which incorporates a suitable destination*". Whilst the property is located opposite land zoned for residential land use, the surrounding adjoining properties are zoned Rural Residential and General Agriculture and either used for Tourism or heavily vegetated.

The previous Position Statement stated that Holiday Houses in an existing dwelling outside of a residential built-out area (and BAL FZ) could be considered where two-way access is provided; or the risk is mitigated. Where a permanent resident or caretaker is on-site the Statement suggests that this can form part of the risk mitigation.

Having regard to the above, Shire Officers are of the opinion that the threat to property is unavoidable and that the focus of assessment should be on early evacuation of the people to protect life. As such the applicants were requested to update the BMP to strengthen the assessment of the condition and management of the access from the property. The updated BMP and Addendum are attached for reference.

ATTACHMENT: 9.5.2(3)

It should be noted that prior to the application, Shire Officers provided a preliminary response to some queries from the BAL assessor and on further review of the definition of Minor Development support the amended assessment.

Department of Fire and Emergency Services Comments

DFES has not supported the proposal and has commented that the vegetation assessment of the BAL is not justified and the BMP requires amendments for various reasons. Whilst Shire Officers agree with some of the statements made

by DFES, they do not agree with the suggestion that the buildings could be upgraded to comply with the relevant BAL under AS3959.

Shire Officers do agree that certain aspects of the BMP can be strengthened as mentioned above and that the potential threat to life can be addressed through the preparation and implementation of an extensive emergency evacuation plan.

Neighbours Submissions

One of the submitters raised concerns regarding the parking of vehicles within the property boundary, given the applicant has stated that up to seven (7) vehicles could be accommodated. As there is only one driveway access into the property Shire Officers acknowledge the concern as parking on-site is likely to involve tandem parking. Should Council approve the application, a condition for a parking management statement is recommended to address how parking will be managed within the property boundary.

Retention of Existing Cottage

As outlined in the Background section of this agenda item, removal of the cottage was required in 1998 to permit the construction of a new home on the property. This was due to the provisions of the previous Town Planning Scheme No 2 not permitting a second dwelling on the property.

Although the owners at the time did not comply with the requirement to remove the cottage and this was not enforced by Shire Officers, the provisions of the Shire's current Local Planning Scheme No 4 would permit an application to be made to continue use of the building for residential purposes. Given this and the fact the property has now changed ownership twice, it is recommended that no further action be taken in respect of this matter.

Conclusion

Shire Officers do not agree with the advice of the Department of Fire and Emergency Services that the application should not be supported. Given that the land is located within a townsite, adjacent to a developed area, the evacuation of the guests and residents is possible within the existing road network it is considered that the risk to life minimal.

Notwithstanding the above, the risk to property is extreme and it is recommended that the vegetation on-site should be managed to ensure a low threat state, mitigating the risk associated with the potential for bushfire.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:

By granting approval to the proposed use, Council will assist in the delivery of the following Strategies under the Shire of Manjimup Strategic Community Plan 2021-31:

B12. Provide development opportunities and support local small businesses to thrive.

ORGANISATIONAL RISK MANAGEMENT:

The subject property is at risk of threat from bushfire and is located in a hazard level contour that the buildings have not been designed to withstand. It is not the responsibility of the Shire to assess existing buildings or extensions against AS.3959 compliance.

FINANCIAL IMPLICATIONS:

The applicant has paid the relevant planning application fee and if approved will be subject to annual renewal fees.

SUSTAINABILITY:

Environmental: Nil.

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

Social: Nil.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No 4 grants approval to the proposed Holiday Accommodation – Holiday House (x2) at Lot 9820 (78) Dean Street, Pemberton (Application TP19/2022) in accordance with the submitted plans as shown at Attachment: 9.5.2(1) and subject to the following conditions:

1. The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:

Reference	Document Title	Date Received
1	Site Plan	8 February 2022
2.	Floor Plans	9 March 2022
3.	Management Plan	8 March 2022
4.	Evacuation Plan	8 February 2022

2. The development approval is granted for a period expiring on 30 June 2023 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Holiday Accommodation to be continued for a further period of 12 months has been submitted to and approved by the Shire of Manjimup.
3. Should the applicant cease the use of the Cottage as Holiday Accommodation, the use as a Dwelling – Grouped or Ancillary Accommodation will require prior planning approval before the building may be used for permanent accommodation.

4. Prior to commencement of the use hereby approved, the applicant is to supply the following to the satisfaction of the Shire of Manjimup:
 - a. a copy of their Public Liability Insurance to the Shire of Manjimup;
 - b. a parking management statement demonstrating how vehicles can be accommodated within the property boundary; and
 - c. an amended Bushfire Management Plan to:
 - replace reference to Dean Street being constructed to a 'Public Road Standard' with 'Fire Service Access Route Standard';
 - identify the location of appropriate signage within the site for access and evacuation; and
 - Include a landscape management plan demonstrating that the Asset Protection Zone is to be managed to a low-threat classification;
 - d. a Bushfire Emergency Evacuation Plan in accordance with the Guidelines for Planning in Bushfire Prone Areas Section 5.5.2; and
5. 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.

Advice to Applicant:

- i. This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of use of the buildings.
- ii. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911*, and the *Building Act 2016*;
- iii. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms;
- iv. The Shire's Principal Environmental Health Officer must be contacted to ensure approval is obtained for the on-site wastewater system;
- v. Firebreaks and low fuel zones are to be maintained to the satisfaction of the Shire of Manjimup around all boundaries, buildings on the subject property and the development hereby approved, in accordance with the requirements of

the Annual Shire Firebreak Notice endorsed by Shire of Manjimup;

- vi. The current level of construction of the local road network is provided is an 'as-is' condition which is considered appropriate to support the proposal and no upgrade of the local road network abutting the property road will take place to cater for the proposed development; and
- vii. The Shire of Manjimup's prior approval is required in respect of any proposed directional signage.

ATTACHMENTS

- 1** [⇒](#) Attachment 1 - Development Plans and Information 6 Pages
- 2** [⇒](#) Attachment 2 - Submissions and Comments 6 Pages
- 3** [⇒](#) Attachment 3 - BMP and Addendum 45 Pages

ATTACHMENT

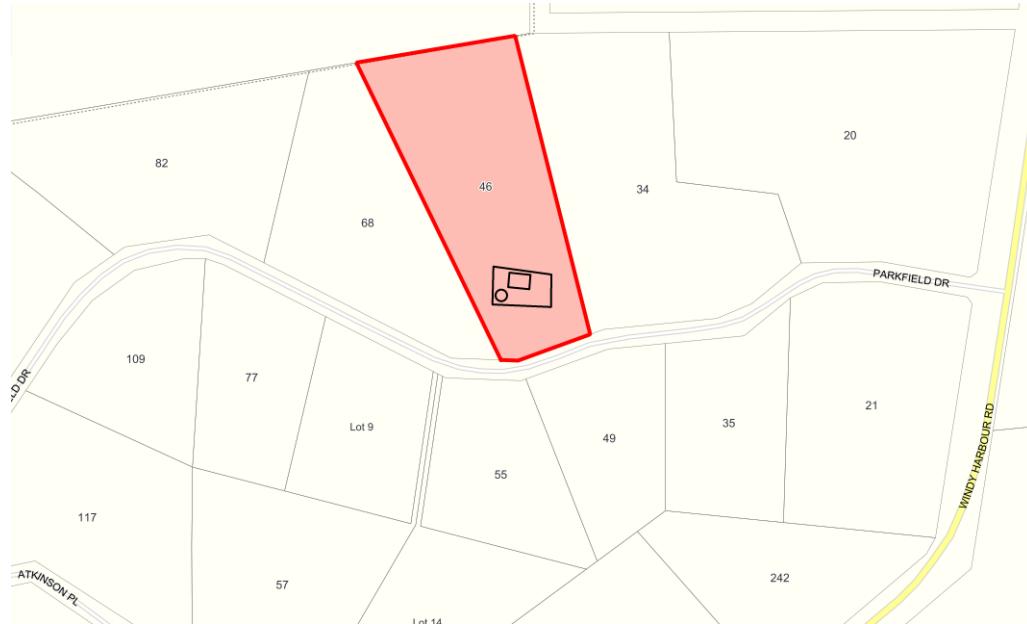
9.5.3 Proposed Holiday Accommodation - Holiday House at Lot 23 (46) Parkfield Drive, Northcliffe

PROPOSER	Mr S R Middleton
OWNER	Mr S R Middleton
LOCATION / ADDRESS:	Lot 23 (46) Parkfield Drive, Northcliffe
WARD:	Coastal
ZONE:	Rural Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/31 P51977
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	6 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is in receipt of an application to partially change the land use of a dwelling single to Holiday Accommodation – Holiday House at Lot 23 (46) Parkfield Drive, Northcliffe. The subject property is 4.0256 hectares and consists of a two-storey dwelling which received approval in 2005. There is a cleared area around the dwelling, a small dam to the front of the property and the remaining area is remnant vegetation. A location plan is shown below.

LOCATION PLAN



The applicant is seeking planning approval for a partial conversion of the main dwelling for use as Holiday Accommodation. The details of the application are as follows:

- The application is proposing the number of guests to be a maximum of four (4) in two bedrooms;
- The land owners reside on the property;

- Key collection will be from the owners;
- Parking will be available for two cars;
- The cleaning of the property will be undertaken by the land owner;
- The Emergency Evacuation Response Plan will be implemented as submitted;
- No business signage is proposed; and
- Bookings for the Holiday Accommodation (Holiday House) will be made through the AirBnB website and Bookings.com.

Details of the proposal as submitted are attached.

ATTACHMENT: 9.5.3(1)

Council is requested to consider the application having regard to the submissions received following advertising of the proposal.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) for a 21 day period to all adjoining landowners, the Ward Councillor and to Department of Fire and Emergency Service (DFES) and Department of Biodiversity Conservation and Attractions (DBCA) for 42 days.

Comments and an assessment of the application were received from DFES who did not support the application due to areas of non-compliance with the bushfire protection criteria.

A copy of the submissions are attached, with their content addressed in the Comment section below.

ATTACHMENT: 9.5.3(2)

COMMENT (Includes Options):

The provisions of the Scheme include the subject land within the Rural Residential Zone. The property is also located in area RR7 Parkfield Drive where development is to be in accordance with the structure plan. There is a nominated landscape protection area located to the rear of the property.

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:-

- “(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within in the Scheme area;*
- (vi) the local government’s adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4....;*
- (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;*

- (xiv) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (xv) the preservation of the amenity of the locality; and
- (xxvii) the comments or submissions received from any authority consulted under Clause 10.1.”

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

Land Use Classification

The Scheme defines “Holiday Accommodation” as *land and buildings providing facilities for tourist and travellers, including chalets, cabins, farm stay, bed and breakfast, camping grounds, caravan parks and motels, none of which is to be occupied for a period of more than three months in any one calendar year.*

“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;
- 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 described in the proponent’s management plan, the application is for short-term accommodation to be operated by the landowner on a commercial basis. The application proposes that a maximum of four (4) guests, will be accommodated in two of the home’s bedrooms at any one time.

Land Use Permissibility

A Holiday House is an ‘A’ use in the Rural Residential Zone. That is a use that is not permitted unless the local government has exercised its discretion by granting planning approval after given special notice in accordance with Clause 9.6 of the Scheme. With advertising of the proposal completed in accordance with Clause 9.6, the application may be determined.

Consistency with Zoning

The objectives of the Rural Residential Zone as outlined in Clause 4.6.2 of the Scheme are designed to manage and guide land use development and to minimise the impact on adjacent land uses, protect landscapes and remnant vegetation.

The Holiday House is considered to meet the objectives of the zone as it will provide the owner with a source of income and provided that the behaviour of occupants is appropriately managed, the Holiday House is not expected to have any impact on the amenity of the surrounding area. The change of land use will not prejudice the ability of for the developments ongoing use a a residential dwelling.

Compliance with LPS4 6.1.5 – Holiday Houses

Local Planning Policy 6.1.5 was adopted by Council to provide a set of development requirements and protocols for the effective management of holiday house operations. The application has been assessed against the Policy and is considered to be compliant other than the fact the applicant has not at this stage supplied a copy of their current Public Liability Insurance Certificate.

An appropriate condition of approval is recommended to require the submission of a copy of the Insurance Certificate prior to commencement of the use.

Bushfire Prone Area

The subject property has been identified as being in a designated bushfire prone area. The applicant has submitted a Bushfire Attack Level (BAL) assessment which indicates that the dwelling is located in a BAL 29 area. Whilst some live standing trees are located in proximity of the dwelling, the Asset Protection Zone (APZ) is cleared of understorey vegetation.

A Bushfire Management Plan (BMP) has been prepared by the applicants using the online templates. Shire Officers note that the proposal has not achieved compliance with all applicable 'acceptable solutions', most specifically the requirement for public road access in two different directions. This is simply not possible given that Parkfield Drive is a cul-de-sac and will remain so and will remain so until if and when subdivision of the land to the south is undertaken.

It is noted that the property is approximately 400 metres from the intersection of Parkfield Drive and Windy Harbour Road. Much of the property between the subject land and Windy Harbour Road has been significantly cleared of vegetation.

The applicant has been requested to provide an emergency evacuation plan to demonstrate how the owners, being on-site will ensure that guests can evacuate safely in an emergency.

Department of Fire and Emergency Services Comments

DFES has not supported the proposal and has commented that the vegetation assessment of the BAL is not justified and the BMP requires amendments for various reasons. Shire Officers do not agree with the DFES assessment given that:

- there is an established Asset Protection Zone (APZ) around the dwelling; and
- much of the properties between the subject land and Windy Harbour Road is cleared of vegetation abutting Parkfield Drive.

It is considered that with an updated BMP and extensive Emergency Evacuation Plan that the proposal can comply with the provisions of State Planning Policy 3.7 Planning in Bushfire Prone Areas for Tourism Land Uses. Should Council support the application it is recommended that the BMP be updated to address the following:

- Include a landowner responsibility schedule to ensure the maintenance of the APZ in its current state, ensuring ongoing compliance with the current BAL 29 rating;
- installation of a required coupling on the existing water tank for fire fighting;
- Preparation of an Emergency Evacuation Plan highlighting the evacuation route to Windy Harbour Road, with a statement on the hazard condition of the vegetation along the route; and
- Measurements of the private driveway and appropriate signage within the site for access and evacuation.

Conclusion

Whilst Department of Fire and Emergency Services do not support the proposal, Shire Officers consider that the risk associated with a Bushfire event can be mitigated through the preparation and implementation of an appropriate Emergency Evacuation Plan and ongoing maintenance of the vegetation within the APZ. It is therefore recommended that the application be conditionally supported.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

By granting approval to the proposed use, Council will assist in the delivery of the following Strategies under the Shire of Manjimup's Strategic Community Plan 2021-31:

B12. Provide development opportunities and support local small businesses to thrive.

ORGANISATIONAL RISK MANAGEMENT:

The applicants have demonstrated through a BAL assessment that there is a moderate risk of property loss in the event of a bushfire threat. With an Emergency Evacuation Plan prepared to the satisfaction of the Shire, the risk to life is mitigated.

FINANCIAL IMPLICATIONS:

The applicant has paid the relevant planning application fee and if approved will be subject to annual renewal fees.

SUSTAINABILITY:

Environmental: Nil.

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

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No 4 grants approval to the proposed Holiday Accommodation – Holiday House at Lot 23 (46) Parkfield Drive, Northcliffe (Application TP34/2022) in accordance with the submitted plans as shown at Attachment: 9.5.3(1) and subject to the following conditions:

1. The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:

Reference	Document Title	Date Received
1	Site Plan	24 February 2022
2.	Floor Plan	24 February 2022
3.	Management Plan	24 February 2022
4.	Evacuation Plan	24 February 2022

2. The development approval is granted for a period expiring on 30 June 2023 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Holiday Accommodation to be continued for a further period of 12 months has been submitted to and approved by the Shire of Manjimup.
3. Prior to commencement of the use hereby approved, the applicant is to supply:
 - a copy of their Public Liability Insurance to the Shire of Manjimup;
 - an amended Bushfire Management Plan that includes:
 - a landowner responsibility schedule for implementation incorporating the maintenance of the Asset Protection Zone in its current state to comply with the Bushfire Attack Level - BAL 29 and installation of required couplings on the existing water tank for fire-fighting purposes; and
 - measurements of the private driveway and the identification of appropriate signage to be established within the site to guide access and evacuation; and
 - Preparation of an Emergency Evacuation Plan highlighting the evacuation route to Windy Harbour Road, with a statement on the hazard condition of the vegetation along the route;
4. 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; and

5. The Emergency Evacuation Response Plan, including the provision of the Manager's contact details, is to be displayed in the Holiday House at all times.

Advice to Applicant:

- a) This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911*, and the *Building Act 2016*;
- c) The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms;
- d) The Shire's Principal Environmental Health Officer must be contacted to ensure approval is obtained for the on-site wastewater system;
- e) Firebreaks and low fuel zones are to be maintained to the satisfaction of the Shire of Manjimup around all boundaries, buildings on the subject property and the development hereby approved, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
- f) Directional Signage must not be installed unless otherwise approved by the Shire of Manjimup.

ATTACHMENTS

1  Attachment 1 - Development Application Information as Submitted	10 Pages
2  Attachment 2 - DFES Comments	6 Pages

9.5.4 Proposed Budget Amendment for Heritage Consultancy Peer Review and Assistance with Thematic Framework

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F161045
LEGISLATION:	<i>Heritage Act 2018, Planning and Development Act 2005 and Local Government Act 1995.</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	6 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In accordance with Section 103 of the *Heritage Act 2018* a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance. A general review of the survey should take place at intervals consistent with the major review of a local planning strategy or strategic community plan.

Shire Officers are in the process of a major review of the local planning strategy. As such a major review of the Shire's Municipal Heritage Inventory (Survey) is due. With State Government funding being removed for regional heritage advisors, the Shire has been reliant on its own resources to undertake the review, which has so far been going for a number of years. Whilst confident that the individual listings of places can be updated, the Shire has requested assistance with the review/update of the thematic framework and a peer review of the listings.

The Shire has been successful in an application for the Department of Planning Lands and Heritage (DPLH) Local Government Heritage Consultancy Grants for the review of the Heritage Survey and Thematic Frameworks (the Project). The project will provide funding assistance for a consultant to review the Heritage Survey which is currently being reviewed by Shire Officers and it will align the current inventory with current Heritage Survey practices.

With the grant agreement and offer received, Council is requested to amend the 2021/22 budget to reflect the funding, and to allow use of \$10,000 of grant funding together with \$5,000 from the Shire's Heritage Reserve account in accordance with the grant offer.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Using the allocated grant funds and funds from the Heritage Reserve, Shire Officers intend to engage a Heritage advisor/consultant to assist in the finalisation of the Heritage Survey review expediting the review process.

As indicated in the background section of this agenda item, the Project grant application has been accepted by DPLH. If accepted by Council an agreement will be required to be signed and a heritage consultant nominated by 9 June, with the invoice for the grant is required to be sent to DPLH by 15 June 2022.

The Project will include:

- Peer review of the heritage place sheets completed by Shire Officers to date and level of protection nominated;
- Review of current thematic framework, update of historical timeline and development of architectural character statements for Townsites; and
- Project coordination by Shire Officers.

Shire Officers seek the endorsement of the budget adjustment as requested and to authorise the associated expenditure.

STATUTORY ENVIRONMENT:

Heritage Act 2018, Planning and Development Act 2005 and Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

This project is consistent with C.22 and D.14 of the Shire of Manjimup Strategic Community Plan 2021-2031 being:

C.22 *Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy*
 D.14. *Maintain a Municipal Heritage Inventory and include controls to protect places of significance.*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As a condition of the DPLH grant offer, the Shire is required to match the funding which can be achieved through a financial contribution of \$5,000 plus Shire Officer time. It is proposed that the \$5,000 is sourced from the Shire's Heritage Reserve, which as reflected within the adopted budget will have at the end of the financial year a balance of \$34,646.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Acceptance of the grant to facilitate the review of the Municipal Heritage Inventory is consistent with the Shire of Manjimup Strategic Community Plan 2021-2031.

VOTING REQUIREMENTS: **ABSOLUTE MAJORITY**

OFFICER RECOMMENDATION:

That Council:

1. **Support the use of a suitable qualified Heritage Council to finalise the review of the Shire of Manjimup's Municipal Heritage Inventory; and**
2. **Amend the Shire of Manjimup 2021/22 Annual Budget to recognise grant income from the Department of Planning Lands and Heritage in order to assist in the review of the Shire's Municipal Heritage Inventory in accordance with the following table:**

Description	Current Budget	Adjusted Budget	Variation
Heritage Consultancy Grant Funding	\$0	(\$10,000)	(10,000)
Heritage Reserve transfer to proposal	\$0	(\$5,000)	(\$5,000)
Statutory Planning – Heritage Consultancy Abnormal Expenditure	\$0	\$15,000	\$15,000
Net Rate Funds			\$0

ATTACHMENT

9.5.5 Delegated Planning Decisions for April 2022

PROPOSER	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylee Blee
DATE OF REPORT:	13 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Delegated planning decisions are reported to Council 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 April 2022 is attached.

ATTACHMENT: 9.5.5(1)**PUBLIC CONSULTATION UNDERTAKEN:**

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

COMMENT (Includes Options):

During April 2022, eighteen (18) 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 April 2022 compared to April 2021:

Table 1: Planning Decisions Made April 2021 and 2022

	April 2021	April 2022
Delegated Decisions	8 (\$1,367,767)	18 (\$982,328)
Council Decisions	3 (\$319,500)	5 (\$156,950)
Total	11 (\$1,687,267)	23 (\$1,139,278)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2021-22 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2020-21 and 2021-22

	YTD 2020-21	YTD 2021-22
Delegated Decisions	126 (\$12,237,793)	93 (\$10,048,056)
Council Decisions	45 (\$14,619,800)	45 (\$10,321,688)
Total	171 (\$26,857,593)	138 (\$20,369,744)

STATUTORY ENVIRONMENT:

The Scheme is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations. Part 8 of the Scheme states that prior planning approval is required for all developments (including 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* and the regulations referred to in clause 5.46 of that Act. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision be kept.

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for April 2022 as per Attachment: 9.5.5(1).

ATTACHMENTS

1⇒ Delegated Decisions April 2022 1 Page

ATTACHMENT**9.9.1 Quarterly Report January - March 2022 - Community Services Directorate**

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Shire of Manjimup
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F160966
LEGISLATION:	Various
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	17 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Documentation outlining activities, grants and donations data for the January – March 2022 quarter for the Community Services Directorate is attached for Councillors information.

ATTACHMENT: 9.9.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Various.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

All activities were undertaken in accordance with the Shire of Manjimup's 2021/22 Annual Budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Financial support of all four visitor centres and community events, as well as a focus on marketing and promotion of the regions assets is strategically targeted to grow the visitor economy and encourage investment in the sector.

Social: Community facilities, programmes and services play a significant role in delivering the lifestyle and wellness opportunities throughout the Shire and as such contribute to the attractiveness of the Shire to live, play and invest in. Reconciliation between Aboriginal and non-Aboriginal community members is a significant social outcome.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:

That Council receive the Community Services Directorate Quarterly Report January – March 2022 as contained in the Attachment: 9.9.1(1).

ATTACHMENTS

1 ➔ Community Services Directorate QR January - March 2022 36 Pages

**ATTACHMENT
APPENDIX**

9.12.1 Proposed Review of Council Policy 9.1.18 Temporary Sign Approval - Advertising of Community Events and Public Information

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	All
DIRECTORATE:	Works & Services
FILE REFERENCE:	F161013
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	12 April 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies require regular review to ensure they remain relevant and appropriate. Reviews generally occur after a period of four years, or where amendments are required to reflect legislative and/or administrative changes if needed.

Council Policy 9.1.18 Temporary Sign Approval – Advertising of Community Events and Public Information, was developed and endorsed on 6th December 2012, and is due for Council's review. A copy of Council's current policy is appended.

APPENDIX: 9.12.1 (A)

Shire staff have undertaken review of the policy content and propose a number of amendments for Council's consideration and endorsement. A copy of the amended policy 9.1.20 Temporary Sign Approval – Advertising of Community Events and Public Information is attached.

ATTACHMENT: 9.12.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The policy was originally developed in December 2012 to assist Shire officers administer signage needs by the public in response to the repeal of the Shire of Manjimup Signs Local Law, and the inclusion of commercial advertising signage provisions into the Shire of Manjimup Local Planning Scheme No:4 (LPS4) and through Council Policy LPS4 6.1.2 Advertisements.

This policy specifically addresses temporary signage for community events and public information purposes on land controlled by the Shire of Manjimup. If temporary signage for an approved event or public information purposes is

located on private property, the LPS4 applies however an approval will not be required on the proviso that it conforms to the temporary development requirements of LPS4.

The current policy is still relevant however, some changes have been made to:

- reflect exclusions to the policy and the administration of the policy. Works and Services Directorate are now the sole administrators of the policy;
- change the policy number from from 9.1.18 to 9.1.20. This was due to an administrative error in which the number 9.1.18 had been used twice; and
- make reference to Council Policies 1.2.11 Electoral Signs and 9.1.19 Variable Message Signs, which have been introduced since the adoption of the original policy in 2012. These have been noted as exclusions to the policy.

Additionally, the policy section “Temporary Signage applications on Shire of Manjimup controlled land other than thoroughfares” has been removed from the amended policy as this is now covered through the provisions of the LPS4.

No further amendments to the policy are required. It is recommended that Council adopt the policy according to the officer recommendation provided below.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Regular reviews of policies are undertaken of Local Government to provide guidance, strategic direction and to improve day-to-day operations.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the reviewed Technical Services Policy 9.1.20 Temporary Sign Approval – Advertising of Community Events and Public Information, as attached 9.12.1(1).

ATTACHMENTS

1 [9.1.20 Temporary Sign Approval - Advertising of Community Events and Public Information \(Amended\)](#) 3 Pages

APPENDICES

A [9.1.18 Temporary Sign Approval - Advertising of Community Events and Public Information \(Current\)](#) 4 Pages

**ATTACHMENT
APPENDIX**

9.12.2 Proposed Review of Council Policies 9.1.2 Land Resumption, 9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis, 9.1.13 Private Services in Road Reserve and 9.1.19 Variable Message Signs

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Works & Services
FILE REFERENCE:	F161013
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	11 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies are regularly reviewed to ensure consistency between the policies, the Council decision making and the response to community feedback. Generally, this occurs after a period of four years, or where requested by Council. The purpose of this report is to present to Council the following policies that have been reviewed;

- Policy 9.1.2 Land Resumption;
- Policy 9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis;
- Policy 9.1.13 Private Services in Road Reserve; and
- Policy 9.1.19 Variable Message Signs.

The current policies can be found in the following appendix:

APPENDIX: 9.12.2(A)

APPENDIX: 9.12.2(B)

APPENDIX: 9.12.2(C)

APPENDIX: 9.12.2(D)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The policy review is intended to make adjustments to existing policies based on past performance, to ensure currency with legislation and to correct terminology.

Changes proposed to be made to the policies listed are discussed below:

Policy 9.1.2 Land Resumption

The only update to this policy was the change of government agencies name from Services WA to State Land Services (Landgate). A copy of the amended policy 9.1.2 is attached.

ATTACHMENT: 9.12.2(1)

Policy 9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis

The current policy is relevant however, one change has been made to the wording to avoid confusion when costing or quoting seal. Under the policy measures section the word 'double' has been added to refer to a double chip seal rather than a single chip seal. This is standard practice in the road building industry for road longevity. A copy of the amended policy is attached.

ATTACHMENT: 9.12.2(2)

Policy 9.1.13 Private Services in Road Reserve

There was no substantial changes made to this policy only minor spelling, grammar and/or format changes. A copy of the reviewed policy is attached.

ATTACHMENT: 9.12.2(3)

Policy 9.1.19 Variable Message Signs

There was no substantial changes made to this policy only minor spelling, grammar and/or format changes. A copy of the reviewed policy is attached.

ATTACHMENT: 9.12.2(4)

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the following reviewed Technical Services Policies:

1. **9.1.2 Land Resumption as attached 9.12.2(1);**
2. **9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis as attached 9.12.2(2);**
3. **9.1.13 Private Services in Road Reserve as attached 9.12.2(3); and**
4. **9.1.19 Variable Message Signs as attached 9.12.2(4).**

ATTACHMENTS

1	9.1.2 Land Resumption Reviewed	2
		Pages
2	9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis Reviewed	1 Page
3	9.1.13 Private Services in Road Reserve Reviewed	2
		Pages
4	9.1.19 Variable Message Signs Reviewed	2
		Pages

APPENDICES

A	9.1.2 Land Resumption Current	2
		Pages
B	9.1.7 Bitumen Sealing or Road Improvement Works on a Joint Basis Current	1 Page
C	9.1.13 Private Services in Road Reserve Current	2
		Pages
D	9.1.19 Variable Message Signs Current	2
		Pages

ATTACHMENT**9.13.1 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 5 May 2022**

PROPOSER	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170382
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Yvonne Brown
DATE OF REPORT:	11 May 2022
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to consider the unconfirmed minutes of the Plant Replacement Committee meeting held on 5 May 2022. A copy of the minutes are attached.

ATTACHMENT: 9.13.1(1)

The functions of the Plant Replacement Committee are:

1. To review the rolling 10 year Plant Replacement Program;
2. To consider the merits of proposed new items of Plant; and
3. To Review tender specifications for Plant.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee discussed the proposed 2022/23 10 Year Replacement Plan Schedule which is attached, that will form part of the 2022/23 Annual Budget deliberations.

ATTACHMENT: 9.13.1(2)

The Committee made on recommendation requiring Council's approval.

Committee Recommendation	Officer's Comment
The Committee adopt the 2022/2023 Plant Replacement Schedule acknowledging the carried forward items.	Supported and dealt with in the recommendation in this report to Council.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Long Term Financial Plan 2016-2026 – this committee oversees the purchase of high value plant ensuring long term financial sustainability and in accordance with Council approved annual budgets.

ORGANISATIONAL RISK MANAGEMENT:

The Plant Replacement Committee reduces risk to the organisation by meeting to ensure timely and effective replacement of appropriate Shire plant and equipment.

FINANCIAL IMPLICATIONS:

Nil, with income received from the sale of plant being allocated to the purchase of new or replacement plant.

SUSTAINABILITY:

Environmental: Fuel efficiency technologies are continuously improving.

Economic: Planned and considered turnover of the Shire's fleet of plant and equipment ensures both financial sustainability and effective operational capability.

Social: Nil.

VOTING REQUIREMENTS: **SIMPLE MAJORITY**

OFFICER RECOMMENDATION:**That Council:**

1. Receive the minutes of the Plant Replacement Committee meeting held on 5 May 2022 as per Attachment: 9.13.1(1); and
2. Consider the Plant Replacement Schedule 2022/23, as per Attachment: 9.13.1(2), as part of Council's 2022/23 Annual Budget deliberations.

ATTACHMENTS

1 ➔ Plant Replacement Committee Meeting 2022 - 5 May	2 Pages
2 ➔ Plant Replacement Schedule 2022 to 2032	1 Page

10. LATE REPORTS:**11. QUESTIONS FROM MEMBERS:**

- 11.1 Response to questions from members taken on notice.
- 11.2 Questions from members.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:****14. APPLICATIONS FOR LEAVE OF ABSENCE:****15. CLOSURE:**

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

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