



MINUTES

COUNCIL MEETING

23 MARCH 2023

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Jarrah Room, Pemberton Sports Club, Thursday, 23 March 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm acknowledging former Shire President Colin Crombie and former Councillors Ken Gunson and Dennis Barnsby .

Councillor Robert Taylor made an acknowledgement to Country.

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

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President attended the following meetings and events:

- A meeting with the Shires of Boyup Brook, Bridgetown-Greenbushes, Nannup and West Arthur and Minister Jackie Jarvis and Simone McGurk in Perth to discuss Forestry and Water issues as part of the Warren-Blackwood Alliance of Councils.
- A meeting of the CEO Review Committee.
- The funeral of the late Domenica Guadagnino.
- The Karri Valley Triathlon.
- The Manjimup Agricultural Show.
- The Targa Southwest Racing Car Rally and Dinner with Councillor Ken Lawrence.
- The Youth Action Conference on Mental Health at the Manjimup Senior High School.
- Met with the Chief Executive Officer and Councillors from the City of Bunbury at the Heritage Park.
- The Agenda Review with Acting Chief Executive Officer Brian Robinson.
- Attended a Zoom/Teams Meeting with Vince Corlett (Parkside), Acting Chief Executive Officer Brian Robinson and Melissa Teede (Southwest Development Commission) regarding the Deanmill settlement.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)
 Cr D Buegge
 Cr S Dawson Vidovich
 Cr D Jenkins
 Cr K Lawrence
 Cr K Skoss

Cr R Taylor
 Cr M Ventris
 Cr J Willcox
 Cr C Winfield

Staff

Mr Brian Robinson (Acting Chief Executive Officer)
 Mr Greg Lockwood (Director Business)
 Ms Gail Ipsen Cutts (Director Community Services)
 Mr Todd Ridley (Acting Director Development & Regulation)
 Mr Michael Leers (Director Works & Services)
 Ms Gaye BurrIDGE (Corporate Administration Officer)
 Mr Jason Giadresco (Senior Governance Officer)

Gallery

| | |
|--------------------|--------------------|
| Colin Crombie | Shammara Markotis |
| Pauline Hewitt | Julian Sharp |
| Daniel Hocking | William French |
| Debra French | Sherril Jackson |
| Jill Baker | Bev South |
| Warren South | Ken Gunson |
| Dennis Barnsby | John Geuer |
| Gaye Van Hazendonk | John Bendotti |
| Kylie Bendotti | Michala Buckley |
| Jason Wallinger | Mary Nixon |
| Dinika Keeble | Christine Bendotti |
| Evy Apeldoorn | Deanne Ventris |
| Leanne Rowe | Ben Enckelman |

3.1 Apologies: Nil.

3.2 Leave Of Absence:
 Councillor Wendy Eiby has been granted a Leave of Absence for this meeting.

4. DECLARATIONS OF INTEREST:

The Acting Chief Executive Officer advised that he has received a Financial Interest Declaration from Councillor Taylor for Item 9.9.1 and an Impartiality Interest Councillor Buegge for Item 9.5.6.

Councillor Taylor declared a Financial Interest in Item 9.9.1 as Warren Electrical Service Pty Ltd has quoted on the works, and his son is the owner of Warren Electrical Service Pty Ltd.

Councillor Buegge declared an Impartiality Interest in Item 9.5.6 as she has a child at Kearnan College.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.
 5.2 Public Question Time

5.2.1 Leanne Rowe, 403 Stirling Road, Channybearup.
Ms Rowe read from a prepared statement as shown in Attachment 5.2.1(1).

ATTACHMENT 5.2.1(1)

The Shire President responded: I will ensure that the Acting CEO gives you a formal response to that request. I understand the Memorandum of Understanding are still being considered and the Director of Community Services will be engaged. The advice of the Advisory Committee will also be considered.

5.2.2 Ben Enckelman, 31 Pump Hill Road, Pemberton.
Mr Enckelman read from a prepared statement as shown at Attachment 5.2.2(1).

ATTACHMENT: 5.2.2(1)

The Shire President responded: I understand there was miscommunication from the CRC around the consultation and I understand you've received a response from Gaye regarding that. The Targa Rally has been going for nearly 20 years and the route does change. From the point of view of your business there has been a Targa Rally every year for at least the last 13 years I'm aware of. You as buyer should understand "Caveat Emptor" or buyer beware applies, and should have realised there would be a Targa Rally event. If you put your request in writing to the Shire we will give it consideration.

The Acting Chief Executive Officer responded: In response to the question, did the Shire supply a stakeholder list, I don't believe we were requested of one. It has prompted that we need to revisit the processes we use around consultation for events. Targa has been a long standing event, and we may need to review the processes around it.

5.2.3 Kylie Bendotti, 96 Brockman Street, Pemberton.
Ms Bendotti read from a prepared statement as shown at Attachment 5.2.3(1).

ATTACHMENT 5.2.3(1)

The Shire President responded: In response to your first question, I am not aware of any other organisation run similar to the Pemberton Sports Club within the Shire. Pemberton is unique. The review is continuing. The Director of Community Services has indicated that there are ongoing discussions with the review company and that the Pemberton recreation committee will be consulted throughout the process. You can expect communication in the near future to discuss the way forward.

I am a member of the Sports Club and have been since time immemorial. I understand the difficulties our volunteers are facing across the board. Hopefully we'll get a good outcome

from that review. I recommend we allow the process to take its course, and I can guarantee you'll be consulted before the process is completed.

5.2.4 Colin Crombie, Pemberton.

- The first issue I picked up in the agenda today relates to the power upgrade and field lighting at the Rea Park and Collier Street redevelopment. I am disappointed that the recommendation is to award the contract to a firm outside of the district, in Kalamunda. I note that a local Manjimup firm tendered a lower price. Awarding the contract to a Kalamunda company would be contrary to Council policy in supporting local business.
- On page 63 of the attachments, where Council was looking to buy a Paveline autopatching truck for \$508,000. I note the firm selling the truck has gone broke. So Council has to find or cover up \$508,000. No doubt that will happen of course. But you say not to so many other organisations requests for assistance, I just wonder what goes on here. No response needed.

The Shire President responded: I'm compelled to give a response. I'll defer to the Acting CEO to respond to the first part.

The Acting Chief Executive Officer responded: In terms of the assessment and tender processes its is outlined very clearly within the Shire's policies and the Local Government Act the requirements, that we must standardise the assessment of any tender we receive. The preferential treatment of local contractors, we are allowed by law to allow a percentage in terms of costs. All other things must be equal. The tender has been assessed by 3 staff independently, their recommendation has been made in terms of the scoring, and that's how its stacked up. This is the recommendation to Council, and Council has the ability to alter that should it see fit to do so. Staff must recommend in accordance with the tender process.

Secondly, in terms of the Paveline truck, the simple fact is the payments have been made, the company has gone into receivership. We are awaiting outcomes in terms of how much we may/may not receive in return. There is no cover up, it is simply a situation where we've paid money for a product we won't be receiving. We must now either decide to maintain the current truck, or find additional funds to purchase a new one in the future.

The Shire President responded: The Shire President noted that the situation with the Paveline truck was devastating, and the Shire will have make the current truck last a bit longer. We will be striving to get back ass much money as possible, but its likely we won't know the outcome for some time. It's a matter completely beyond our control.

5.2.5 Dinika Keeble, 30591 South Western Highway, Quinninup.

- My question is in relation to the mill fire in Pemberton. On 9 December 2022, there was a fire at Pemberton Mill. Residents were advised by DFES to close their windows and disconnect their rainwater tanks because of the risk of contamination. Has the Shire of Manjimup received further advice from DFES or any other qualified body regarding how many millimetres of rain and for how long it is required to wash away contaminants before it is formally recognised as safe for residents to reconnect their rainwater tanks?
- My second question also relates to the mill fire. On 18 November 1948, it was reported that State Mills No. 2 and No.3 caught on fire in Pemberton. Water hoses were connected to the water mains but the pressure was so weak the water couldn't reach the flames. At the time, a bucket brigade was formed to fight the fire. My understanding is that at the time of the mill fire that there were water pressure related issues for the water supply and that residents were also asked to reduce the amount of water they were consuming at the time. What, if anything, is planned for the water pressure in the southern end of town, including the mill area?

The Shire President responded: I believe the fire was on 19 December. I attended the site at 6:15am, and the Mill was well and truly alight. Local brigades and the Shire's Community Emergency Services Manager were in attendance co-ordinating the brigades. DFES then arrived. The water pressure was good to fight the fire. The area was bunded to contain off-site impacts. A independent study has been done reviewing the outcome of the fire. Samples of dust have been found to be inert. There is now discussion underway as to how best to deal with the asbestos on site. There is an existing asbestos burial on site from around 30 years ago. The Department of Environmental Regulation are in charge, given it is a contaminated site. There are a number of legal issues regarding the site, between the operator and tenants and the operator and the government. The Shire has been working with stakeholders to get an early decision on the disposal of asbestos on site. The asbestos on site was sprayed within days of the fire to seal the fibres. Most of the fibres tested by DFES occurred within 30m of the mill. The only product that floated on the wind was Perspex. An outstanding job was done containing the fire. I have been in contact with Members of Parliament on this issue, but they have appeared disinterested in visiting the site and addressing the issues. Parkside has agreed to clean up the site. As a local government, we understood the risk to the community, and wanted to get the damaged building on the ground as soon as possible. Parkside applied for and received a demolition permit

from the Shire within days. The demolition person engaged by Parkside is Rob Moltoni who is well experienced.

Dinika Keeble: Thank you for the update Shire President. But my question relates to the receipt of advice relating to local residents being able to rehook up of their rainwater tanks at this stage?

The Shire President responded: I'll ask the Acting CEO to respond.

The Acting Chief Executive Officer responded: Through the Shire President, the incident control reverts to DFES in these sorts of matters, and it was DFES who issued the warning for rainwater tanks. This is standard DFES practice. The detailed investigations that followed confirmed that the asbestos contamination was contained within 30m of the mill, and no asbestos escaped the site. The water pressure issue you have raised is a matter for the Water Corporation, and if your not happy with their response, contact the relevant Minister. The Shire will be raising their own issues with Water Corporation.

5.2.6 Julian Sharp, 75 Hawke Road, Yeagarup.

Mr Sharp read from a prepared statement as shown at Attachment 5.2.6(1).

ATTACHMENT 5.2.6(1)

The Shire President responded: With regard to the mining issue, this is a result of a Motion moved at the Annual General Meeting. There are a dozen exploration application, and you need to differentiate between exploration and mining. Does the Shire throw a whole lot of resources at an issue to do with exploration? Or do we wait for a mining application? I strongly believe it is DMIRS (Department of Mines, Industry Regulation and Safety) responsibility to communicate with the community. The cost to the Shire to communicate every single exploration permit to every person around it would be prohibitive. There are no mines in the Shire of Manjimup and there are a number of significant exploration permits that have shown significant sulphides to the north west and north east of Manjimup and into the Bridgetown Shire as well. I believe all the question you have asked have been answered satisfactorily by staff. If it were a mining application, the Shire would be communicating with the local community and we would object if there were grounds for objection.

In regards to the dam, two Councillors are members of the Warren-Donnelly Water Advisory Committee and so are you I understand. I have heard rumours the dam may be 12 gicalitres. I agree with you, the dam is high risk and I have raised the issue with the Regional Manager of DWER in relation to Four Mile

being at the top of Big Brook and the town water supply, and the response I received was that all the boxes had been ticked to get the go ahead. I have been to see the dam site. I thought it would be nearly finished, but it is likely that work will carry on for a number of years. I encourage you to investigate the dam and the issues around it. These matters need to be raised with the local members of Parliament. We have no authority under the Local Government Act to tell the Department of Water what to do. I do understand your concerns though.

Cr Dawson Vidovich: To return to Mr Sharp's questions around the phrasing in the mining tenements report, could the Acting CEO explain what those valid grounds are for the benefit of Mr Sharp and the Gallery?

The Acting Chief Executive Officer responded: The impact of mining exploration is vastly different to that of a mining lease or a formal mining proposal. In a number of cases, it is simply test boreholes that are being dug that have very little impact in terms of clearing, and the helicopters with the magnetic ring flying above. Therefore, there is very little impact on the ground at that point. Should it move past that point and move into a mining proposal, other legislation kicks in including a Public Environmental Review (PER) where environmental impacts are assessed at a State level, and potentially the Federal level. Apologies if this wasn't clear in the report.

It is up to DMIRS and elected members to advocate for a legislative review and change to the consultation requirements at a State level, to ensure that an adequate level of public consultation occurs. It is impossible for the Shire as a local authority to know what the findings of an exploration are going to be. In some cases the mining tenements are quite large. The impacts are going to be very different as are the people who could be impacted by it. Until such time as there is a formal mining proposal, the Shire's role is quite limited.

5.2.7 Pauline Hewitt, 13013 Datchet Road Crowea.

- I'm here on behalf of Southern Forest Wildlife, and I'm here to talk about the mine.
- Noted that there are a few Wildlife carers in the South West.
- DPaW, the government and the EPA have a role in assessing these mining proposals, and they put forward the rules when companies are exploring. There is a split view on mining in the community.
- Should there be more mining in forests, this poses a risk to the wildlife in the forests.
- I agree, the Shire should be sending out letters to landowners. It would be better if DMIRS contacted people electronically to advise them of mining matters in their area.

- I disagree that there is not a place for the Shire to not be informing us. We work as volunteers for DPaW, who operate on a small budget of \$500 million dollars per year to look after wildlife. People like me step up and help when we can. We aren't skilled at going on the DMIRS website and looking up information on mining. It would be helpful us if the Shire could show us where the mining exploration licences are. Animals will be affected.
- While exploration seems like a minimal risk for wildlife, it is a risk for volunteers who are working in those areas. The people who are able to inform us of what's going on in this regard is the Shire.
- Requested Councillors to support the Motion moved by Mary Nixon at the Annual Electors Meeting.
- Support the Shire's advocacy for review of the Mining Act to improve public consultation processes.

The Shire President responded: We will be supporting the community when it comes to mining leases. Encourage people to use Antenno as a means to feedback to Council.

5.2.8 William French, 1378 Channybearup Road, Channybearup.

- We are ratepayers in the Manjimup Shire. We are also ratepayers on Old Vasse Road. Is there any update on the sealing of Old Vasse Road?

The Shire President responded: Yes there are. I'll refer to the Director of Works. We have received funding from the main Roads Department which is match by the Shire.

The Director Works and Services responded: Sealing of the Hawke Road intersection is programmed for this construction period. Pending weather or any other delays, we intend to have the intersection sealed this year. The rest of the sealing is ongoing.

The Shire President responded: We can't do the sealing in one hit. It would be good if Parks and Wildlife contributed. There has been an argument that part of the road should belong to them anyway. There's only so much money we have for roads. We spend millions on roads every year. Your local Councillors have been agitating to get work done on Old Vasse Road for some time. Thanks for your comments.

5.2.9 Mary Nixon, Paul Road, Wilgarrup.

Ms Nixon read from a prepared statement as shown at Attachment 5.2.9(1).

ATTACHMENT: 5.2.9(1)

The Shire President responded: If you want to have a look at the agreement between the developer and the Shire it is available in

the Shire Minutes. The developer now owns multiple sites within the Manjimup townsite. His plans are to produce 400 beds in Manjimup in the next 5 years, as he sees the potential of our town. The Warren Way Caravan park has also changed hands, and the new owners are now working with Shire staff to maximise the number of units they have out there. We can suggest to the developer that they set aside some units for tourists but we cannot legally prevent that. I understand and support your sentiment, but it would be difficult to make a private operator abide by it. Ill ask the Acting CEO to talk about the deed of understanding between the Shire and developer.

The Acting Chief Executive Officer responded: There's a lot of speculation there. I have met with the developer on numerous occasions, the target market is bus-style tours. Its consistent with the tourist accommodation that the developer currently runs in the Perth metropolitan area and the markets he's identified in Singapore and other South East Asian countries. The additional accommodation the developer is proposing on Pritchard Street and Narocki Way is to provide affordable workers accommodation. Noted the impact Talison has had on accommodation in the area. The Shire cannot regulate who the developer accommodates on their property. The hotel site at 80 Rose Street is aimed at tourists. I advise that everyone reserve judgement until such time as the development is completed. The unit fitout is brilliant. Materials availability to complete the job is an issue.

6. PRESENTATIONS:

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations:

6.3.1 Deputation was presented by Gaye Van Hazendonk. Mrs Hazendonk read from a prepared statement as shown at Attachment 6.3.1(1).

ATTACHMENT: 6.3.1(1)

6.4 Delegates' reports: Nil.

6.5 Conference reports: Nil.

7. CONFIRMATION OF MINUTES:

MOVED: Dawson Vidovich, S SECONDED: Taylor, R

29063

That the Minutes of the Ordinary Meeting of the Council held on 2 March 2023 be confirmed.

CARRIED: 10/0

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

9. COUNCIL OFFICERS' REPORTS:

| | |
|--------|---|
| 9.3.1 | Request to Change the Basis of Rating for New Lots Created Greenland Estate Pemberton, Unimproved Value to Gross Rental Value |
| 9.3.2 | Council Financial Payments for February 2023 |
| 9.3.3 | Local Government Compliance Audit Return 1 January 2022 to 31 December 2022 |
| 9.3.4 | Monthly Financial Activity Statement - January 2023 |
| 9.5.1 | Proposed New Dwelling/Existing Dwelling to Change to Ancillary Accommodation at Lot 7695 (283) Mitcheldean Road, Yanmah |
| 9.5.2 | Proposed Ancillary Accommodation at Lot 8707 (237) Caesia Road, Meerup |
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| 9.5.5 | Proposed Building Envelope Variation for Dwelling - Single on Lot 218 (75) Karri Street, Walpole |
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| 9.13.1 | Proposed Budget Amendment for Wheatley Coast Road Reconstruction of Road Section SLK 11.10 to 11.70 |
| 9.15.1 | Unconfirmed Minutes of the Audit Committee Meeting Held 2 March 2023 |
| 9.16.1 | Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 24 February 2023 |
| 9.16.2 | Proposed Nominations for the Pemberton Town Activation Advisory Committee |

ATTACHMENT**9.3.1 Request to Change the Basis of Rating for New Lots Created Greenland Estate Pemberton, Unimproved Value to Gross Rental Value**

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | Various |
| LOCATION / ADDRESS: | Various |
| WARD: | West |
| ZONE: | Special Use |
| DIRECTORATE: | Finance |
| FILE REFERENCE: | F180140 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Lisa Stevens |
| DATE OF REPORT: | 21 February 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The creation of Greenland Estate on Golf Links Road, Pemberton, has generated 18 new rateable properties in Stage 1, and 5 new rateable properties in Stage 2. As the parent parcel was previously used for rural purposes Landgate has already provided Unimproved Valuations (UV) for both stages.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Properties are required to be rated based on their predominant use, the Greenland Estate properties are currently rated UV which is not appropriate given they are not being used for rural purposes. As the Greenland Estate is a residential subdivision, a Gross Rental Value (GRV) rating category is more applicable. This change in rating category would make the Greenland Estate properties consistent with other properties of similar type across the Shire of Manjimup.

Owners of Stage 1 & 2 properties were contacted about change of use, and possible effect of change in rates. While the parcels are vacant, the properties will still be minimum rated during the 2022/23 rating period. When improvements to properties are completed, GRV may increase, and cause an increase in rates.

ATTACHMENT: 9.3.1(1)

Council is required to consider these changes prior to presenting the amendments to the Minister for approval. It would be recommended that the change to GRV start as 1 July 2023.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* states as follows:

“6.28 Basis of Rates

(2) in determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land”

POLICY / STRATEGIC IMPLICATIONS:

Changing the basis of rates to GRV is in keeping with the rating of similar properties in the Shire.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Valuation Services at Landgate have provided approximate GRV valuations which would be 5% of the UV. All properties while undeveloped will be on a minimum rate regardless of the rating category.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per financial implications.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council agree to change the basis of rating for Greenland Estate Stage 1, Deposited Plan 419726 and Stage 2, Deposited Plan 419757 from Unimproved Value to Gross Rental Value as per attachment: 9.3.1(1) and to seek approval from the Minister of Local Government to make the change effective 1 July 2023.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Ventriss, M

29064

That Council agree to change the basis of rating for Greenland Estate Stage 1, Deposited Plan 419726 and Stage 2, Deposited Plan 419757 from Unimproved Value to Gross Rental Value as per attachment: 9.3.1(1) and to seek approval from the Minister of Local Government to make the change effective 1 July 2023.

CARRIED: 10/0

ATTACHMENT

9.3.2 Council Financial Payments for February 2023

| | |
|---------------------------------|---|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | ALL |
| ZONE: | Whole of Shire |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160967 |
| LEGISLATION: | <i>Local Government (Financial Management) Regulations 1996</i> |
| AUTHOR: | Susan Lee |
| DATE OF REPORT: | 3 March 2023 |
| 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):

Accounts for payment totalling \$1,718,792.62 for the month of February 2023 are listed below and in the attachment. This figure includes \$7,261.42 Corporate Card transactions for January 2023, also detailed below.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 23 March 2023.

| Fund | Vouchers | Amount |
|---|-----------------|---------------------|
| Municipal | 95228 – 95249 | \$166,892.47 |
| Trust Fund | - | \$0.00 |
| Total Cheques for Month of February 2023 | | \$166,892.47 |

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 23 March 2023.

| Fund | Batch | Amount |
|---|--------------|-----------------------|
| Municipal | 244 – 249 | \$1,521,617.98 |
| Direct Debit | | \$30,282.17 |
| Total EFT for Month of February 2023 | | \$1,551,900.15 |

**Corporate Credit Card transactions 21 December 2022 – 20 January 2023
(paid 2 February 2023) – Municipal Account**

| | | |
|--|--|-------------------|
| 570.1346 | Starlink Satellite subscription Windy Harbour 22/12/22 - 21/01/23 | \$143.17 |
| 575.1101 | NDIS worker Screening check DCS | \$145.00 |
| 680.1133 | Westnet invoice: 134841675 Annual charge for Westnet Static Ip Address 01/01/23 - 01/01/24 Walpole Library | \$55.00 |
| 680.1133 | Westnet Invoice 134841675: Internet Services 01/01/23 - 01/02/23 Walpole Library | \$89.95 |
| 98.1410 | Westnet Invoice 134841675: Internet Services 01/01/23 - 01/02/23 Manjimup SES | \$79.99 |
| 83.1410 | Westnet Invoice 134841675: Refund of IO Broadband 16/11/22 - 01/01/23 Northcliffe BFB | -\$74.05 |
| 14.1317 | CBT Nuggets IT Training 15/01/23 - 15/01/24 | \$3,029.33 |
| 2.1190 | Accommodation Dingup House Cr Willcox 10/01/23 | \$189.63 |
| 6.1392 | CEO - Renewal Standard Graduate to 31/12/23 | \$620.00 |
| 4.1221 | Adobe Creative Cloud 12/01/23 - 11/02/23 | \$79.99 |
| 6.1392 | Economic Development Australia - Professional Membership CEO | \$455.40 |
| 790.1148 | Court Hearing notice Lodgement - Becker St Verge Tree | \$166.30 |
| 2271.1224 | Manjimup Gateway Hotel - Accommodation - Contract Grader Operator 05-17/01/23 | \$1,820.01 |
| 688.1101 | Manjimup Newsagency - AC copy paper | \$19.95 |
| 788.1319 | Peel Harvey Catchment Council - WA Feral Cat Symposium - Senior Ranger 1 | \$441.75 |
| Total Credit Card Payments for January 2023 | | \$7,261.42 |

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As stated.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note the February 2023 accounts for payment totalling \$1,718,792.62 including the Corporate Credit Card transactions for January 2023 of \$7,261.42 as detailed and in the Attachment: 9.3.2(1).

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Jenkins, D

29065

That Council note the February 2023 accounts for payment totalling \$1,718,792.62 including the Corporate Credit Card transactions for January 2023 of \$7,261.42 as detailed and in the Attachment: 9.3.2(1).

CARRIED: 10/0

ATTACHMENT**9.3.3 Local Government Compliance Audit Return 1 January 2022 to 31 December 2022**

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | Whole of Shire |
| ZONE: | Whole of Shire |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F170049 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Craig Martyn |
| DATE OF REPORT: | 9 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Each Local Government is required to carry out a Compliance Audit Return (CAR) for the period 1 January 2022 to 31 December 2022.

The CAR is a tool for Local Governments to self-assess their compliance with the *Local Government Act 1995* and its subsequent regulations, with the results reported to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the local government's Audit Committee review the CAR and report the results to the Council, prior to adoption by Council and submission to DLGSCI by 31 March 2023. On the 2 March 2023 the Shire of Manjimup Audit Committee were presented with and endorsed the findings contained within the CAR. The minutes of that meeting will be presented as a separate item.

A copy of the CAR for the Shire of Manjimup for the period 1 January 2022 to 31 December 2022 is attached.

ATTACHMENT: 9.3.3 (1)

The purpose of this agenda item is for Council to consider adopting the proposed 2022 Compliance Audit Return.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The 2022 CAR was available to local governments in January 2022 via email from the DLGSCI. The DLGSCI communication portal previously used is undergoing maintenance and as a result the document format has varied from previous years.

The various questions are distributed amongst relevant staff with their responses collated to form the 2022 CAR.

The 2022 CAR contained 94 items, including 9 optional questions, with no items of non-compliance, or 100% compliance.

Below is a table showing what parts of the *Local Government Act 1995* are tested and the results thereon;

| Section | 2021 Compliance Return | | 2022 Compliance Return | |
|--|------------------------|-------------------------------|------------------------|-------------------------------|
| | Number of Items | Number of Non-Compliant Items | Number of Items | Number of Non-Compliant Items |
| Commercial Enterprises by Local Government | 5 | 0 | 5 | 0 |
| Delegation of Power/Duty | 13 | 0 | 13 | 0 |
| Disclosure of Interest | 25 | 0 | 21 | 0 |
| Disposal of Property | 2 | 0 | 2 | 0 |
| Elections | 3 | 0 | 3 | 0 |
| Finance | 7 | 0 | 7 | 0 |
| Integrated Planning and Reporting | 3 | 0 | 3 | 0 |
| Local Government Employees | 6 | 0 | 5 | 0 |
| Official Conduct | 3 | 0 | 4 | 0 |
| Optional Questions | 9 | 0 | 9 | 0 |
| Tenders for Providing Goods and Services | 22 | 1 | 22 | 0 |
| Totals | 98 | 1 | 94 | 0 |
| % non-compliance | | 1% | | 0% |

The 2022 CAR is required to be certified by the Shire President and the CEO then lodged with the DLGSCI by the 31 March 2022.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

The CAR is a mechanism designed to provide the DLGSCI with confidence that local governments are operating in accordance with the provisions of the *Local Government Act 1995*. As a result the Shire of Manjimup should look at the outcome of the audit as a critical indicative assessment of statutory performance across the defined period.

ORGANISATIONAL RISK MANAGEMENT:

The function of the CAR is to identify areas of non-compliance with high risk areas of the *Local Government Act 1995* being tested.

FINANCIAL IMPLICATIONS:

Nil

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The CAR demonstrates a high level of compliance for the Shire of Manjimup. Good governance is expected by the community and is being delivered by Council.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the 2022 Local Government Compliance Audit Return as the official return of Council for the period 1 January 2022 to 31 December 2022 as provided in attachment: 9.3.3 (1).

COUNCIL RESOLUTION:

MOVED: Jenkins, D

SECONDED: Dawson Vidovich, S

29066

That Council adopt the 2022 Local Government Compliance Audit Return as the official return of Council for the period 1 January 2022 to 31 December 2022 as provided in attachment: 9.3.3 (1).

MOTION CARRIED 7/3

FOR

Cr D Buegge
Cr S Dawson Vidovich
Cr D Jenkins
Cr P Omodei
Cr K Skoss
Cr R Taylor
Cr C Winfield

AGAINST

Cr K Lawrence
Cr M Ventris
Cr J Willcox

ATTACHMENT**9.3.4 Monthly Financial Activity Statement - January 2023**

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | Whole Shire |
| LOCATION / ADDRESS: | Whole Shire |
| WARD: | Whole Shire |
| ZONE: | N/A |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160188 |
| LEGISLATION: | <i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i> |
| AUTHOR: | Greg Lockwood |
| DATE OF REPORT: | 13 March 2023 |
| 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 January 2023 is attached. The report is summarised by Function/Activity with operating comments via department. The report also provides a Rate Setting Statement and Statement of Comprehensive Income in the Type format in anticipation of changes to monthly reporting requirements proposed by the Department of Local Government.

ATTACHMENT: 9.3.4 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 January 2023 is a projected profit of \$47,660.

The projected profit is based on a conservative approach, however monitoring for possible issues will continue as the Shire progresses through the financial year.

There has been one significant issue come to light in the January 2023 being the purchase of the Paveline Auto Patching Truck. The Patching Truck is a major purchase at \$508,000 and is funded from the Plant Replacement Reserve and the trade of the old unit. Due to the truck's specialist nature it is built over time with the original order being placed in December 2021. Part of the purchase contract were milestone payments of 25% at a time with 75% of the unit paid for being \$376,617.

In January 2023 Shire Officers were advised that Paveline International had gone into voluntary liquidation. A Proof of Debt has been completed and lodged with liquidators however at the time of producing this report there is no indication of the level of refund the Shire will receive. The liquidators initial report on the company indicated that the Shire would get very little return on the 75% paid.

One moderate issue that is unlikely to be rectified by the 30 June 2023 is Power Up Electricity Museum Income. Whilst we are now entering the period of higher use, a comparison of income to a pro rata of the year-to-date budget shows entry fees \$40,000 behind budget, a conservative projection to the 30 June 2023 would show a loss of \$75,000.

A positive issue to date is Interest on Bank Accounts, to the 31 January 2023 actuals were \$164,225 with a whole year budget of \$60,000, in comparison only \$28,913 was received for the entire 2021/22 financial year. It is expected that the rate of interest generated will slow as we progress through the year with money being expended, however a conservative projection should see \$130,000 of additional income.

Development activity accounts again have shown strong performance in January. Planning Fees and Building Fees have jumped to \$23,818 ahead of the year-to-date budget, however a projection of additional income has not been calculated as this continued elevated activity cannot be guaranteed.

Other than the purchase of the Paveline Truck and entry income at the Power Up Electricity Museum, no major discrepancies have come to light in the first seven months after adopting the 2022/23 budget. The level of loss from the purchase of the Paveline Truck will be known in the next few months however strategies will need to be put in place and future plant purchases prioritised to cover the loss.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Monthly Financial Activity Statement Report for January 2023 as per Attachment: 9.3.4(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29067

That Council receive the Monthly Financial Activity Statement Report for January 2023 as per Attachment: 9.3.4(1).

MOTION CARRIED 7/3

FOR

Cr D Buegge
Cr S Dawson Vidovich
Cr D Jenkins
Cr P Omodei
Cr K Skoss
Cr R Taylor
Cr C Winfield

AGAINST

Cr K Lawrence
Cr M Ventris
Cr J Willcox

ATTACHMENT

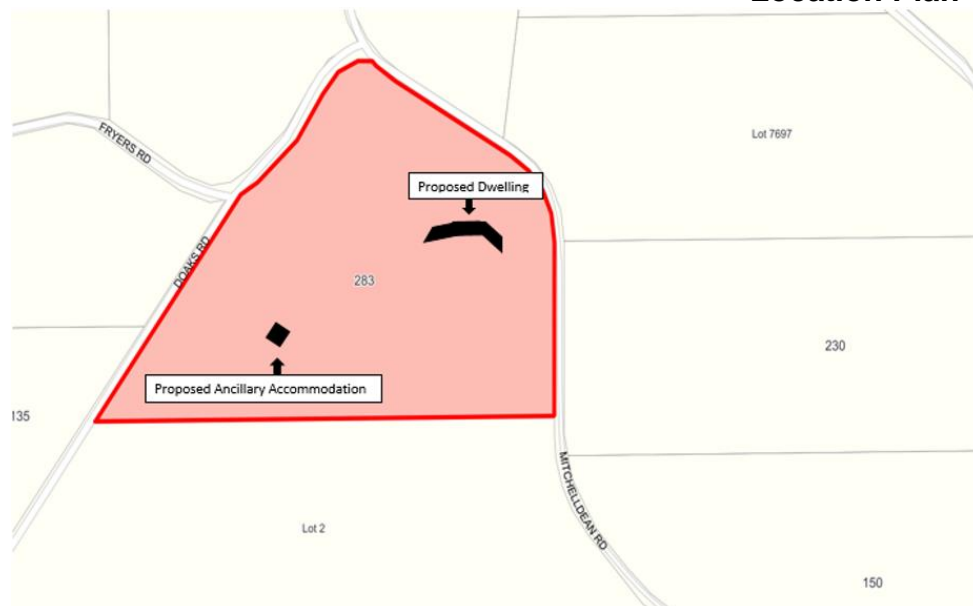
9.5.1 Proposed New Dwelling/Existing Dwelling to Change to Ancillary Accommodation at Lot 7695 (283) Mitchelldean Road, Yanmah

| | |
|---------------------------------|--|
| PROPONENT | Ms C Streat |
| OWNER | Ms C Streat |
| LOCATION / ADDRESS: | Lot 7695 (283) Mitchelldean Road, Yanmah |
| WARD: | North |
| ZONE: | Priority Agriculture |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | P52470 DA23/13 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Karleha Brown |
| DATE OF REPORT: | 27 February 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The subject property is 41.15 hectares and located approximately 14km west of the Manjimup town site. The property is predominantly pasture cleared of native vegetation. A location plan of the subject property is shown below.

Location Plan



A planning application has been received seeking approval to a new dwelling and to change the use of the existing dwelling on Lot 7695 (283) Mitchelldean Road, Yanmah to Ancillary Accommodation. The existing dwelling is a four-bedroom, one bathroom dwelling that has an approximate floor space of 155m², located 153m from the southern boundary.

The proposed new dwelling is a four-bedroom, three-bathroom home with a floor area of approximately 450m². It is proposed the new dwelling will be setback 85m from Mitchelldean Road, approximately 340m away from the existing dwelling. A copy of the plans submitted with the application are provided attached.

ATTACHMENT: 9.5.1(1)

Council is requested to determine the application given that approval will require a relaxation of requirements relating to floor area and separation distances as outlined in Local Planning Policy 6.1.8 - Ancillary Accommodation (the Policy).

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to the adjoining neighbours for comment for a period of 21 days. During this period no comments were received.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup Local Planning Scheme No 4 (the Scheme) include the subject land within the Priority Agricultural Zone. In accordance with the provisions of the Scheme, Council is required to exercise its discretion and consider all relevant planning matters outlined in the Scheme and Policy prior to determination of the proposal.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4; and*
- (xv) *the preservation of the amenity of the locality.*

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

Zone Purpose and Objectives

The purpose of the Priority Agriculture Zone is to provide for sustainable use of high-quality agricultural land with the objective to enhance the agricultural viability of the land and protect the rural infrastructure and land resource.

Setbacks

The Scheme requires all development within a priority agricultural zone to be setback 30m from the front and rear boundary and 10m from all side

boundaries. The existing house is setback 170m from southern boundary, approximately 400m from Mitchelldean Road.

The plans demonstrate the new main dwelling to be setback 80m from Mitchelldean Road. Both the new dwelling and the proposed Ancillary Accommodation meet the setback requirements for the Zone.

Policy Assessment

The purpose of the Policy is to support the effective provision of accommodation and/or care of aged/dependant person in a family environment within the Shire. It guides the assessment process for applications in areas where the Residential Design Codes of Western Australia does not apply.

In terms of Rural land within the Shire, the objectives of the policy seek to protect the economic viability of the general farming areas and retain the rural character. Consistent with this, the policy outlines the requirement for the Ancillary Accommodation to be clustered in close proximity to the main dwelling to ensure the agricultural vitality of rural pursuits are not impacted upon. The Ancillary Accommodation is also to be of a subsidiary size to the main dwelling to ensure it remains ancillary.

In this case, the applicant seeks to change the use of the existing dwelling on the property to Ancillary Accommodation. The parents of the applicant are to reside in the accommodation to assist in managing the subject property. The existing dwelling is approximately 155m², being greater than the maximum 100m² floor area required in the Policy. That said, if approved, the Ancillary Accommodation will only be 35% of the size of the proposed dwelling, ensuring that it is clearly subsidiary to the main dwelling, consistent with the intent of the policy.

To ensure a relationship between a dwelling and Ancillary Accommodation and distinguish the development from that of grouped dwellings, the Policy identified that Ancillary Accommodation should be established in close proximity to the primary residence. The Policy recommends a maximum distance of 50m, identifying that Council will only be prepared to consider a greater separation where the need is demonstrated.

In this case, the applicant stated that the proposed location of the dwelling was selected due to site conditions surrounding the existing dwelling such as an existing spring, biosecure farmland and overhead power lines.

Amenity

With the proposed new dwelling to be setback 85m from Mitchelldean Road, no impacts on the amenity of the area are anticipated.

As the proposed dwelling is located in an agricultural area, the occupants of the dwelling may from time to time be impacted on by activities on adjacent land. In order to minimise the potential for such impacts, clause 5.34.2.4 of the Scheme requires that (with the exception of a single dwelling)

development for non-agricultural purposes should be setback a minimum of 100m from intensive agriculture purposes. The proposed dwelling location complies with this requirement.

Conclusion

The proposed development will allow the owners parents to reside on-site, assisting in the management of the property. It is considered that retaining the existing dwelling and establishing a new dwelling on the property will not cause an impact on the rural activities currently established on the neighbouring properties.

Having regard to the applicant's justification for the new dwelling's location it is recommended that Council vary the Policy requirements and grant conditional approval.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2022/23 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Additional housing in the Shire of Manjimup will increase population and benefit our local economy.

Social: Approval to the proposed change of use for the existing dwelling will ensure that the owners parents are able to continue to reside on the property.

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 New Dwelling and to a change of use for the Existing Dwelling to be used as Ancillary Accommodation at Lot 7695 (283) Mitchelldean Road, Yanmah (Application TP16/2023) in accordance with the plans and specifications shown at ATTACHMENT: 9.5.1(1), subject to the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.**

| Reference | Document Title | Date Received |
|-----------|-------------------|-----------------|
| 1 | Existing Dwelling | 27 January 2023 |
| 2 | Site Plan | 27 January 2023 |

2. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building and to the satisfaction of the Shire of Manjimup;
3. This Development Approval shall not be viewed as providing a basis for subdivision of the land to create a separate title for the new or existing dwellings and any such proposal will not be supported by Shire of Manjimup; and
4. Unless otherwise approved the existing dwelling shall be occupied for aged/dependant persons associated with the occupiers of the new primary dwelling.

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. (Land clearing to facilitate development and BAL report is permitted);
- b. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*;
- c. With respect to condition 2), access shall be permitted to domestic water supplies for emergency fire fighting purposes and to facilitate this, the tank is to be fitted with standard fire fighting couplings (50mm or 100mm male camlock coupling with full flow valve) in accordance with Department of Fire and Emergency Services requirements, to enable fire fighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank.
- d. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
- e. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

COUNCIL RESOLUTION:**MOVED: Skoss, K****SECONDED: Taylor, R****29068**

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants approval to the proposed New Dwelling and to a change of use for the Existing Dwelling to be used as Ancillary Accommodation at Lot 7695 (283) Mitchelldean Road, Yanmah (Application TP16/2023) in accordance with the plans and specifications shown at ATTACHMENT: 9.5.1(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.

| Reference | Document Title | Date Received |
|-----------|-------------------|-----------------|
| 1 | Existing Dwelling | 27 January 2023 |
| 2 | Site Plan | 27 January 2023 |

2. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building and to the satisfaction of the Shire of Manjimup;
3. This Development Approval shall not be viewed as providing a basis for subdivision of the land to create a separate title for the new or existing dwellings and any such proposal will not be supported by Shire of Manjimup; and
4. Unless otherwise approved the existing dwelling shall be occupied for aged/dependant persons associated with the occupiers of the new primary dwelling.

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. (Land clearing to facilitate development and BAL report is permitted);
- b. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*;
- c. With respect to condition 2), access shall be permitted to domestic water supplies for emergency fire fighting purposes and to facilitate this, the tank is to be fitted with standard fire fighting couplings (50mm or 100mm male camlock coupling with full flow

valve) in accordance with Department of Fire and Emergency Services requirements, to enable fire fighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank.

- d. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
- e. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

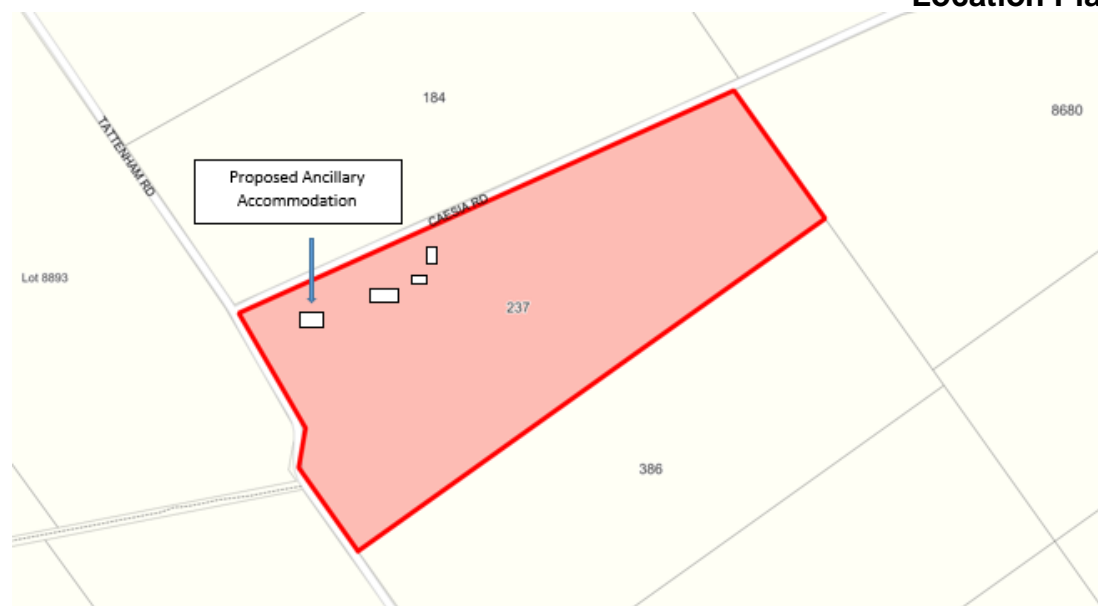
CARRIED: 10/0

ATTACHMENT**9.5.2 Proposed Ancillary Accommodation at Lot 8707 (237) Caesia Road, Meerup**

| | |
|---------------------------------|--|
| PROPONENT | D'Entrecasteaux Drafting & Design |
| OWNER | Mr G A & Mrs P L Horlock |
| LOCATION / ADDRESS: | Lot 8707, 237 Caesia Road, Meerup |
| WARD: | Coastal |
| ZONE: | Rural Small Holdings |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | P53937 DA22/227 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Karleha Brown |
| DATE OF REPORT: | 2 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The subject property is 51.95 hectares and located approximately 5km west of the Northcliffe town site on the corner of Caesia and Tattenham Roads, Meerup. The property is predominantly pasture with a small pocket of native vegetation that projects toward the middle of the property, off Caesia Road. A location plan of the subject property is shown below.

Location Plan

The applicant is seeking to establish a two bedroom, one bathroom self-contained Ancillary Accommodation to be occupied by the landowner's daughter who works on the property. The dwelling has been designed with a 2.4m wide veranda to the north and a 3.3m wide carport along the southern face of the building. The enclosed footprint of the building is 70m².

The separation distance between the existing dwelling and the proposed Ancillary Accommodation is not consistent with the requirements set out under

Local Planning Policy 6.1.8 Ancillary Accommodation and therefore requires consideration by Council.

A copy of the submitted application and supporting information is shown attached.

ATTACHMENT: 9.5.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to the adjoining neighbours for comment for a period of 21 days. During this period no submissions were received.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup Local planning Scheme No 4 (the Scheme) include the subject land within the Rural Small Holdings Zone. In accordance with the provisions of the Scheme, Council is required to exercise its discretion and consider all relevant planning matters outlined in the Scheme and Policy prior to determination of the proposal.

To guide Council on the determination of this application, the following comments are offered:

Matters to be considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of Commission;*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4; and*
- (xv) *the preservation of the amenity of the locality.*

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

Zone Purpose and Objectives

The purpose of the Rural Small Holdings Zone is to *"provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land."* Consistent with the purpose of the zone, the Scheme encourages innovative design and the clustering of built development to minimise the impacts on the adjacent land and provide for the ongoing use of land for rural pursuits.

Setbacks

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

- (a) *Minimum front setback – 20 metres; and*

(b) Minimum side setback – 10 metres;

Plans submitted with the application indicate that the ancillary accommodation will be setback 40m from Caesia Road and 85m from Tattenham Road and 493m from the adjoining property boundary of Lot 8706 Tattenham Road.

Policy Assessment

Local Planning Policy 6.1.8 - Ancillary Accommodation (the Policy) outlines the Shire's requirements for Ancillary Accommodation where provisions of the Residential Design Codes of Western Australia do not apply. The policy prescribes requirements to ensure the ongoing viability of farming areas whilst supporting proposals for the effective provision of ancillary accommodation.

In order to ensure Ancillary Accommodation is located relative to the main residence and potential impacts are minimised, the Policy recommends the clustering of development and identifies that Ancillary Accommodation should be located not more than 50m from the Primary Dwelling where the property is over 40 hectares in size. In accordance with the Policy, Council can support a separation distance greater than the requirements of the Policy, where the need for such separation can be demonstrated i.e. site characteristics.

The development is proposed to be located in the northwest corner, 85m west of the main dwelling. The applicant has stated that the proposed location of the Ancillary Accommodation was chosen due to:

- a) it being in close proximity of an established dam, accessing water for household use and overhead power lines for power supply;
- b) site and soil conditions being favourable in this location for the construction of the building, minimising site works; and
- c) the location of existing farm infrastructure used to raise sheep and goats in close proximity of the existing dwelling to allow close supervision of their stock.

Although separated at a greater distance than that required by the Policy it is considered that in this location the development is clustered in a similar location, consistent with the intent of the Policy.

The Policy also requires Ancillary Accommodation to be subsidiary to the main dwelling. In this instance as the main dwelling is approximately 285m², the proposed 70m² Ancillary Accommodation unit complies with this aspect of the policy.

Bush Fire Prone Area

The subject property has been identified as being in a designated bush fire prone area. The applicant has had a Bushfire Attack Level (BAL) Assessment undertaken by an accredited BAL Assessor, who has determined the BAL rating for the property to be BAL 12.5. The proposed Ancillary Accommodation is required to be built in accordance with the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas" and the BAL assessment.

To reduce the fire risk on the property, the landowner is also required to install and maintain firebreaks and low fuel zones around the proposed Ancillary Accommodation, existing buildings including property boundaries in accordance with the Shire of Manjimup's Annual Firebreak Notice.

Impact on Amenity

The proposed Ancillary Accommodation is setback at a greater distance from both Tattenham and Caesia Roads than required by the Scheme. The purpose of the Ancillary Accommodation and its relationship to the main dwelling and farming operation will ensure that the development will be in keeping with existing rural pursuits on the subject and neighbouring properties.

Conclusion

It is considered that the proposed Ancillary Accommodation meets the objectives of the Scheme and the Policy. The accommodation is located in a similar location to the existing dwelling and is proposed to be occupied by a dependant person of the main dwelling to assist in the general day-to-day operations of the farm.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

As detailed in Comment Section above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2022/23 annual budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Additional housing in the Shire of Manjimup will increase population and benefit the Northcliffe and surrounding economy.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Ancillary Accommodation (Application TP8/2023) at Lot 8707 (237) Caesia Road, Meerup in accordance with the plans and specifications shown at Attachment: 9.5.2(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.

| Reference | Document Title | Date Received |
|-----------|----------------|------------------|
| A000 | Site Plan | 7 February 2023 |
| A100 | Floor Plan | 19 December 2022 |
| A200 | Elevation Plan | 19 December 2022 |

2. This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the Ancillary Accommodation and any such proposal will not be supported by Shire of Manjimup;
3. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building to the satisfaction of the Shire of Manjimup;
4. All habitable buildings are to be constructed in accordance with the Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup; and
5. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

Advice to 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. (Land clearing to facilitate development and BAL report is permitted);
- b. Further to condition 3, the applicant is advised that access shall be permitted to domestic water supplies for emergency firefighting purposes;
- c. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*; and
- d. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup’s Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

COUNCIL RESOLUTION:**MOVED: Taylor, R****SECONDED: Winfield, C****29069**

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Ancillary Accommodation (Application TP8/2023) at Lot 8707 (237) Caesia Road, Meerup in accordance with the plans and specifications shown at Attachment: 9.5.2(1), subject to the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.**

| Reference | Document Title | Date Received |
|------------------|-----------------------|-------------------------|
| A000 | Site Plan | 7 February 2023 |
| A100 | Floor Plan | 19 December 2022 |
| A200 | Elevation Plan | 19 December 2022 |

- 2. This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the Ancillary Accommodation and any such proposal will not be supported by Shire of Manjimup;**
- 3. An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development prior to occupation of the building to the satisfaction of the Shire of Manjimup;**
- 4. All habitable buildings are to be constructed in accordance with the Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup; and**
- 5. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.**

Advice to 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. (Land clearing to facilitate development and BAL report is permitted);**
- b. Further to condition 3, the applicant is advised that access shall be permitted to domestic water supplies for emergency firefighting purposes;**

- c. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911*; and
- d. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

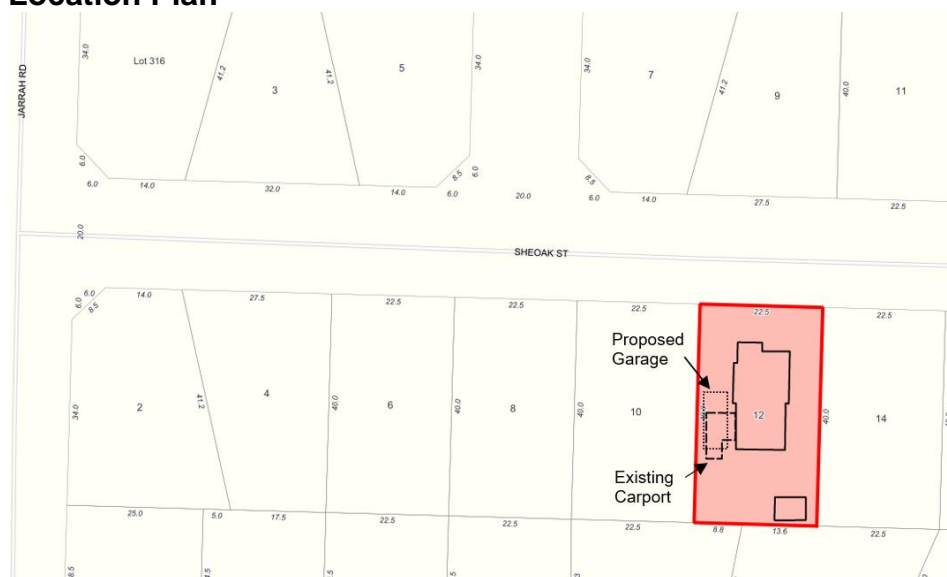
CARRIED: 10/0

ATTACHMENT**9.5.3 Proposed Overheight Outbuilding at Lot 338 (12) Sheoak Street, Walpole**

| | |
|---------------------------------|--|
| PROPONENT | Mr G P & Mrs M D Delfante |
| OWNER | Mr G P & Mrs M D Delfante |
| LOCATION / ADDRESS: | Lot 338 (12) Sheoak Street, Walpole |
| WARD: | South |
| ZONE: | Residential Zone (R10) |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | DA23/6; P53071 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Kaylene Roberts/Brian Robinson |
| DATE OF REPORT: | 2 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Council is requested to determine a development application for the construction of an 'Over height Outbuilding' at Lot 338 (12) Sheoak Street, Walpole. Site and development plans are attached.

ATTACHMENT: 9.5.3 (1)**Location Plan**

The subject land is located on the southern side of Sheoak Street within the Boronia Ridge Estate, Walpole and has an area of 900m². It currently contains a dwelling with attached carport and an existing outbuilding.

The proponent is proposing to replace the existing carport with a 52m² outbuilding being 10m by 5.2m with a wall height of 4m and a ridge height of 4.46m having 1m setbacks from the side of the existing dwelling and the side boundary. Details in support of the application indicate that the outbuilding is to be of steel clad, steel framed construction being Colorbond® Basalt in colour. The proposed outbuilding will be used to house a boat.

Council is requested to consider the application as approval to the application involves a relaxation of the maximum wall height provided for in Local Planning Policy 6.1.3 – Outbuildings and Scheme provisions relating to outbuilding design applicable to the Boronia Ridge Residential Estate.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for a 21 day period to the adjoining landowner. No response was received during the submission period.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the land within the Residential Zone with an applicable density of R10 as per State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes). In addition, the Scheme includes the subject land within Planning Precinct Walpole 1 – Boronia Ridge Residential Estate (WP1).

To guide Council on the determination of this application, the following comments are offered:

Matters to be Considered

In determining an application for Development Approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to:-

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of the Commission;*
- (vi) *the local governments adopted Local Planning Strategy and any Local Policy adopted by the local government under Clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulks, scale, orientation and appearance of the proposal; and*
- (xxvi) *Any relevant submissions received on the application.*

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

Land Use Classification

The proposed outbuilding structure constitutes a domestic outbuilding which is defined by the R-Codes as:

“An enclosed non-habitable structure that is detached from any dwelling.”

Outbuildings within Residential Zones are required to comply with the requirements prescribed by the Scheme, R-Codes and Local Planning Policy.

Planning Precinct WP1

Walpole Planning Precinct No 1 relates to residential lots located on the southern side of the South Western Highway west of Walpole, within what is commonly known as the Boronia Ridge Estate. Within Schedule 8 of the Scheme, a number of special provisions are outlined for Planning Precinct WP1, including the following provisions that are relevant to the application:

- (iii) *Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material;*
- (iv) *Carports and Garages not located under the main roof of the residence shall be constructed of materials which match or complement the existing residence in respect of roof pitch, materials used, the design, colour and external appearance.*
- (ix) *No residence or any part of a residence, or any other building (or part of any other building), shall be built on land which is outside of the building envelope shown in the endorsed structure plan.*
- (x) *No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.*

The clear majority of residential lots within the Boronia Ridge Estate were created following an amendment of then Town Planning Scheme No 2, which was gazetted in May 1996. Notwithstanding this, lots fronting Jarrah Road and Sheoak Street (including the subject land) existed prior to this time. In the case of the subject land, a building permit was issued for the home and shed in 1983, with alterations to the home including the addition of a carport in 1989. Development of the property therefore occurred well before the introduction of Scheme provisions relating to WP1.

As a result, the existing dwelling and shed were not designed to comply with current scheme or Local Planning Policy requirements. No building envelope applies and both structures have a reflective metal roof. Given this the proposed Colorbond® shed will not be consistent with the materials used, design, colour or external appearance of the existing residence as required by special provision (iv) as stated above. Approval to the application may therefore only be granted through a relaxation of the scheme provisions.

Local Planning Policies

Two Shire Local Planning Policies are relevant to the current application, being:

- a) LPP 6.1.3 – Outbuildings; and
- b) LPP 6.1.15 – Boronia Ridge Estate Development Standards.

An assessment of the proposal against the Local Planning Policies is provided overleaf.

LPP 6.1.3 – Outbuildings

The proposed outbuilding complies with all development standards identified within the Policy except for the specified maximum wall and ridge heights. The Policy provides for wall heights of 3.0m and a ridge height of 4.2m, but permits a variation of up to 10% (i.e. a wall height of 3.3m and a ridge height of 4.62m).

Whilst the proposed ridge height 4.46m is within the allowed 10% variation, the proposed wall height of 4.0m and can only be granted through a variation to the Policy.

LPP 6.1.15 – Boronia Ridge Estate Development Standards

The purpose of this policy is to provide the minimum residential development standards applicable to the Boronia Ridge Estate. As outlined by the Policy, roofing materials *“should be in keeping with the natural elements of the landscape such as earth/sandy, neutral/grey or bush green/blue hues.”* The policy highlights that zincalume is not permitted, and metal roofing should be guided by a number of Colorbond® colours.

With respect to the proposed Basalt colour, although this colour is not specifically listed within the policy, it is very similar to Woodland Grey and Ironstone, which are colours endorsed by the policy. The proposed colours are therefore considered to be compliant with the requirements of LPP 6.1.15.

Setbacks

The proposed outbuilding is to be setback 1.0m from the left boundary, 13.8m to the rear, 16.6m to the right side and 16.5m to the front boundary. The proposed shed is also to be setback 1.0m from the side of the dwelling. The proposed setbacks meet the Deemed-to-comply provisions of the R-Codes relating to an outbuilding.

Impact on Amenity

Being setback 16.5m from the front boundary, vision of the outbuilding will be limited and the structure will not appear as significant in the streetscape. Given this and the fact that the adjacent landowner has not raised any objections to the proposal, conditional approval is recommended.

Conclusion

Whilst the proposed wall height exceeds the maximum height requirements as identified by Local Planning Policy 6.1.3 – Outbuildings, no detrimental impact on the amenity of the adjacent land is anticipated given the proposed outbuildings location on the property and setback to Sheoak Street. Given this and the fact that no objections to the proposal were received in response to the consultation process, it is recommended the application be conditionally approved.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Compliance with Local Planning Policy LPS4 6.1.3 – Outbuildings as discussed above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with clause 5.5 vary the Scheme provisions relating to construction appearance and grant development approval under Part 10 of Shire of Manjimup Local Planning Scheme No. 4 for the proposed Overheight Outbuilding at Lot 338 (12) Sheoak Street, Walpole (Application TP7/2023) in accordance with the plans and specifications shown in Attachment 9.5.3 (1) and subject to the following conditions and advice:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Reference | Document Title | Date Received |
|-----------|--------------------------|-----------------|
| 1. | Site Plan | 30 January 2023 |
| 2. | Elevations – Outbuilding | 30 January 2023 |

2. The outbuilding being used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity; and
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant

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

COUNCIL RESOLUTION:

MOVED: Willcox, J SECONDED: Lawrence, K

29070

That Council in accordance with clause 5.5 vary the Scheme provisions relating to construction appearance and grant development approval under Part 10 of Shire of Manjimup Local Planning Scheme No. 4 for the proposed Overheight Outbuilding at Lot 338 (12) Sheoak Street, Walpole (Application TP7/2023) in accordance with the plans and specifications shown in Attachment 9.5.3 (1) and subject to the following conditions and advice:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Reference | Document Title | Date Received |
|-----------|--------------------------|-----------------|
| 1. | Site Plan | 30 January 2023 |
| 2. | Elevations – Outbuilding | 30 January 2023 |

2. The outbuilding being used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity; and
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant

- a) The 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.

CARRIED: 10/0

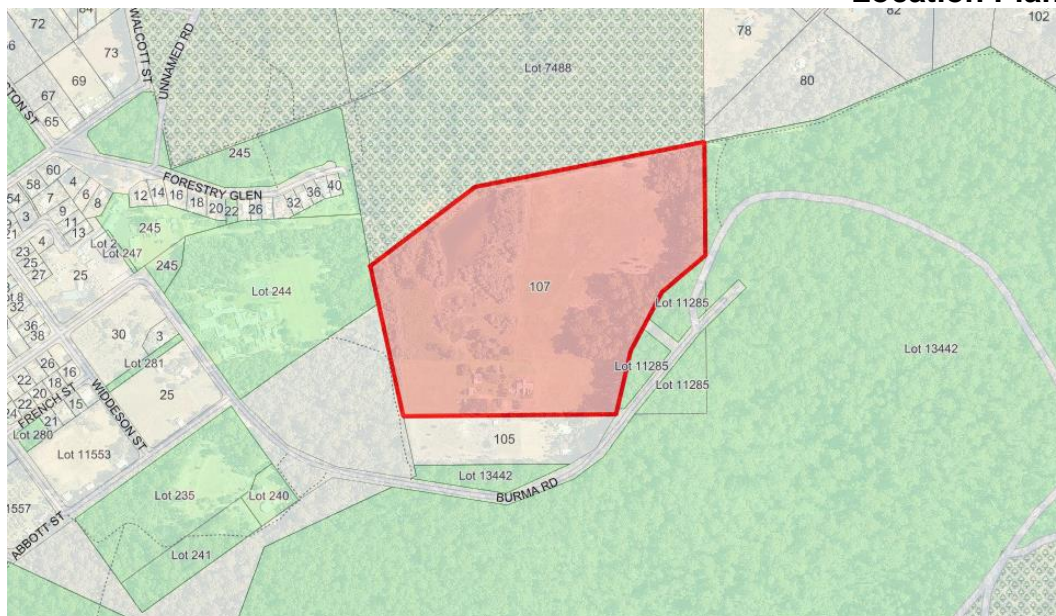
ATTACHMENT**9.5.4 Proposed Short Stay Accommodation - Four Cabins/Chalets at Lot 7489 (No 107) Burma Road, Pemberton**

| | |
|---------------------------------|--|
| PROPONENT | Mr G Smith |
| OWNER | Kayelo Equity Pty Ltd |
| LOCATION / ADDRESS: | Lot 7489 (No 107) Burma Road, Pemberton |
| WARD: | West |
| ZONE: | Tourist Enterprise/Residential |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | DA23/15 & P55212 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 27 February 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Lot 7489 is a 20.5869ha property located on the northern side of Burma Road on the eastern edge of the Pemberton Townsite as shown below. Currently the property is developed with a single dwelling and a disused restaurant, now approved for short stay accommodation for up to 6 people.

A smaller private land holding is located on the southern boundary, State Forest is located to the north, whilst the Gloucester National Park is located to the east.

Location Plan

Amendment No 24 to Local Planning Scheme No 4 (the Scheme) was gazetted in late 2022 modifying the Scheme provisions as they relate to the land. Effectively, the amendment resulted in the western half of the land being included in Tourist Enterprise Zone TE9.

Council is requested to consider a proposal to develop 4 cabins based on a tent like structures for use in providing additional short term accommodation on-site in the form of “Glamping”. Details submitted in support of the application indicate that:

- a) The structures will be metal frame, with canvas cladding on a suspended solid floor;
- b) Each of the units will comprise a main living/bedroom, a bathroom and kitchen and open deck at the front;
- c) Two models will be used, one providing accommodation for two persons, the other three persons.

A copy of the submitted plans together with the supporting correspondence are shown attached.

Council is requested to determine the application in light of requirements prescribed by Local Planning Scheme No 4 (the Scheme), in respect of which Shire Officers do not have delegated authority.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining the application, the following comments and advice is provided.

Zoning

As detailed within the Background section of this agenda item, Local Planning Scheme Amendment No 24 (LPSA 24) to the Scheme resulted in the Western half of the property being include within the Tourist Enterprise Zone.

Proposed Land Use Classification

The proposed short accommodation units are most consistent with the land use definition of “Chalet”, which the Scheme defines as follows:

Chalet – means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12 month period.

Chalets are a “P” use within the Tourist Enterprise Zone. That is a use which is “permitted provided that the use complies with the relevant development standards and requirements of the Scheme.”

Tourist Enterprise Zone (TE9)

The Scheme provisions specific to TE9 are identified in Schedule 5 of the Scheme. The requirements outlined within the Schedule include, but are not limited to:

1. Prior to any subdivision or development, provision shall be made for the creation and construction of suitable public road connections and/or emergency access ways to ensure the first and all future stages of subdivision and development can response to access requirements set out in State Planning Policy 3.7: Planning in Bushfire Prone Area;
2. Preparation of Bushfire Management Plan, traffic impact and management plan information to address impacts on water resource values; and
3. A mosquito management plan may be required to be prepared and implemented.

As additional road connections/emergency access ways are yet to be established, approval may only be granted to the development 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 requirement prescribed under the Scheme. However prior to relaxing a standard, the local government must be satisfied that:

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

In this case, the applicant is seeking approval to proceed with four chalets as an initial stage of development, prior to the establishment of the additional road access/emergency access ways as required by the provisions of Schedule 5.

Ultimate Intended Development

As reflected within the Scheme Amendment documentation relating to Local Planning Scheme Amendment No 24, the landowner is ultimately intending to:

- i) develop the western half of the subject land for tourist purposes, including a caravan park;
- ii) subdivide the eastern portion of the site into a residential subdivision comprising lots with a minimum lot size of 2,000m².

The current proposal represents a very small portion of that ultimate development.

Impact on Water Resources

As detailed in special provisions relating to TE9 contained within Schedule 5, in determining applications for the site, information is required in respect of potential impacts on water resources. With respect to the current proposal, the proposed structures are located within an area of the property with minimal vegetation. No clearing is proposed.

The supporting correspondence also outlines that each of the proposed accommodation units will be connected to an “alternative effluent disposal system”. Such systems are designed so as to ensure that nutrients are not discharged from the system, protecting waterways from impact.

On the basis of the information provided, there will be no detrimental impacts on the water resources in the vicinity.

Bushfire Management

Mapping from the Department of Fire and Emergency Services indicates that the area in which the development is to be located is not identified as being “Bushfire Prone”. As a result, it is considered that the requirements of State Planning Policy No 3.7 – Planning in Bushfire Prone Areas does not strictly apply to the application.

Nevertheless, it is recommended that an Emergency Evacuation be prepared and displayed for guests use in the event of a bushfire or other emergency.

Notwithstanding the above it is noted that a Bushfire Management Plan was prepared in support of LPSA 24.

Relevance of Planning Conditions

In accordance with Case Law relating to planning applications, it should be noted that conditions must have planning purposes, be relative to the application and be fair and reasonable.

Given the small scale of the current proposal, it is considered that it would not be fair and reasonable to require the full implementation of the Bushfire Management Plan prepared in support of LPSA, including the additional road access and emergency access ways. That said, it is recommended that the applicant be advised further approvals for additional developments/land use are not likely to be supported until such time as full implementation of the Bushfire Management Plan has been achieved.

Conclusion

The Scheme provisions for the subject land are based around the development of the western portion of the land for Tourist based uses, including a caravan park and the subdivision of the eastern portion for a residential subdivision based on a 2,000m² lot size. Prior to establishing these uses, the Scheme requires a number of matters to be addressed including the establishment of an additional road connection and emergency access ways.

The current application is seeking approval to four chalets, being substantially less than the ultimate intended use. For this reason and the fact that the portion of the subject land to be used for the chalets is not Bushfire Prone, it is recommended that the requirement for full implementation of the Bushfire Management Plan be deferred at this point and the application approved.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposal is deemed to be consistent with the following Shire of Manjimup Corporate Business Plan 2022 -2026 Action:

- B10 - Ensure the regulatory environment is easy to navigate and development, business and industry-friendly.

The proposal is also deemed to meet Community Goal 2.6 of the Shire of Manjimup Corporate Business Plan 2022 -2026:

- 2.6 - The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Approval to the application will provide additional short term accommodation options within the Pemberton Community.

Social: Appropriately managed, approval to the application as submitted will not result in any detrimental impacts on the amenity of the area.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with clause 5.5 and Part 10 of the Shire of Manjimup's Local Planning Scheme No 4, grant approval to the proposed Four Chalets at Lot 7489 (No 107) Burma Road, Pemberton in accordance with the plans and specifications shown at ATTACHMENT: 9.5.4(1), subject to compliance with the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.**

| Reference | Document Title | Date Received |
|-----------|---------------------------------------|-----------------|
| 1. | Application for Planning Approval | 27 January 2023 |
| 2. | Holiday Accommodation Management Plan | 27 January 2023 |
| 3. | Emergency Management Plan | 27 January 2023 |
| 4. | Supporting Correspondence | 27 January 2023 |
| 5. | Proposed Floor Plans and Site Plan | 27 January 2023 |

2. 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 local government, and the register shall be made available for perusal by Shire officers on demand.
3. Satisfactory arrangements being made for the provision of a potable water supply to each chalet the subject of this approval.
4. Prior to the commencement of the use hereby approved, the Emergency Evacuation Response Plan is to be prepared to the satisfaction of the Shire of Manjimup to reflect the newly approved accommodation units and displayed in the Chalets at all times.
5. All stormwater and drainage runoff is to be retained on the subject property.
6. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted.
 - b) thereafter be maintained to the satisfaction of the Council.
 - c) be made available for such use at all times and not used for any other purpose.
 - d) be properly formed to such levels that it can be used in accordance with the plan.
7. A Waste Management Plan must be submitted to and approved by the Shire of Manjimup prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - (a) the location of bin storage areas and bin collection areas;
 - (b) the number, volume and type of bins, and the type of waste to be placed in the bins;

- (c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.
8. The Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Manjimup.
 9. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

Advice to Applicant:

- a) The applicant is advised that applications for approval to development being in addition to that hereby approved, is unlikely to be supported until such time as the Bushfire Management Plan and Scheme provisions associated with Local Planning Scheme Amendment No 24 are fully implemented;
- b) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works;
- c) That the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2014;
- d) That under the provisions of the 'Building Code of Australia', at least one of the existing or proposed accommodation units must accommodate access and sanitary facilities for people with disabilities. [The proponent is invited to liaise with the Principal Building Surveyor for further information in respect to this]; and
- e) The approved development is to comply with the requirements of the "Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974".

COUNCIL RESOLUTION:

MOVED: Lawrence, K SECONDED: Ventris, M

29071

That Council in accordance with clause 5.5 and Part 10 of the Shire of Manjimup's Local Planning Scheme No 4, grant approval to the proposed Four Chalets at Lot 7489 (No 107) Burma Road, Pemberton in accordance with the plans and specifications shown at ATTACHMENT: 9.5.4(1), subject to compliance with the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without

the prior knowledge and written consent of the Shire of Manjimup.

| Reference | Document Title | Date Received |
|-----------|---------------------------------------|-----------------|
| 1. | Application for Planning Approval | 27 January 2023 |
| 2. | Holiday Accommodation Management Plan | 27 January 2023 |
| 3. | Emergency Management Plan | 27 January 2023 |
| 4. | Supporting Correspondence | 27 January 2023 |
| 5. | Proposed Floor Plans and Site Plan | 27 January 2023 |

2. 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 local government, and the register shall be made available for perusal by Shire officers on demand.
3. Satisfactory arrangements being made for the provision of a potable water supply to each chalet the subject of this approval.
4. Prior to the commencement of the use hereby approved, the Emergency Evacuation Response Plan is to be prepared to the satisfaction of the Shire of Manjimup to reflect the newly approved accommodation units and displayed in the Chalets at all times.
5. All stormwater and drainage runoff is to be retained on the subject property.
6. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted.
 - b) thereafter be maintained to the satisfaction of the Council.
 - c) be made available for such use at all times and not used for any other purpose.
 - d) be properly formed to such levels that it can be used in accordance with the plan.
7. A Waste Management Plan must be submitted to and approved by the Shire of Manjimup prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - (a) the location of bin storage areas and bin collection areas;

- (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.
8. The Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Manjimup.
 9. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup.

Advice to Applicant:

- a) The applicant is advised that applications for approval to development being in addition to that hereby approved, is unlikely to be supported until such time as the Bushfire Management Plan and Scheme provisions associated with Local Planning Scheme Amendment No 24 are fully implemented;
- b) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained prior to the commencement of any site and/or development works;
- c) That the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia, 2014;
- d) That under the provisions of the 'Building Code of Australia', at least one of the existing or proposed accommodation units must accommodate access and sanitary facilities for people with disabilities. [The proponent is invited to liaise with the Principal Building Surveyor for further information in respect to this]; and
- e) The approved development is to comply with the requirements of the "Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974".

CARRIED: 10/0

ATTACHMENT APPENDIX

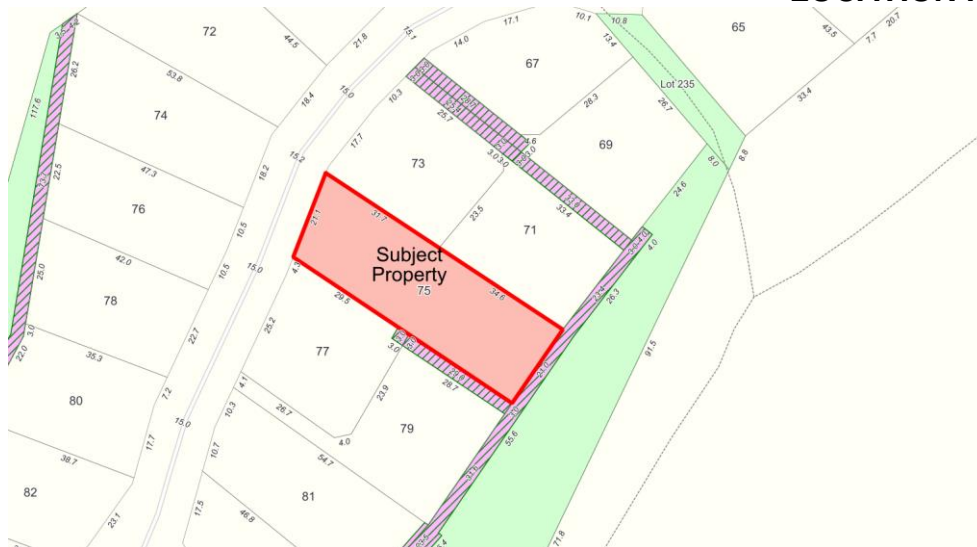
9.5.5 Proposed Building Envelope Variation for Dwelling - Single on Lot 218 (75) Karri Street, Walpole

| | |
|---------------------------------|--|
| PROPONENT | Mrs J C McNab |
| OWNER | Mr S D & Mrs J C McNab |
| LOCATION / ADDRESS: | Lot 218 (75) Karri Street, Walpole |
| WARD: | South |
| ZONE: | Residential R10 |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | DA22/220; P57551 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Kaylene Roberts/Brian Robinson |
| DATE OF REPORT: | 7 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Council is requested to consider an application seeking approval to a dwelling involving a variation of the approved building envelope at Lot 218 (75) Karri Street, Walpole. Lot 218 is currently vacant and has an area of 1,328m².

LOCATION PLAN



The property, which is located within the Boronia Ridge Estate, has an existing 420m² building envelope being 15m wide, setback 7.5m from the front boundary and 29.5m to the rear. A plan showing the approved envelope is appended.

APPENDIX: 9.5.5(A)

Approval is being sought to split and relocate the approved building envelope and for a three bedroom, two bathroom dwelling with a 5.4m by 3.7m (20m²) covered roof top deck that will be accessed via an external staircase on the southern side of the dwelling. A copy of the site plan and elevations are

shown as Attachment: 9.5.5(1), whilst a detailed plan showing the proposed building envelopes is shown at Attachment: 9.5.5(2).

ATTACHMENT: 9.5.5(1)

ATTACHMENT: 9.5.5(2)

An email submitted by the owners in support of the application states that the basis for their request to vary the building envelope is to protect the existing vegetation on-site. They submit that *“by moving the building envelope to allow a 10m rear setback, only one tree (a 50% dead jarrah) needs to be removed to accommodate the proposed dwelling”*. A copy of the email is shown attached.

ATTACHMENT: 9.5.5(3)

Council is requested to consider the application as Shire officers do not have the delegated authority to approve the application.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for a 21-day period to the adjoining landowner and Ward Councillor. One comment was received from an adjoining landowner during the submission period and has no objections to the proposal.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the subject land with the Residential zone with an applicable density of R10 as per State Planning Policy 7.3 – Residential Design Codes (R-Codes). In addition, the Scheme includes the subject land within Planning Precinct Walpole 1 – Boronia Ridge Residential Estate (WP1).

To guide Council on the determination of this application, the following comments are offered;

Matters to be Considered

In determining an application for Development Approval, the local government is required to have regard to various matters as outlined within Clause 10.2 of the Scheme. These matters include, but are not limited to:-

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (xxvi) *any relevant submissions received on the application.*

Both the proposed building envelope variation and dwelling design have been assessed against the above criteria; other relevant Scheme provisions and adopted Local Planning Policy. Comments on the assessment are provided in the balance of this agenda item.

Planning Precinct WP1

WP1 relates to residential lots located within the Boronia Ridge Estate immediately west of Walpole. Within Schedule 8 of the Scheme, a number of special provisions are outlined for Planning Precinct WP1, including the following provisions that are relevant to the application:

- (iii) *Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material;*
- (ix) *No residence or any part of a residence, or any other building (or part of any other building), shall be built on land which is outside of the building envelope shown in the endorsed structure plan.*

The local government may, at the request of the landowner, vary the position, shape or size of the building envelope where it is of the opinion that the slope, vegetation or site conditions justify a variation. Building envelopes shall be sized to maximise the retention of vegetation.
- (x) *No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.*
- (xiii) *No Native vegetation or trees on the land shall be removed, damaged, destroyed or cause to be removed, damaged or destroyed except for the purpose of building and approved residence or structure or access thereto or to accommodate sensible bushfire prevention measures as determined by any relevant authority.*

As the proposed development is not wholly contained within the approved building envelope as required by condition (ix) above, the application as submitted may only be granted through a variation to the approved building envelope. As also reflected within condition (ix), variations to approved building envelopes may be granted where the vegetation or site conditions justify doing so.

In this case, as the proposal will result in the retention of existing native vegetation being maximised, there is merit in considering granting conditional approval.

Variation of Building Envelopes

In addition to the above, Clause 5.31 of the Scheme also relates to variations of approved building envelopes. Subject to public consultation requirements outlined by clause 9.6 of the Scheme, Clause 5.31 states that the local government may approve a justified building envelope variation, provided it is satisfied that:

- (i) *the objectives of the zone are not compromised;*

- (ii) *the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope as originally proposed;*
- (iii) *development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope;*
- (iv) *the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment.*

As required by clause 9.6 of the Scheme, the proposal has been referred to the neighbouring property owners and no objections have been received. With respect to bushfire, the application is supported by a Bushfire Attack Level Assessment (refer below).

Existing Vegetation

The site contains scattered Jarrah and Marri trees with little to no understorey vegetation except for a number of grass trees. The majority of the vegetation is contained within or immediately adjacent to the approved building envelope. The majority of this vegetation would be removed if a development was to be contained within the current approved building envelope.

Approved Building Envelope

The approved structure plan for WP1 identifies that the current approved building envelope is 15m wide with the following setbacks:

- a) Front – 7.5m
- b) Sides – 3m
- c) Rear – 29.5m

Proposed Building Envelopes

The applicant is proposing to relocate the majority of the approved building envelope to the rear of the property. This portion of building envelope will have an irregular shape, setback 10m from the rear boundary and 3m to the side boundaries with a total area of 295m². As reflected on the submitted plans, it is proposed that residence will be located within this envelope.

A 15m wide by 7m deep portion of the existing envelope is proposed to be retained as a secondary, smaller building envelope for the purpose of a future garage or ancillary accommodation. This portion of the envelope is clear of any vegetation. The two envelopes will have a separation distance of approximately 6m.

Approval to the proposed building envelope will assist in maximising the retention of existing vegetation. There is therefore merit in considering the proposed building envelope variation.

It is however noted that the proposed staircase is located outside of the approved building envelope. The stairs are setback approximately 2.1m from the southern boundary. With respect to this, the following options exist:

- a) Approve a revised building envelope with a setback of 2.1 metres to the southern boundary rather than a 3m setback as proposed, ensuring that the staircase is wholly contained within the approved envelope; or
- b) Require the proposed dwelling design to be modified so as to ensure that all development is wholly contained within the envelope.

A third option could be approving the development as submitted, acknowledging that the staircase will not be wholly contained within the envelope. This approach is not however supported as it could result in the creation of an undesirable precedent for development within the Estate to be located outside of the approved building envelope.

Bushfire Attack Level Assessment

An assessment Bushfire Attack Level (BAL) Assessment by a qualified assessor has identifies that a level of BAL-19 will apply to the resultant development. This effectively demonstrates that a variation of the building envelope as proposed will not increase the risk of bushfire, satisfying clause 5.31.1 (iii) of the Scheme.

Dwelling Design

In addition to complying with the approved building envelopes, development within the Estate must comply with Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards (the Policy). A primary aim of the Policy is to ensure that ‘shed like’ dwellings are not supported.

The Policy states that in order to achieve a consistency of roof-shapes and to moderate the impact of direct solar load on external walls and windows, eaves to the dwellings shall be a minimum of 600mm to north facing windows; except for verandas, patios, minor roof nibs and entry porticos. The plans show that there are no eaves on the proposed dwelling.

As the north face of the proposed dwelling is located on the edge of the proposed building envelope, there is no opportunity to provide a verandah or patio. Approval to the application as submitted would therefore require a relaxation of this requirement.

To ensure compliance with the proposed building envelope and the requirements of the Policy, it is recommended that the applicant be required to modify the proposed dwelling design to:

- a) Ensure that all development, including the proposed staircase, are wholly contained within the Building Envelope; and
- b) To comply with the requirements of the Policy for a 600mm north facing eave or other acceptable solutions.

Relaxation of Standards

In accordance with Part 5.5 of the Scheme, where a proposed development does not comply with a standard or requirements of the Scheme, the application may, despite the non-compliance, be approved by Council. In considering such an application, clause 5.52 requires that any landowners which may be affected are consulted. In this case, the application was referred to the adjoining landowners with no objections being received.

As stipulated by clause 5.5.3, a relaxation of a standard or requirement of the scheme may only be granted if the local government is 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 uses of the development, the inhabitants of the locality or the likely future development of the locality.

In this case, no objections have been received against the building envelope or building design as submitted. It is however recommended that the design be modified to ensure compliance with the Policy design guidelines and that all development is contained within the proposed building envelope.

Conclusion

Splitting the approved building envelope as proposed will ensure that the retention of existing vegetation is maximised. As no objections have been received in response to the proposal, approval to the proposed building envelopes is recommended.

It is however recommended that the dwelling design be modified to ensure compliance with the Policy guidelines and that development will be wholly contained in the newly approved envelope.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposed application has been assessed against both the Scheme and Planning Policy 6.1.15 – *Boronia Ridge Estate Development Standards*.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required development application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: The proposed split building envelope will ensure the retention of existing vegetation.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Clause 5.5 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Building Envelope Variation at Lot 218 (75) Karri Street, Walpole, in accordance with the plans shown at Attachment: 9.5.5(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Plan Reference | Title | Received |
|----------------|---------------------------------|-----------------|
| 1. | Site and Development Plans | 8 February 2023 |
| 2. | Letter of Justification | 8 February 2023 |
| 3. | Proposed New Building Envelopes | 8 February 2023 |

2. Notwithstanding condition No 1 above, prior to the application for a building permit, the proposed dwelling design shall be modified to address the following requirements to the satisfaction of the Shire of Manjimup:
 - a) Introduction of a minimum 600mm eave, verandah or equivalent in accordance with the requirements of Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards; and
 - b) Modification of the proposed design to ensure that all proposed development is wholly contained within the newly approved building envelopes.
3. Prior to occupation, the vehicular crossover between the subject land and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
4. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
5. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;

6. All buildings shall be constructed in accordance with Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup; and
7. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- i. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- ii. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup’s Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*; and
- iii. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup’s Health Local Laws 2020.

COUNCIL RESOLUTION:

MOVED: Willcox, J SECONDED: Lawrence, K

29072

That Council in accordance with Clause 5.5 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Building Envelope Variation at Lot 218 (75) Karri Street, Walpole, in accordance with the plans shown at Attachment: 9.5.5(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Plan Reference | Title | Received |
|----------------|---------------------------------|-----------------|
| 1. | Site and Development Plans | 8 February 2023 |
| 2. | Letter of Justification | 8 February 2023 |
| 3. | Proposed New Building Envelopes | 8 February 2023 |

2. Notwithstanding condition No 1 above, prior to the application for a

building permit, the proposed dwelling design shall be modified to address the following requirements to the satisfaction of the Shire of Manjimup:

- a) Introduction of a minimum 600mm eave, verandah or equivalent in accordance with the requirements of Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards; and
 - b) Modification of the proposed design to ensure that all proposed development is wholly contained within the newly approved building envelopes.
3. Prior to occupation, the vehicular crossover between the subject land and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
 4. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
 5. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
 6. All buildings shall be constructed in accordance with Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup; and
 7. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- i. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- ii. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup’s Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*; and
- iii. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup’s Health Local Laws 2020.

CARRIED: 10/0

Councillor Buegge declared an Impartiality Interest in this Item as she has a child at Kearnan College. Cr Buegge declared that she would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.5.6 Proposed New Kindergarten and Pre-Primary Classrooms - Lots 208, 209 and 210 Leman Street, Manjimup

| | |
|---------------------------------|--|
| PROPONENT OWNER | Matthews and Scavalli Architects Lot 208 – Roman Catholic Bishop of Bunbury (Kearnan College) |
| LOCATION / ADDRESS: | Lots 209 & 210 – Crown Reserve 18115 Lots 208 and Lots 209/210 (Reserve 18115) Leman Street |
| WARD: | Central |
| ZONE: | Clubs and Institutions |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | DA23/16, P54390 |
| LEGISLATION: | <i>Planning and Development Act 2015</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 8 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Kearnan College occupies a total of 20 lots plus a private laneway bound, by Ipsen, Moore, Leman and Sommerville Streets in the Manjimup townsite as shown on the location plan below. The College is seeking to replace the existing Kindergarten/Pre-Primary building that straddles the common boundary between Lots 208 and 209 Leman Street.

Location Plan



Approval is being sought to demolish the existing building and construct a new larger building comprising:

- Two separate class rooms for Kindergarten and Pre-Primary;
- Central/Shared kitchen, store and ablution facilities;
- An external 3.3m by 9.8m store located at the western end of the building; and
- A 3.144m wide verandah facing Leman Street and a renewed outdoor play area.

A copy of the submitted plans and covering letter are shown attached.

ATTACHMENT: 9.5.6(1)

The new development is proposed to straddle Lots 208, 209 and 210, which have a total land area of 3,167m². Currently Lots 209 and 210 form Crown Reserve 18115, whilst Lot 208 along with all other properties used by the College are freehold properties owned by the Roman Catholic Church. Council is requested to determine the application having regard to the land tenure and the fact the proposed building straddles property boundaries.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of the Shire's Local Planning Scheme No 4 (the Scheme) include the subject land within the Clubs and Institutions Zone. An Educational Establishment is a "D" use within the Zone. That is a use which *"is not permitted unless the local government has exercised its discretion by granting planning approval."*

To assist Council in determining whether discretion should be exercised and planning approval be granted, the following comments are offered.

Matters to be Considered

When determining applications for planning approval, clause 10.2 requires that Council has regard to various matters including, but not limited to:

- (i) *The aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (ii) *The requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought; and*
- (xi) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1 and the effect of the proposal on the character or appearance of a heritage area.*

The above and other matters relevant to the application are discussed within the balance of this agenda item.

Zone Purpose

As detailed in clause 4.14 of the Scheme the purpose of the Clubs and Institutions Zone is to “*provide for the development or establishment of uses to satisfy the general cultural, religious, education, health, recreational and other needs of the community.*” The submitted application is consistent with this purpose.

Development Standards

Applicable development standards are identified within the general provisions of the Scheme (Part 5) and clause 5.44, which specifically relates to the Clubs and Institutions Zone. As stated by clause 5.44, applications are to be assessed on their merits and development standards regarding lot sizes, setbacks and other on-site standards are to be assessed on a case by case basis.

As the development is replacing an existing classroom arrangement, it is recommended that no additional parking requirements apply.

Setbacks

The existing Kindergarten/Pre-Primary School building is setback approximately 13m from the Leman Street boundary line. The proposed front setback of approximately 14m is therefore consistent with the existing development.

In terms of side setbacks, as detailed in the Background section, the existing building straddles the common boundary between Lots 208 and 209. It is setback approximately 5m from the western side boundary of Lot 209 and on the east side it is immediately adjacent to a separate two storey building that has heritage value (see below).

Landscaping

Both the general provisions of the Scheme and clause 5.44 detail that the requirements for landscaping will be determined by Council on the merits of the case. In this instance the land located between the new building and the front boundary will be developed as a new Outdoor Play area for children attending Kindergarten and Pre-Primary. It is therefore recommended that no additional landscaping should be required.

Heritage

The Heritage List, referred to in point (xi) of the Matters to be Considered is a list of heritage places prepared in accordance with the Scheme and the requirements of *Planning & Development (Local Planning Scheme) Regulations 2015*. The list identifies those heritage places where prior planning approval is required for development and/or demolition and it is prepared having regard to the Shire’s Municipal Heritage Inventory (the Inventory).

Whilst the subject land is not included on the Heritage List, the Inventory identifies the two storey building, immediately east of the existing building, as having some historical significance. The Inventory identifies that:

- It was originally constructed in 1925 for the purpose of providing classrooms on the ground floor, with boarding facilities for students upstairs;
- The building was also used for mass and other church purposes until construction of St Joseph's Church in 1955; and
- The building has been substantially renovated, modified and extended over the years. Modifications include replacement of the original roofing and removal of the verandas.

Having regard to the above points, the Inventory includes the site within Management Category "C". Management of this category is based on the following statement:

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

The proposal as submitted will not detrimentally impact on the heritage or aesthetic values of the two storey school building given that the proposed new development will have a greater level of separation from the heritage building.

Land Tenure

As detailed above, the Roman Catholic Church owns Lot 208. However Lots 209 and 210 currently form Crown Reserve 18115, leased to the Church. Shire Officers are aware that the State is currently completing a valuation exercise and it is assumed that this is to facilitate the Church acquiring the land.

In situations where development is proposed to straddle multiple properties, it is common practice and in accordance with the principals of orderly and proper planning to require those properties to be amalgamated into a single land title. In this case, this process will take some time, with the following steps to be achieved:

- a) The Church will need to acquire Reserve 18115 from the State once an agreed value has been established;
- b) Application to amalgamate Lot 208 and the land currently forming Reserve 18115 will need to be made to and approved by the Western Australian Planning Commission;
- c) The new title will need to be applied for and granted.

It is understood that a formal valuation is currently underway as part of the process to establish an agreed value. That said completion of the above process will take a significant amount of time and in order to facilitate the new development, it is recommended that the applicant be required to finalise the amalgamation process within two years.

Conclusion

The application as submitted complies with setback and other requirements as prescribed by Local Planning Scheme No 4. Whilst conditional approval is recommended, it is also recommended that the applicant be required to ensure land occupied by the development is consolidated into a single title.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005.

POLICY / STRATEGIC IMPLICATIONS:

The proposed redevelopment of the existing Kindergarten and Pre-Primary classroom will provide a dedicated classroom for each activity. This is consistent with Strategy C7 of the Shire's Strategic Community Plan 2021-2031, being to *"Improve early-years development and education outcomes."*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Approval will provide an opportunity for the school to provide an improved range of services.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Kindergarten/Pre-Primary Classroom at Lot 208 and Reserve 18115 Leman Street, Manjimup shown at Attachment: 9.5.6(1), subject to the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;**

| Plan Reference | Title | Received |
|-----------------------|-----------------------------------|------------------------|
| 1. | Site and Development Plans | 8 February 2023 |

- 2. Lots 208, 209 and 210 being amalgamated onto a single land title within two years of this approval;**
- 3. All storm water and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to**

the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and

4. The proposed development being connected to the Water Corporations reticulated sewerage system.

Advice to Applicant:

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

COUNCIL RESOLUTION:

MOVED: Jenkins, D SECONDED: Buegge, D

29073

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Kindergarten/Pre-Primary Classroom at Lot 208 and Reserve 18115 Leman Street, Manjimup shown at Attachment: 9.5.6(1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Plan Reference | Title | Received |
|----------------|----------------------------|-----------------|
| 1. | Site and Development Plans | 8 February 2023 |

2. Lots 208, 209 and 210 being amalgamated onto a single land title within two years of this approval;
3. All storm water and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and
4. The proposed development being connected to the Water Corporations reticulated sewerage system.

Advice to Applicant:

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

CARRIED: 10/0

9.5.7 Public Notifications Regarding Applications for Mining Tenements

| | |
|---------------------------------|---|
| PROPONENT | Shire of Manjimup |
| OWNER | Various |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | N/A |
| ZONE: | All |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | F200084 |
| LEGISLATION: | <i>Local Government Act 1995</i> <i>Mines Act 1978</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 8 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

At the Shire of Manjimup Annual Electors Meeting, held on 12 January 2023, the following motion was passed:

“When the Manjimup Shire is informed of any application for exploration, renewal of an exploration permit, application for extraction or any application pertaining to mining in the Shire of Manjimup that the CEO at that time see to it that residents and ratepayers in the immediate vicinity of those applications is advised via Australia Post and at the same time the electors of the Shire are informed via the Shire website, Antenno and the Shire Facebook page.”

Council considered this motion at its Ordinary Meeting held on 9 February 2023, whereby as part of Resolution 29021 Council resolved to:

- a) Defer consideration of the above motion to *“enable the Shire administration to accurately quantify costs, consider organisational risk including legal matters, identify what other local government organisation are doing, and provide a range of potential options for consideration to assist Council in making a fully informed determination on the matter.”*; and
- b) *Request the Chief Executive Officer to provide for a discussion at the next Council meeting.*

Subsequently a presentation was made, and discussion held during the informal meeting of Council held on 2 March 2023 in Northcliffe. The purpose of this agenda item is to formally present the main points of discussion to assist Council in responding to the motion passed at Electors Meeting.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in considering this matter, the following comments and advice is offered with respect of the current legal framework and approval processes relating to Mining in Western Australia. Advice is also provided on the potential costs and risks associated with implementing the motion as passed at the Annual Electors Meeting.

Mining Legislation

Mining activities within Western Australia are primarily regulated the provisions of the *Mining Act 1978* (the Act) and the Mining Regulations (the Regulations). The Act and the Regulations are administered by the Minister, who is supported by the Department of Mines, Industry Regulation and Safety (DMIRS) to whom the Minister may also delegate roles and functions.

As set out in Clause 9 of the Mining Act 1978, all gold, silver and all other precious metals remain the property of the Crown. Furthermore all minerals existing in their natural condition on or below the surface of any land that was alienated in fee simply from the Crown prior to January 1899 are also the property of the crown.

Application Process for Mining Tenements

In accordance with Part III of the Act, a mining proponent may make application for a mining tenement over any Crown land other than land excluded by provisions of the Act, exempted by the Minister or where a tenement already exists. An application may also be made over private land, except that:

- a) A tenement cannot be applied for over private land where the titles were created prior to 1899 as the crown does not have ownership of those metals or minerals; and
- b) The consent of the land is obtained in accordance with Clause 19(2) of the Act.

The above said, Clause 19(2) of the Act also states that the private landowners consent is not required where the tenement is granted for land more than 30 metres below the lowest part of the natural surface of the land.

Types of Mining Tenements

In accordance with the Act and associated Regulations, a Tenement may be in the form of a prospecting License, Exploration Licence, a Mining Lease or other forms of tenement.

Notification of Local Authority

In accordance with clause 64A of the Regulations, an applicant must serve notice on a local government in the form of Form 21, within 21 days of lodging the application. In accordance with the form, the local authority may lodge an objection and the timeframe for this is 21 days from the date of service of the documentation.

In recent years the Shire has been consulted over numerous Exploration Licenses. As there are not many valid grounds on which an objection to an exploration license can be lodged, the Shire usually only provides advice as to:

- a) The zoning of the land, particularly where private land is involved;
- b) The need to consult with private landowners; and
- c) The need to obtain prior planning approval for an extractive industry on private land where the excavation of the surface is proposed.

Current Public Consultation Process

Currently neither the Act nor the Regulations prescribe a requirement for public consultation to be undertaken in respect of application for an Exploration License.

Notwithstanding this, information regarding current tenements is available through the DMIRS website.

Other Approval Processes

As set out in Part 6 of the Act, the Act must be read and construed as being subject to the *Environmental Protection Act 1986*. As a result mine proposals and their associated clearing and operation are subject to Environmental Impact Assessment by the Environmental Protection Authority. However the assessment of the potential impacts can only be assessed once there is a firm proposal for a Mining Lease or a Mine itself.

Mines have the potential to impact on the environmental attributes and amenity of an area through noise, pollution, impacts on vegetation, flora and fauna communities. Applications are also assessed against the EPA Guidelines for Managing Off Site impacts. These guidelines set out generic separation distances between industrial activities and sensitive land uses such as residential dwellings.

The majority of applications to establish a mine are subject to a Public Environmental Review, which involves public consultation processes as set out in the *Environmental Protection Act 1986*. By the very nature of the activities undertaken under an Exploration License, minimal impacts result.

Annual Electors Motion and the Cost

The motion before Council essentially requests that Shire Officers ensure that both ratepayers and residents are aware of any application for a Mining Tenement, a process that would be outside of the requirements of the Act or Regulations.

Should Council support the motion, significant officer time and resources will be involved in forwarding correspondence to relevant residents and ratepayers. By way of example, one of the smallest tenements in the Shire is approximately 1,049ha within the area of Quinninup. A preliminary assessment of the task identified that this would involve approximately 208

letters to ratepayers, with additional correspondence to residents where it is identified that the property is not owner occupied.

It is estimated that the process of examining each property to determine if they are within a radius of say 3km of the tenement, prepare a mail out list, print and forward the correspondence will take a Shire Officer a minimum of 4-6 hours to complete. Whilst the actual cost of stationary postage would be limited to around \$300 plus officer time, there is little to no capacity for Shire Officers to complete this task and additional resources will be required should Council wish to support the Annual Electors Motion.

By way of further background to the task, the largest tenement within the Shire is in excess of 28km long by 2-3km wide, substantially larger than the tenement used in the example.

Suggested Consultation Process

Shire Officers hold the view that public consultation regarding Mining Tenements and/or Mining Leases should be dealt with by DMIRS. Given the public's expectation for genuine consultation, it is recommended that the Act and Associated Regulations should be updated and the consultation process administered by DMIRS.

Whilst not in accordance with the motion passed at the Annual Electors Meeting, consideration could be given to posting on-line copies of any tenements on which the Shire has been consulted on. Due care will however be needed to ensure any enquiries are directed to DMIRS and not Shire Officers.

Conclusion

Consultation processes relating to Mining Tenements and Leases are set out within the Act and Regulations. Modification of the Act/Regulations and/or changes to standard practices by the State would be required to ensure public consultation processes are undertaken prior to Exploration Licenses.

Given that the Act and Regulations are administered by DMIRS and not the Shire of Manjimup and the implications of costs and officer time, the motion as passed by the Annual Electors Meeting is not supported. It is however recommended that:

- a) Copies of any tenements the Shire is notified about are placed on the Shire website and other electronic media, directing members of the public to contact DMIRS with any enquiries; and
- b) The Shire of Manjimup advocate for a review of public consultation processes under the *Mining Act 1978* and associated Regulations.

STATUTORY ENVIRONMENT:

Mines Act 1978 and Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Should Council support the Annual Electors Meeting motion, there is a risk that additional workload will be placed on Shire Officers who current work at full capacity.

ORGANISATIONAL RISK MANAGEMENT:

There are a number of risks associated with the motion as passed at the Annual Electors Meeting. These risks include:

- The Shire currently does not have resources, budget nor the time required to identify landowners, draft correspondence etc;
- A high level of urgency will be required to ensure the provision of timely advice. As elected members may be away it takes up to 3-5 business days for mail to reach intended recipients within the Shire/State, reducing the time that any person may have to investigate and provide the State with comment;
- There is a risk that an affected landowner may be missed in being notified;
- The Shire will be taking on a role related to an Act not administered by Local Government and will most likely as a result of the consultation received queries that they are not in a position to provide advice on.

FINANCIAL IMPLICATIONS:

Should Council support the motion as passed by the Annual Electors Meeting, there will be a need to provide a budget for the cost of the consultation process as part of the 2023/2024 annual budget.

SUSTAINABILITY:

Environmental: Exploration Licenses are unlikely to result in environmental impacts due to the nature of the investigations being undertaken.

Economic: As per comments under Financial Implications.

Social: It is recommended that the Shire of Manjimup advocate for the review of the *Mines Act 1978* and associated public consultation processes.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Not support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to the use of Australia Post to notify its residents and ratepayers of any application pertaining to mining in the Shire;**
2. **Support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to notification of any application relating to**

mining through publishing on the Shire Website, Antenno and the Shire Facebook page; and

3. Advocate and liaise with the State Government over the need to review of the *Mining Act 1978* with specific reference to public consultation processes to ensure members of the public that may be impacted on are aware of the application.

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Winfield, C

29074

That Council:

1. Not support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to the use of Australia Post to notify its residents and ratepayers of any application pertaining to mining in the Shire;
2. Support that portion of the Motion moved by Mary Nixon and seconded by Alan Lloyd at the Shire's 2022 Annual Elected Meeting relating to notification of any application relating to mining through publishing on the Shire Website, Antenno and the Shire Facebook page within 5 days of notification; and
3. Advocate and liaise with the State Government over the need to review of the *Mining Act 1978* with specific reference to public consultation processes to ensure members of the public that may be impacted on are aware of the application.

CARRIED: 10/0

ATTACHMENT

9.7.1 Application to Keep More Than Two Dogs at Lot 252 (65) Karri Street, Manjimup

| | |
|---------------------------------|---|
| PROPONENT | Ms Ruth Gaze |
| OWNER | Mr Norman G Eaton |
| LOCATION / ADDRESS: | Lot 252 (65) Karri Street, Manjimup |
| WARD: | Central |
| ZONE: | Residential |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | F161271-002 |
| LEGISLATION: | <i>Dog Act 1976</i> <i>Shire of Manjimup Dogs Local Law 2004</i> |
| AUTHOR: | Ashleigh Reeve |
| DATE OF REPORT: | 9 February 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

On the 7 February 2023, the Shire of Manjimup received an *Application to Keep More Than Two Dogs* at Lot 252 (65) Karri Street, Manjimup.

| | Breed | Age | Microchip | Sterilised | Sex | Registration |
|---|-------------------------|------------|---------------------------|------------|--------|------------------|
| 1 | Jack Russell Crossbreed | 13.5 Years | 900 088 000 181 733 | Yes | Female | 5321 Lifetime |
| 2 | Collie Crossbreed | 12.5 Years | 900 088 000 418 264 | Yes | Female | 5320 Lifetime |
| 3 | Not Yet Obtained | - | - | - | - | - |

The applicant only has two dogs currently residing at the property however wishes to obtain a third dog to replace their 15 year old blind dog "Nettle" who had passed away in December 2022.

It is stated that the Jack Russell has since been diagnosed with intestinal cancer and is not expected to live much longer and as a result the Collie will be the only dog at the property who is still fretting over Nettles passing.

A copy of the Application and a Medical Certificate supplied by the Manjimup Veterinarian Clinic is shown attached.

ATTACHMENT: 9.7.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

The Shire of Manjimup sent notification to three separate adjoining properties and the property landowner asking for comment within a 14 day period.

One comment was received which was from the property owner, which states they do not object to the application. A copy of the submission is attached.

ATTACHMENT: 9.7.1 (2)

COMMENT (Includes Options):

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

Limitation on Number of Dogs

In accordance with the *Shire of Manjimup Dogs Local Laws 2004 Part 3 Clause 3.2 (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act;*

- a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite or Reserve 38881, Windy Harbour or Quinninup as defined in Clause 5.2 (1)(b); or*
- b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Council Policy

At the Shire of Manjimup Ordinary Council Meeting held on 27 May 2021, Council readopted *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* (the Policy) to guide the assessment of applications to keep additional dogs or cats. In accordance with the Policy, applications shall only be permitted where the following reasons apply:

- i. To replace an elderly or sick dog/cat that it is not expected to live;*
- ii. Sudden family emergency and dog/cat inherited;*
- iii. Merging of two households; and*
- iv. Where the applicants have had approval to keep more than the prescribed number in another local authority.*

The application is consistent with the provisions of the policy as they are requesting to replace both a deceased dog and another dog which has terminal cancer that unfortunately will not live much longer.

Suitability of Property

The subject property has an area of 819m². Upon inspection by Shire Officers, it has been noted that the property has secure fencing and sufficient room for three dogs to exercise freely without escaping from the property. As the property is under rental agreement, the landowner has been notified as per the application requirements.

Ownership History

There are two dogs residing at the property that are registered and microchipped to Ms Glenys Weadley. Glenys and the applicant Ruth are both tenants of 65 Karri Street and wish to obtain a third dog together.

Complaint History

At the time of writing, the Shire of Manjimup has no record of written complaints regarding the dogs listed within the application.

Conclusion

In conclusion, it is recommended that the application be approved for the following reasons:

- It is consistent with *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*;
- The property has secure fencing which is suitable and is of sufficient size which is deemed appropriate for the keeping of three dogs;
- There is no risk of breeding occurring at the property as both female dogs are sterilised;
- The property owner and adjoining neighbours do not object to the application;
- There is no written recorded complaints/outstanding issues regarding the dogs to date; and
- All dogs listed within the application are registered and microchipped as per legislative requirements.

STATUTORY ENVIRONMENT:

Dog Act 1976 Section 26 (1)(a); and

Shire of Manjimup Dog Local Law 2004 Part 3 Clause 3.2 (2)(b)

POLICY / STRATEGIC IMPLICATIONS:

As outlined within the comment section above, the proposal as submitted is consistent with the requirements of *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Provided the dog owner/s comply with the requirements of the *Dog Act 1976* and the *Shire of Manjimup Dogs Local Law 2004*, no negative social implications are anticipated should the exemption be granted.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grant an exemption pursuant to *Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2 (2)* in order to keep three dogs on and

within Lot 252 (65) Karri Street, Manjimup, subject to compliance with the following conditions;

1. This approval relates to the keeping of the following dogs only:

| Breed | Age | Microchip | Sterilised | Sex | Registration |
|-------------------------|------------|---------------------|------------|--------|---------------|
| Jack Russell Crossbreed | 13.5 Years | 900 088 000 181 733 | Yes | Female | 5321 Lifetime |
| Collie Crossbreed | 12.5 Year | 900 088 000 418 264 | Yes | Female | 5320 Lifetime |
| To Be Confirmed | - | - | - | - | - |

2. The applicant is to register the third dog as soon as possible and the details of this dog shall be taken to form part of condition No 1 above;
3. The applicants/owners of the dogs shall ensure that the dogs are managed so as to not leave the property unaccompanied or exhibit nuisance behaviour;
4. The dogs hereby approved shall not be substituted or replaced unless otherwise approved by Council;
5. Once the numbers as approved have been reduced to two dogs, this exemption is no longer valid;
6. This exemption is not transferrable to other dogs or another property without the prior approval of the Shire of Manjimup; and
7. Should any of the approval conditions not be met, substantiated complaints received, legal contraventions or nuisance behaviour occurs whilst keeping of additional dogs on the property, this exemption may be revoked.

COUNCIL RESOLUTION:

MOVED: Buegge, D **SECONDED:** Taylor, R

29075

That Council grant an exemption pursuant to *Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2 (2)* in order to keep three dogs on and within Lot 252 (65) Karri Street, Manjimup, subject to compliance with the following conditions;

1. This approval relates to the keeping of the following dogs only:

| Breed | Age | Microchip | Sterilised | Sex | Registration |
|-------------------------|------------|---------------------|------------|--------|---------------|
| Jack Russell Crossbreed | 13.5 Years | 900 088 000 181 733 | Yes | Female | 5321 Lifetime |

| | | | | | |
|--------------------------|------------------|--------------------------------|------------|---------------|--------------------------|
| Collie Crossbreed | 12.5 Year | 900 088 000 418 264 | Yes | Female | 5320 Lifetime |
| To Be Confirmed | - | - | - | - | - |

2. The applicant is to register the third dog as soon as possible and the details of this dog shall be taken to form part of condition No 1 above;
3. The applicants/owners of the dogs shall ensure that the dogs are managed so as to not leave the property unaccompanied or exhibit nuisance behaviour;
4. The dogs hereby approved shall not be substituted or replaced unless otherwise approved by Council;
5. Once the numbers as approved have been reduced to two dogs, this exemption is no longer valid;
6. This exemption is not transferrable to other dogs or another property without the prior approval of the Shire of Manjimup; and
7. Should any of the approval conditions not be met, substantiated complaints received, legal contraventions or nuisance behaviour occurs whilst keeping of additional dogs on the property, this exemption may be revoked.

CARRIED: 10/0

Councillor Taylor declared a Financial Interest in this Item as Warren Electrical Service Pty Ltd has quoted on the works and my son is the owner. Councillor Taylor did not speak or vote on the matter and left the Chamber at 7.10pm.

ATTACHMENT APPENDIX

9.9.1 Proposed Award of Tender RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Rea Park, Collier Street, Lot 783, Manjimup, Reserve 19552 |
| WARD: | Central |
| ZONE: | Parks and Recreation |
| DIRECTORATE: | Community Services |
| FILE REFERENCE: | F220020 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Evvy Apeldoorn; Michael Leers |
| DATE OF REPORT: | 7 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The Manjimup Rea Park & Collier Street Redevelopment (MRCR) will see the Rea Park and Collier Street Reserve (Reserve) transformed into a premier level facility catering for high level sporting events. The implementation of the MRCR is a key component of the Shire's efforts in striving towards meeting the future direction of the Shire's future sport and recreational facilities mix.

The first MRCR project components that have funding and are shovel ready are the installation of new field lighting and a power upgrade to the Reserve. The Shire secured funding for these components through a combination of Federal, State and Municipal funding, and subsequently engaged electrical consultant Focus WA Consulting to develop the electrical and lighting design.

The purpose of this report is to present the results of the tender assessment for Council's consideration and to award Tender RFT 04-22 and to consider additional funding.

PUBLIC CONSULTATION UNDERTAKEN:

The Tender was advertised in accordance with the tender provisions in the *Local Government Act 1995*.

COMMENT (Includes Options):

Prior to Tendering, the project had secured sufficient funding as determined by the Probable Order of Costs. Based on several reasons documented in the 'Comment' section, all Tenders received are over budget. Due to the budget implications and the high level of importance of the power upgrade

and field lighting, a presentation to Council was held by the MRCR Project Manager during the Council Information Briefing on the 2 March 2023. Following this presentation Council indicated a preference for the field lighting and power upgrade project to be completed in full.

Request for Tender for Power Upgrade & Field Lighting

In September 2021 Council moved to support the implementation of the MRCR power upgrade and field lighting. The Council agenda item outlining the project details, objectives, and funding strategy as presented on 30 September 2021 is appended.

APPENDIX: 9.9.1(1)

Due to the entire Reserve requiring a power upgrade and the need for three playing fields to be lit this is a complex and large-scale project. To deliver the best outcome, and to procure the most suitable contractor for the MRCR power upgrade and field lighting, a comprehensive Request for Tender (RFT) was prepared including full electrical drawings, specifications, and a draft Form of Contract – AS 4000 (1997).

Upon completion of the RFT documentation the electrical consultant provided an updated Probable Order of Costs. Due to a significant cost increase in comparison with the original Probable Order of Costs, it was decided to itemise mandatory and optional deliverables in the RFT, with the following statement:

“It is preferred that all of the deliverables be included in this contract, however the price schedule has been itemised so that in the event that the total project cost is higher than the available budget the RFT can be awarded, and the project can proceed with or without the following optional components:

- New electrical event enclosures;
- Lighting of Field 2 (southern Collier Street fields); and
- Removal of redundant electrical services.”

Please note the installation of conduits for the new event enclosures and Field 2 lighting is included in the mandatory deliverables. The field numbering is shown in the attached playing fields configuration.

ATTACHMENT: 9.9.1(1)

Twenty-one (21) prospective Tenderers downloaded the RFT documents from the Shire’s website. A total of eight (8) Tenders, of which two (2) Alternative Tenders, were received by the closing time.

The Tender Evaluation Panel, comprising of three Officers assisted by the independent electrical consultant, undertook to independently assess the Tenders received using an assessment matrix. The matrix referenced the terms and assessment criteria of the request for tender document. Assessment scores were then weighted and are presented in the Assessment Table. The Weighted Pricing Score in the Assessment Table is based on the total price for the mandatory and all optional items included in the RFT. Where

applicable, the Shire's Regional Price Preference Policy has been taken into account. The Assessment Table is shown overleaf.

| | | Weighted Score | | | | |
|---|--|--|--|-------------------|----------------------|---------|
| | | (a) Demonstrated Relevant Experience (20%) | (b) Program and Method Statement (20%) | (c) Pricing (60%) | Total Weighted Score | Ranking |
| 1 | Future Engineering & Communication Pty Ltd | 0.49 | 0.49 | 0.70 | 1.68 | 8 |
| 2 | Hender Lee Electrical Contractors Pty Ltd – Confirming Tender | 0.72 | 0.68 | 1.66 | 3.06 | 2 |
| 3 | Hender Lee Electrical Contractors Pty Ltd – Alternative Tender | 0.72 | 0.63 | 1.70 | 3.05 | 3 |
| 4 | Industrial Automation Group Pty Ltd – Alternative Tender | 0.70 | 0.73 | 1.62 | 3.05 | 4 |
| 5 | J&S Castlehow Electrical Services | 0.57 | 0.53 | 1.35 | 2.45 | 7 |
| 6 | Kalamunda Electrics | 0.78 | 0.80 | 1.80 | 3.38 | 1 |
| 7 | Stiles Electrical & Communication Services | 0.77 | 0.76 | 1.32 | 2.85 | 5 |
| 8 | Warren Electrical Service Pty Ltd | 0.38 | 0.41 | 1.85 | 2.64 | 6 |

Preferred Tender

Kalamunda Electrics received the highest ranking with the other seven Tenders scoring significantly lower. Kalamunda Electrics provided the second lowest price, demonstrated a high level of relevant experience with similar scale and scope of projects, and provided a detailed program and method statement demonstrating their understanding of and ability to deliver this project.

Kalamunda Electrics was established in 2012 and is based in Perth. They offer electrical work to commercial, industrial and residential clients with a range of electrical services with a focus on maintenance and upgrades. They have specialised in installing lighting to various parks, reserves and carparks throughout Perth and some regional locations. Their demonstrated experience includes a large number of sporting field lighting projects and several power upgrades for parks and sporting facilities of similar scale to this project.

The lowest price (\$59,590 lower than the highest-ranking Tender) ranked 6th out of the 8 Tenders. This Tender did not demonstrate experience with sporting fields lighting nor experience with projects of this scale, and as such is not the preferred Tender. The attached Tender Assessment Matrix provides more detailed information about the scores and comments for each Tender.

ATTACHMENT: 9.9.1(2)Project Budget

At the Council meeting of 30 September 2021 Council supported the Field Lighting Project and MRCR Power Upgrade with the following contributions, subject to a successful Club Nights Lights Program (CLNP) 2022/23 round application to the Department of Local Government, Sport, and Cultural Industries (DLGSC):

| Source of funding | Field Lighting Project & Power Upgrade (\$ ex GST) |
|---|---|
| Shire of Manjimup – MRCR Loan | 511,555 |
| Local Roads and Community Infrastructure Program Phase 3. | 675,685 |
| Club Night Lights Program 2022/23 | 511,555 |
| TOTAL | 1,698,795 |

Subsequently a CNLP application was prepared and submitted. Whilst the grant application was successful, the amount of grant funding allocated was slightly lower than requested (\$483,475 instead of \$511,555) due to the grant program being oversubscribed. Furthermore, another grant application for \$30,000 was submitted under Australian Cricket Infrastructure Fund, however at the time of writing this report, this application was still pending. As such the funding currently secured for this project is as follows:

| Source of funding | Confirmed (\$ ex GST) | Pending (\$ ex GST) |
|--|------------------------------|----------------------------|
| Shire of Manjimup – MRCR Loan | 511,555 | |
| Local Roads and Community Infrastructure Program Phase 3 | 675,685 | |
| Club Night Lights Program 2022/23 | 483,475 | |
| Australian Cricket Infrastructure Fund | | 30,000 |
| TOTAL | 1,670,715 | 30,000 |

Project Costs

Based on the Tender prices of the highest-ranking Tender and updated costs estimates for works associated with this project, the total project costs for the Power Upgrade and Field Lighting are outlined in the table overleaf.

| Costs (Estimates) | Amount (\$ ex GST) | Cumulative Project Costs (Options) | Cumulative Shortfall (Options) |
|--|-----------------------|---|--------------------------------------|
| Design costs & other expenditure to date | 22,600 | | |
| WP* application & design fee | 5,300 | | |
| WP headworks | 325,000 | | |
| Tree clearing | 10,000 | | |
| Electrical consultancy | 20,000 | | |
| Project management & superintendency | 28,000 | | |
| Contingency (4-5%) | 100,000 | | |
| Tender Costs - Mandatory - Power upgrade + lighting Fields 1&3 | 1,650,411 | 2,161,311 | 490,596 |
| Tender Costs - Optional - Lighting Field 2 | 371,165 | 2,532,476 | 861,761 |
| Tender Costs - Optional - Removal redundant infrastructure | 12,000 | 2,544,476 | 873,761 |
| Tender Costs - Optional – Electrical Event Enclosures | 124,959 | 2,669,435 | 998,720 |

*Western Power

As shown in the table above, the project costs (at a minimum of \$2,161,311 for the mandatory Tender part) exceed the available budget of \$1,670,715. The following factors may have resulted in this:

- A cost estimate for Western Power (WP) headworks (\$325k) based on the worst-case scenario should the headworks not pass the WP economic test. Should this economic test be passed, then the costs of the headworks will likely be reduced to approximately \$150k (a potential saving of \$175k). However, WP will not undertake this economic test until they commence the actual design phase (expected in February 2024), and as such the cost estimate is based on the worst-case scenario; and
- Given the current demands on materials and contractors creating significant cost escalation, the submitted Tender price is considered fair in the current economic climate.

Options

As the Tender was broken down in a mandatory part and three optional parts, there are a number of options for Council to consider in awarding the Tender. The options and their implications are outlined below.

Option 1. Award mandatory Tender only.

- Requires \$490,596 additional funding above budget.
- Includes Reserve power upgrade allowing future development of the Reserve;
- Includes lighting of Fields 1 (northern Collier Street playing fields) & 3 (Rea Park oval);

- Includes underground conduits for preparation of lighting Field 2 (southern Collier Street fields) and electrical event enclosures;
- No new lighting Field 2, removal of redundant electrical infrastructure, or new electrical event enclosures included;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots (due to removal of existing WP overhead infrastructure along this road).

Option 2. Award mandatory Tender plus lighting Field 2 and removal redundant infrastructure.

- Requires \$383,165 additional funding above Option 1 (total \$873,761).
- Includes Reserve power upgrade allowing future development of the Reserve;
- Includes lighting of all three fields (1, 2 and 3);
- No new electrical event enclosures included;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots.

Option 3. Award mandatory Tender, lighting Field 2, removal redundant infrastructure plus electrical event enclosures.

- Requires \$124,959 additional funding above Option 2 (total \$998,720).
- See Option 2 plus inclusion of new electrical event enclosures to cater for food vans, stalls, booths, entertainment, and activities during events;
- Makes use of secured grant funds; and
- Allows for amalgamation of Collier Street into the Reserve lots.

Option 4. Not award the Tender and not proceed with power upgrade & field lighting at this time.

- No further Shire funds required at this time.
- No power upgrade or field lighting undertaken at this time;
- Loss of LRCI funding for this project (\$675,685, deadline June 2023);
- Potential loss of CNLP funding (\$483,475, deadline June 2024);
- Risk of not being able to secure future funding for this project;
- Allows to go out for tender with reduced scope or to focus on other MRCR project components (e.g. playing fields upgrades); and
- Allows time to complete WP headworks and Collier St amalgamation prior to power upgrade and field lighting, rather than undertaking these components concurrently.

The above options were presented to Council during the beforementioned presentation on the 2 March 2023. At the conclusion of this presentation the majority of the Councillors clearly indicated a preference for Option 3 (to award the full Tender with all items included), with the remaining Councillors choosing Option 2 (to award the full Tender excluding the event enclosures).

It should be noted that in the event Council chooses Option 2, the scoring of the Tenders changes marginally (due to price differences between Tenders

for the event enclosures), however the overall ranking of the Tenders remains the same.

Recommendation

Taking the above information into account, the Officers' recommendation is to award the Tender inclusive of the mandatory and all optional items (Option 3) to the highest-ranking Tenderer, Kalamunda Electrics, for the price of \$2,158,535.

To appoint the preferred Tender as stated above would require an additional Shire contribution of \$998,720 (ex GST) to the project. It is acknowledged this is a significant additional contribution for the Shire to make towards this project. Nevertheless, even with this additional funding the Shire contribution would attribute to 56.6% of the total project costs, which is considered very reasonable and good leverage on external funding. Furthermore, the opportunity to undertake this project on such scale may not present itself in this or the next generation. At the presentation Councillors indicated a strong preference to undertake this project in its entirety rather than in parts with the risk that future funding may not be available to undertake the remaining items of the project.

Council should note that there are significant financial and operational risks to the organisation by not completing the field lighting and power upgrade project as a whole. These risks included:

- Increased costs to complete those project components at a later date;
- Further disruption to the playing fields leading to more down time;
- Increased potential of damage to any new underground infrastructure that gets installed, such as irrigation and/or drainage; and
- Potential for any of the old electrical infrastructure to become noncompliant when paired or connected dot the new electrical infrastructure.

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 significance of the Rea Park & Collier Street Redevelopment project is supported in the following strategic documents:

- Shire of Manjimup Community Strategic Plan 2021 – 2031:
 - Strategy C19. Create, support and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities;
 - Strategy D13. Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible;
- Shire of Manjimup Sport and Recreation Strategic Plan 2014-2024; and
- Manjimup Community Recreation Hub Master Plan.

ORGANISATIONAL RISK MANAGEMENT:

The purpose of the MRCR is to strategically plan and establish future facility developments, including the rationalisation of assets and resources and avoidance of possible facility duplication, with the aim to ensure community needs are met in a sustainable way.

A number of risks are being reduced by funding and undertaking the MRCR Power Upgrade & Field Lighting project, it will:

- Ensure sufficient power at the Reserve to allow for development (e.g. field lighting, pavilion and amenities developments);
- Consolidate the current multiple points of supply into one point of supply;
- Underground the current overhead power infrastructure;
- Renew electrical infrastructure and lighting that no longer conform to current standards and have exceeded their intended life expectancy; and
- Reduce safety hazards and long-term maintenance risks.

Further risk mitigation via the Tender process has been achieved by the following:

- An assessment panel consisting of three (3) members have individually completed a Tender assessment scoring and summarized their findings;
- Tenderer selected with proven experience relevant to this project;
- Demonstrated financial sustainability; and
- Process overseen by the Probity Officer.

In saying that, the above proposal for the Power Upgrade and Field Lighting is not without organisational risk that needs to be acknowledged and considered by Council. The risks and mitigation strategies that have been identified in the appended Council agenda item of 30 September 2021 have been updated in the table attached.

ATTACHMENT: 9.9.1(3)

FINANCIAL IMPLICATIONS:

In the Shire of Manjimup 2021/22 budget, Council has committed to a \$5 million loan for the implementation of MRCR (listed as 'Stage 2b – Collier Street/Rea Park Redevelopment Loan'). The use of LRCI program Phase 3 funding for the Power Upgrade & Field Lighting project was approved by Council in September 2021. There is currently \$1,698,795 identified funding for the project. However, in order to complete the project in full there is an overall shortfall of \$998,720 ex GST.

The recommendation is that Council support the appointment of the entire Tender RFT 04-22 with the funding being sourced from the above mentioned MRCR loan of \$5M. After committed expenditure for planning of MRCR project components to this loan it will leave a balance of \$3,917,280.

The ongoing financial implications for this project as outlined in the 30 September 2021 Council agenda item, are as follows:

- The poles and lights will be owned and maintained by the Shire. Utility bills will be received by the Shire and recouped from the users on a booking user pay basis. Clubs will be charged an hourly fee for use of the lighting based on the lux level used. Minor annual maintenance costs, such as cleaning and RCD testing, and a luminaire clean every 2.5 years, will be factored into the hourly fee set in accordance with the annual fees and charges adopted by Council.
- Typically LED sports lights are now available with a 5-year warranty and design life expectancy of 50,000hrs, which offers an operating period of approximately 20-25 years.

It should be noted that the planning for other MRCR project components is still ongoing, including the design for the playing fields upgrade and the concept design for a new pavilion, storage units, car park and entry road. Increasing the Shire funding for the power upgrade and field lighting project will likely impact the future budgets for these works alongside the expected increasing costs.

Of all project components, the upgrade of the playing fields, in particular the Collier Street field, is of the highest priority, as this is an essential requirement to play the sports. Field lighting will allow for increased hours of use of the playing fields, and the Reserve power upgrade is required for this and other Reserve developments.

SUSTAINABILITY:

Environmental: LED lighting is far more energy efficient and has a reduced environmental impact in comparison to traditional lighting.

Economic: Improved sporting facilities provides opportunities for increased regional competition and associated economic spin off related to increased visitation.

Social: The proposed lighting project and power upgrade are the first implementation stage of the Manjimup Rea Park & Collier Street Redevelopment. The Rea Park & Collier Street Reserve facilities are shared by a large number of clubs, community groups and other users, which will benefit from the proposed project.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Award the Mandatory Tender and all 3 Optional Tender components (new event enclosures, lighting Field 2, and removal of redundant electrical services) of RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment to Kalamunda Electrics for the price of \$2,158,535 (ex GST) in accordance with their submitted Tender Response; and**

2. Allocate the additional expenditure of \$998,720 of the Council approved Stage 2b – Collier Street/Rea Park Redevelopment loan in the 2022/23 financial year to fund the implementation of the Power Upgrade & Field Lighting in its entirety.

| Description | Current Budget | Amended Budget | Variation |
|---|----------------|----------------|-------------|
| Transfer from Recreation Ground Facility Improvement Reserve | (\$690,634) | (\$1,689,354) | (\$998,720) |
| Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment | \$1,670,715 | \$2,669,435 | \$998,720 |
| Net Rate Funds | | | \$0 |

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Winfield, C

29076

That Council:

1. Award the Mandatory Tender and all 3 Optional Tender components (new event enclosures, lighting Field 2, and removal of redundant electrical services) of RFT 04-22 Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment to Kalamunda Electrics for the price of \$2,158,535 (ex GST) in accordance with their submitted Tender Response; and
2. Allocate the additional expenditure of \$998,720 of the Council approved Stage 2b – Collier Street/Rea Park Redevelopment loan in the 2022/23 financial year to fund the implementation of the Power Upgrade & Field Lighting in its entirety.

| Description | Current Budget | Amended Budget | Variation |
|---|----------------|----------------|-------------|
| Transfer from Recreation Ground Facility Improvement Reserve | (\$690,634) | (\$1,689,354) | (\$998,720) |
| Power Upgrade & Field Lighting, Rea Park & Collier Street Redevelopment | \$1,670,715 | \$2,669,435 | \$998,720 |
| Net Rate Funds | | | \$0 |

MOTION CARRIED 7/2

FOR

Cr D Buegge

AGAINST

Cr K Lawrence

Cr S Dawson Vidovich
Cr D Jenkins
Cr P Omodei
Cr K Skoss
Cr J Willcox
Cr C Winfield

Cr M Ventris

Councillor Taylor returned to the Chamber at 7.22pm

9.13.1 Proposed Budget Amendment for Wheatley Coast Road Reconstruction of Road Section SLK 11.10 to 11.70

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Wheatley Coast Road, Quinninup |
| WARD: | East |
| ZONE: | Road Reserve |
| DIRECTORATE: | Works and Services |
| FILE REFERENCE: | F190349 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Michael Leers |
| DATE OF REPORT: | 28 February 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The Shires Infrastructure Works Budget 2022/23 identifies \$450,000 for reconstruction of section of Wheatley Coast Road Straight Line Kilometre – To Be Determined (SLK - TBD). These funds are comprised of grant funding of \$300,000 from the Main Road Western Australia Regional Roads Group (RRG) and \$100,000 from Roads to Recovery while \$50,000 is municipal funds. As works immediately north of the Quinninup townsite are close to being completed, it has become clear that over expenditure of the budget of up to \$60,000 is required to complete works to safe and trafficable standard.

As such, in order to meet its financial management obligations, Officers have sought and gained an additional \$40,000 RRG funding that requires a Shire one third contribution that will meet the budget shortfall. As such, Officers seek Council approval to amend the Shire's Infrastructure Works Budget 2022/23.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Since the time of applying for the grant funding and the setting and approval of Council's 2022/23 budget, the local economy has seen some significant cost increases in materials and supplies, as well contractor costs. These increases are due largely to worldwide issues impacting fuel costs, which in turn impacts cost and supply of materials. Combining this with a shortage of local contractors due to major works occurring in the South West and adjacent regions, the budget for roadwork projects is under considerable pressure.

At commencement of works, the Shire had already reduced the scope of works to SLK 11.10 to 11.70 to accommodate the increased costs. Unfortunately, by the time the works were some 90% complete, it became

apparent that a budget over expenditure is required in order to complete the works.

Some of the over expenditure has already occurred due to:

- an increase in the quantity of gravel required on site, outside of the original estimate, alongside the extra time and labour resources need to work and incorporate the gravel into the road pavement;
- Lost production time due to a Total Fire Bans occurring during works, which also required an additional water truck and staff onsite to complete the day's work; and
- A breakdown of the water truck during works causing lost production time.

The Shire's road construction works generally cost about \$8,000 to \$10,000 per day and therefore even relatively minor increases in the materials required alongside lost production time have a great impact on the project's budget come the time of project completion.

At the time of reporting, there is still some 5% of works required to complete the project to a safe and trafficable standard. The proposed budget amendment will see the budget allocation for Footpath – Retrofit Pram Ramps and Gaps having all of its funds reallocated. Given the above recurrent budget allocation is directly associated with the Shire's remit to provide and maintain road infrastructure and there are no immediate or urgent pram ramps requiring replacement, the amendment is seen as an appropriate proposal.

Given the importance of Wheatley Coast Road to the Shire's distributor road network, it is therefore recommended that Council approve the proposed budget amendment.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The Shire's Corporate Business Plan 2022-2026 supports the proposal as noted in:

- D15.1 Work with relevant state departments to upgrade and provide safe, sustainable road infrastructure that assists the movement of industry, agricultural products and tourism; and
- D16.1 Implement the *15-year Forward Capital Works Program 2021-2036* in relation to roads and parking planning.

ORGANISATIONAL RISK MANAGEMENT:

Upgrading and improving the safety and drivability of Wheatley Coast Road to current Austroads Standards, greatly reduces any risk to the organisation.

FINANCIAL IMPLICATIONS:

No effect on the overall Infrastructure Works Budget 2022/23, though the proposed budget amendment will have an impact on the Shire's Footpath – Retrofit Pram Ramps and Gaps budget.

SUSTAINABILITY:

Environmental: Nil

Economic: \$20,000 of Municipal funds are required to balance the grant funded Wheatley Coast Road reconstruction.

Social: Provides a safer and more sustainable road that in turn assists the local community and movement of industry, agricultural products and tourism.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council amend the 2022/23 adopted budget for Wheatley Coast Road (SLK – 11.10 to 11.70) in accordance with the attached table.

| Description | Current Budget | Proposed Budget | Variation |
|---|----------------|-----------------|------------|
| Regional Road Group Funding- Wheatly Coast Road (SLK – TBD) | (\$300,000) | (\$340,000) | (\$40,000) |
| Footpath – Retrofit Pram Ramp & Gaps | \$20,000 | \$0 | (\$20,000) |
| Roads - Wheatley Coast Road (SLK – 11.10 to 11.70) | \$450,000 | \$510,000 | \$60,000 |
| Net Rate Funds | | | \$0 |

COUNCIL RESOLUTION:

MOVED: Winfield, C SECONDED: Skoss, K

29077

That Council amend the 2022/23 adopted budget for Wheatley Coast Road (SLK – 11.10 to 11.70) in accordance with the attached table.

| Description | Current Budget | Proposed Budget | Variation |
|-------------|----------------|-----------------|-----------|
| | | | |

| | | | |
|--|--------------------|--------------------|-------------------|
| Regional Road Group Funding- Wheatly Coast Road (SLK – TBD) | (\$300,000) | (\$340,000) | (\$40,000) |
| Footpath – Retrofit Pram Ramp & Gaps | \$20,000 | \$0 | (\$20,000) |
| Roads - Wheatley Coast Road (SLK – 11.10 to 11.70) | \$450,000 | \$510,000 | \$60,000 |
| Net Rate Funds | | | \$0 |

CARRIED: 10/0

ATTACHMENT**9.15.1 Unconfirmed Minutes of the Audit Committee Meeting Held 2 March 2023**

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | All |
| ZONE: | N/A |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F170379 |
| LEGISLATION: | <i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i> |
| AUTHOR: | Greg Lockwood |
| DATE OF REPORT: | 13 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

On the 2 March 2023 Council's Audit Committee met with the purpose of:

- 1) Receiving the unconfirmed minutes of the Audit Committee held 29 November 2022;
- 2) Receiving the Shire of Manjimup 2022 Compliance Audit Return: and
- 3) Receive an update on progress from recommendations from the Financial Management System Review, Regulation 17 Review and the 2022 Annual Financial Accounts.

The purpose of this agenda item is to receive the unconfirmed minutes of the Audit Committee meeting held on 2 March 2023.

ATTACHMENT: 9.15.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The main purpose of the Audit Committee meeting held 2 March 2023 was to receive the findings and endorse the 2022 Compliance Audit Return.

The Director of Business presented the 2022 Compliance Audit Return explaining the various 11 sections and the requirements to meet compliance. The 11 sections tested are:

- Commercial Enterprises by Local Governments;
- Delegation of Power / Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Integrated Planning and Reporting;

- Local Government Employees;
- Official Conduct;
- Tenders for Providing Goods and Services; and
- Other.

Of the 94 items tested the Shire demonstrated 100% compliance on all matters. Whilst the Audit Committee endorsed the findings from the 2022 Compliance Audit Return, the return will be presented to Council as a separate item being 9.3.3 for final adoption as part of the overall agenda for the Council Meeting 23 March 2023.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

POLICY / STRATEGIC IMPLICATIONS:

The Audit Committee is established under the *Local Government Act 1995* to provide guidance and assistance to the Local Government in achieving the audit requirements of the Act thus ensuring that the financial management of the Shire of Manjimup remains open, transparent and accountable.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: It is essential that Local Government maintains open, transparent and accountable processes in the expenditure of public monies. Regular financial audits by auditors and the functions of the Audit Committee are some of the methods established to assist Local Government in meeting legislative and community expectations.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Audit Committee meeting held 2 March 2023 as per Attachment: 9.15.1(1); and
2. Accept the findings from the 2022 Compliance Audit Return.

COUNCIL RESOLUTION:**MOVED: Jenkins, D SECONDED: Taylor, R****29078****That Council:**

- 1. Receive the unconfirmed minutes of the Audit Committee meeting held 2 March 2023 as per Attachment: 9.15.1(1); and**
- 2. Accept the findings from the 2022 Compliance Audit Return.**

MOTION CARRIED 7/3**FOR**

Cr D Buegge
 Cr S Dawson Vidovich
 Cr D Jenkins
 Cr P Omodei
 Cr K Skoss
 Cr R Taylor
 Cr C Winfield

AGAINST

Cr K Lawrence
 Cr M Ventris
 Cr J Willcox

ATTACHMENT**9.16.1 Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 24 February 2023**

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | Whole of Shire |
| ZONE: | Whole of Shire |
| DIRECTORATE: | Community Services |
| FILE REFERENCE: | F210319 |
| LEGISLATION: | <i>Local Government Act 1995; Aboriginal Heritage Act 1972</i> |
| AUTHOR: | Gail Ipsen Cutts |
| DATE OF REPORT: | 13 March 2023 |
| DECLARATION OF INTEREST: | Nil. |

BACKGROUND:

The Reconciliation Action Plan Advisory Committee is an advisory committee of Council formed under the provisions of the *Local Government Act 1995*. The functions of the Committee outlined in the current Terms of Reference for the Advisory Committee are:

1. To provide guidance and support to the Shire of Manjimup for the implementation of the Reconciliation Action Plan;
2. To provide advice and make recommendation to Council in regard to matters concerning the Reconciliation Action Plan and its implementation;
3. To be available and to provide a focal point for connection with the Aboriginal and Torres Strait Islander community;
4. Representative Members acknowledge and accept their role as a representative of the Aboriginal and Torres Strait Islander community and to act as a key liaison for the broader community;
5. Communicate and inform represented groups and the local community regarding activities of the Committee; and
6. Play an active role in the promotion and development of Aboriginal and Torres Strait Islander cultural awareness across the Shire of Manjimup.

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 24 February 2023 as attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Aboriginal Heritage Act 1972 and;

Section 5.11 of the *Local Government Act 1995*, (the Act) specifies that where a person is appointed to a Committee of the local government, their membership continues until, at the latest, the next ordinary elections day is held. As a result all Committee positions are effectively vacated, with members to be appointed by resolution of Council.

POLICY / STRATEGIC IMPLICATIONS:

The Reflect Reconciliation Action Plan (RAP) relates to goals and strategies in the Shire of Manjimup Strategic Community Plan 2021-2031 including, but not limited to:

- Community Goal 3.8: Diversity, inclusivity and harmony are the foundations of strong community spirit and we celebrate and honour our diverse cultures, heritage and lifestyles;
- Strategy C20: Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements;
- Strategy C23: Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance; and
- Community Infrastructure Goal 4.8: Places of heritage value are recognised and retained.

The Shire of Manjimup Corporate Business Plan 2022-2026 includes the action below:

- Implement the outcomes as identified in the Reconciliation Action Plan.

ORGANISATIONAL RISK MANAGEMENT:

The Shire RAP will foster engagement with local Aboriginal and Torres Strait Islander people and encourage participation in community consultations, cultural inclusion and a better understanding of related issues.

FINANCIAL IMPLICATIONS:

The committee is an advisory committee only and therefore not responsible for the management of any budget. Any financial implications are to be determined by the Council.

SUSTAINABILITY:

Environmental: The Reflect RAP seeks to consider opportunities and appropriate processes to involve Aboriginal people in sustainable natural resource management and in the protection and restoration of significant cultural locations, including totemic trees.

Economic: The Reflect RAP outlines several actions which seek to consider opportunities for Aboriginal and Torres Strait Islander employment and supplier diversity.

Social: The Reflect RAP outlines the Shire of Manjimup's vision of reconciliation, which is to foster meaningful relationships communication and respect between all Australian peoples, thereby strengthening the foundation of our local communities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 24 February 2023 as per Attachment: 9.16.1(1).

COUNCIL RESOLUTION:

MOVED: Buegge, D SECONDED: Winfield, C

29079

That Council receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 24 February 2023 as per Attachment: 9.16.1(1).

CARRIED: 10/0

ATTACHMENT APPENDIX

9.16.2 Proposed Nominations for the Pemberton Town Activation Advisory Committee

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | NA |
| LOCATION / ADDRESS: | Pemberton |
| WARD: | West |
| ZONE: | NA |
| DIRECTORATE: | Works and Services |
| FILE REFERENCE: | F170456 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Michael Leers |
| DATE OF REPORT: | 3 March 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Following Council's acceptance of the resignation of Kathy Barret-Lenard at its Ordinary Meeting held 17 November 2022, one of the Community Representative positions became vacant and the Terms of Reference for the Pemberton Town Centre Revitalisation Advisory Committee were reviewed and amended accordingly. The current Terms of Reference are appended.

APPENDIX: 9.16.2 (A)

In response to the vacancy, the Shire advertised for new nominations to the committee. The purpose of this report is to request Council to consider the nominations received for the position of Community Representative for the Pemberton Town Activation Advisory Committee.

PUBLIC CONSULTATION UNDERTAKEN:

The Shire advertised for new nominations to the committee from 25 January 2023 to 28 February 2023 on the Shire website. Notice requesting nominations was also advertised in the Manjimup-Bridgetown Times on 25 January 2023 and the Pemberton Community News on 1 February 2023. Three nominations were received, with one nominee later withdrawing.

COMMENT (Includes Options):

In response to the request, two nominations received were from Debra Mack and also from Dr Leanne Rowe for the Community Representative vacancy. A copy of the nomination received is available to Elected Members on request.

As both nominees are worthy candidates, Officers recommend that Council approve an additional position for Community Representative and that both nominations be accepted. Should the nominations be accepted, the committee would comprise of five community representatives, a representative of the Pemberton Arts Group, two elected members and three employees of the Shire being the Director of Works and Services, the Director of Development and Regulation and the Director of Community Services.

The proposed new Pemberton Town Activation Advisory Committee's Terms of Reference (including members, term of appointment, quorum, meeting dates and functions) is attached.

ATTACHMENT: 9.16.2(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 section 5.10 (2) provides that each Council member is entitled to be a member of at least one committee.

POLICY / STRATEGIC IMPLICATIONS:

The Strategic Community Plan 2021 – 2031 Strategy D8 Develop town centres to show case their unique characters and encourage vibrant, mixed-use commercial and public spaces

The Corporate Business Plan 2022 – 2026 Strategy D8.2 - Facilitate local involvement in Town Centre Revitalisation Committees to determine priorities and endorse revitalisation plans.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Improvements to townscape and associated public infrastructure are recognised as contributing towards and stimulating investment and economic activity in the community.

Social: The Shire of Manjimup Community Strategic Plan 2021-2031 contains the following recommendations relating to Town Centres that are relevant to the ongoing improvements of town centres within the Shire.

- 4.4 Town centre are accessible, attractive and inviting whilst maintaining their unique characters.
- 4.5 Parks and open spaces are attractive and create opportunities for people to come together, socialise and enjoy a range of activities.
- 4.6 Community infrastructure planning that response to an ageing demographic and is also inherently dementia and disability friendly.

Consistent with these Goals, Strategy D5 outlines that it is the Shires intention to 'Develop and maintain community infrastructure to a service level that meets the community's needs'. In addition, Strategy D9 identifies the desire to "Develop town centres to showcase their unique characters and encourage vibrant, mixed use and commercial spaces".

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Debra Mack;**
- 2. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Dr Leanne Rowe; and**
- 3. Amend the Pemberton Town Activation Advisory Committee Terms of Reference to appoint the nominees stated in points 1 and 2 above for the period of 23 March 2023 to 21 October 2023 in accordance with the Draft Terms of Reference shown at Attachment: 9.16.2(1).**

COUNCIL RESOLUTION:

MOVED: Lawrence, K SECONDED: Ventris, M

29080

That Council:

- 1. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Debra Mack;**
- 2. Accept the nomination received for the Pemberton Town Activation Advisory Committee from Dr Leanne Rowe; and**
- 3. Amend the Pemberton Town Activation Advisory Committee Terms of Reference to appoint the nominees stated in points 1 and 2 above for the period of 23 March 2023 to 21 October 2023 in accordance with the Draft Terms of Reference shown at Attachment: 9.16.2(1).**

CARRIED: 10/0

10. LATE REPORTS: Nil.

11. QUESTIONS FROM MEMBERS:

11.1 Response to questions from members taken on notice: Nil.

11.2 Questions from members: Nil.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:
Nil.

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

14. MEETING CLOSED TO THE PUBLIC:

14.1 Matters for which the meeting may be closed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

MOVED: Jenkins, D SECONDED: Dawson Vidovich, S

29081

That Council goes behind closed doors to consider Item 1.1 as under Section 5.23(2) (a) it deals with a matter affecting an employee or employees.

CARRIED: 10/0

1.1 Confidential Item - Employment of Environmental Health Officer

| | |
|---------------------------------|--------------------------------------|
| PROPONENT | Director of Development & Regulation |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | 33A Leman Street, Manjimup |
| WARD: | Central |
| ZONE: | Residential |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | F170536 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 15 March 2023 |
| DECLARATION OF INTEREST: | Nil |

MOTION:

MOVED: Jenkins, D SECONDED: Dawson Vidovich, S

29082

That Council come from behind closed doors.

CARRIED: 10/0

14.2 Public reading of resolutions that may be made public.

RESOLUTION WAS READ OUT

That Council:

1. Not agree to waive the rent associated with 33A Leman

Street, Manjimup;

- 2. Endorse the Acting Chief Executive Officer entering into a Negotiated Employment Contract with the current candidate for the Principal Environmental Health Officer position, subject to compliance with the adopted salaries budget for the Environmental Health section; and**
- 3. Agree that should negotiations associated with point 1 above not be successful:**
 - a) the position will be readvertised as a Manager Level (C) position in accordance with the Shire of Manjimup Enterprise Agreement; and**
 - b) A contract health officer or other alternative arrangements will be required whilst the position is re-advertised.**

15. APPLICATIONS FOR LEAVE OF ABSENCE: Nil.

16. 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 thanked those in attendance and closed the meeting at 7.37pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**

I have come to speak to you today representing the Pemberton Heritage and History Group.

Mr President,

I consider it important to advise the Council of a decision made at the recent meeting of our group.

You will recall that I have spoken to Council before and have written twice about our concerns with meeting ongoing amenity costs for the museum in the new Community Hub. I have not received a response regarding these matters, except for the Director of Community Services who had the courtesy to reply to me, but did not directly address these concerns. She did say, however, that a Mou would be discussed individually with the groups involved.

So Councillors, with regard to this Mou, I think it is important that you know that our group has decided that if we do not receive a Mou that relieves us of the responsibility for these ongoing amenity costs, regrettably, we are not prepared to move to the new hub.

The bottom line is that we are volunteers, and have very little money available to us. We are providing a service to the community and to tourism on behalf of the Shire. We are not prepared to commit our members to the responsibility of meeting ongoing costs, as this would be unfair.

As part of the Pemberton Community we already support fundraising for the hall, the club, the caravan park and the swimming pool, as well as other various charity groups. The community is fundraised out. A grant may be available from the shire, but my understanding is that a grant does not pretend to cover the full cost. We would still need to fundraise and that is not an option for us. Please consider our circumstances and produce a suitable Mou that will allow us to move. Thank you for listening

Good Evening Shire President, Councillors and Residents.

My name is Ben Enkelman, my partner Kate and I own Forest Fresh Marron located on Pump Hill Rd in Pemberton.

I wish to raise the recent Targa Rally, its negative financial effect on our business and the lack of engagement from event organisers, on behalf of the Shire of Manjimup. On the 23rd Feb, I noted that there was signage erected advising the public of the closure of both Club Rd and Pump Hill Rd. The closures commenced at 2pm Friday and ended at 2pm, then recommenced at 8am Saturday and concluded at 2 pm Saturday. This came as a surprise since the Targa events have traditionally been held in the winter months, May June and July.

I contacted the Shire of Manjimup to seek guidance on reimbursement of lost income due to Shire approved events. 8 Days later, I received a reply from a Shire employee, who I will not name publicly, stating that there is no provision for reimbursement from the shire, and to contact Ross Tapper at Targa and try to arrange them to advertise our business to Quote - "optimise the opportunity that this event brings to the Pemberton Community as a whole" The email continued to state that the Shire of Manjimup requires event organisers to Liaise with affected community members before an event is approved by shire. My first question is, what were the steps taken to ensure that this requirement had been met before the event was approved? As a business directly affected by this event, I received no communication at all from any of the bodies involved. This email also had the Targa letter attached to it, dated 14th Feb 2023, 9 days

In my reply I asked the previous question and requested a copy of the Shires Stakeholder Engagement Policy/Procedure, along with highlighting the lack of engagement from shire, which I am yet to receive.

I received a reply from another shire employee stating that the event organizer is to provide proof of consultation to the shire in order to get approvals for traffic management. So, my second question is, Did the Shire of Manjimup supply the event organisers with updated stakeholder contact information; what proof was provided to shire that Stakeholders were contacted, and was that confirmed prior to the approvals being given?

I have supplied copies of our business takings for the 10/1. March and 17/18 March. You will note that our retail takings in the first week were \$1,174.60, this was an average weekend due to it being the week following the Labour Day long weekend. Compared to the Targa weekend where our takings totalled \$41.80. This is a \$11.32.80 shortfall on a weekend with an influx of tourists. There can be no doubt that our business has been negatively affected by this event.

We would have been happy to set up on the main st or at the Manjimup show and trade out of there for the day, however the shire was too focused on shifting the blame to acknowledge or suggest any viable solutions I understand that there will be no outcome to this tonight, however I request that council discuss this issue and communicate back to me, my best course of action to recuperate lost income. I would also add that I am not here to point the finger at any one person, or get anyone into strife, I am just chasing a satisfactory outcome for my business and family. I have enjoyed the Targa events both in Manjimup township and the forest rallies of previous years, and think that anything that brings focus to the region is great, but not at a financial cost to my family. Thank you for your time.

Shire Meeting 23" March 2023 Pemberton Sports Club 5.30pm

As a representative of the of the Pemberton Community Centre & Sports Complex we have questions regarding the running of similar facilities within the shire of Manjimup. As with all sporting facilities within the shire we receive \$10,000 through the rec centre development program, we apply for \$6000 per Year for the Pemberton youth zone which only covers the costs of a youth coordinator.

1. Is there any other facilities that run both sports club and Community facilities in conjunction.

2. If so, how are they funded

3. Are any of them 1.000 0 funded as we are or do they have manager's, how are they funded.

At the Pemberton Sports Club and Community centre we struggle to finance wages for administration and there is no community centre manager.

As we are also a community evacuation centre I believe that we need a manager to work on part time basis to support our exhausted volunteers in our community. A permanent manager would be in a good position to apply for grant funding, update policies and procedures and look into

constant income streams to support the running of the centre. This person would be able to liaise with the department of communities, department of sports and recreation and other government stake holders that may be able to provide ongoing funding. However, a manager needs be put in place to enable this to happen. As community grants cannot be allocated 1.00% to wages, this is not a viable option.

4. Do You have any other suggestions to how Shire can support us in making it happen?

I suppose what I'm trying to say is that we need a manager to oversee the running of the facility.

5. There is a current review underway and we would be interested to know who they report to and when we will be provided an update on there finding and progress, as we have had no communications since our initial meeting of the 16" January.

I do wish to thank Peter Krispyn and Gary Mills for there continued communications and support in the works being done within the community Centre area. The place is certainly looking a lot fresher and new again.

Thank you !

Manjimup Shire Council meeting. 23rd March 2023.

1. Agenda Item 9.5.7

Public notifications regarding applications for mining tenements.

I refer to part of the officers' comments on this item; 'As there are not many valid reasons on which an objection to an exploration licence can be lodged, the Shire usually only provides advice as to; zoning of land, consultation with landowners and the need to obtain prior planning approval'.

I submit that there are a number of valid grounds that the Shire can use to lodge an objection to an exploration licence application. Such grounds include the future impacts of any mining on existing agricultural and farming enterprises, impacts on tourism, forests, biodiversity conservation and restoration, scarce water resources, rural communities, community amenity and lifestyle and future land use options. The WA Mining Wardens Court has, on a number of occasions, upheld objections to exploration licence applications based on arguments that it is not in the public interest; will have deleterious impacts on agriculture and water resources; will impact community lifestyle and amenity; does not have a social licence and will negatively impact the local and regional environment. In the last 12 years the Mining Wardens Court has recommended for refusal the granting of 4 exploration licence applications in the Manjimup Shire and the Minister for Mines has subsequently refused grant of these licence applications. It is imperative that the Shire of Manjimup take a position on this issue and at least provide comment on exploration and mining licence applications which will have immediate and long-term impacts on our region and communities, and object to such applications if it is clear that they will negatively impact existing businesses, communities, natural resources and the local and regional environment.

2. I wish to bring to Councils attention the strong community concern about the construction of a 3.4 gegalitre dam on Four Mile Brook. Four Mile Brook is a tributary of Big Brook which feeds into Big Brook dam, Pemberton's town water supply. There are serious concerns about the potential compromising of water security and reliability for the Pemberton townsite should the Four Mile Brook dam restrict

the flow of water into Big Brook and on to Big Brook dam. This development has recently been referred to the Environmental Protection Authority for assessment. The community feels that the Shire of Manjimup must be strong and vocal advocates for the security and on-going reliability of water for environmental health and community consumption. In our rapidly drying climate it is imperative that water is allocated equitably and used conservatively for long term security.

Thank you for the opportunity of addressing Council.

Julian Sharp.

PO Box 134 Pemberton WA 6260.

jsharp@wn.com.au

23rd March 2023.

Mary Nixon,
Rate payer and Resident.
Manjimup.

Paul Rd, Wilgaup

Good evening Mr President, Shire councillors, staff and members in the gallery.

I have come this evening to draw your attention to the total lack of visitor accommodation in Manjimup and seek your help to alleviate the situation.

Apart from Manjimup Central Caravan Park and Fonty's Pool, no is available no commercial accommodation for visitors to Manjimup. Currently, our three motels cater exclusively for workers at the Talison Mine, Greenbushes. The Manjimup Hotel caters for exclusively for farm workers.

The chance of getting accommodation close to Manjimup is "next to zero" according to the Manager at the Manjimup Visitor Centre. People wishing to visit relatives, attend a wedding, a family party or go to a funeral would not be able to stay overnight in Manjimup. This lack of tourist accommodation is also having a serious negative impact on some independent retailers as visitor numbers to town have decreased dramatically.

Against this lack of accommodation is the money spent to develop the tourist market, in recent times, Manjimup Shire has allocated shire monies and received millions of dollars in funding from both Federal and State governments in order to attract tourists to visit and stay in Manjimup by improving the look of the town and providing amenities. Projects such the Powerup Museum and the Brockman St entertainment precinct, including Gatsbys, were developed with public money for the same reasons.

Over many years local volunteer groups have worked tirelessly to develop events to attract people to stay locally. The continued success of these events is now in jeopardy. According to Mr Jeremy Beissel the Truffle Kerfuffle committee is having serious difficulty securing accommodation for event staff and guest chefs and lack of visitor accommodation will pose a serious risk to the success their evening events.

Now that Manjimup has successfully branded itself as a tourist destination there is nowhere for visitor to stay.

My two questions, Mr President, relate to 80 Rose St., the prime tourist real estate adjacent to the Manjimup Heritage Park which is vested in the Shire Manjimup.

- In light of the above*
1. ~~As the mining and agricultural industries have taken over all available commercial tourist accommodation in Manjimup,~~ will the shire, on behalf of ratepayers, seek confirmation in writing from the developer, that what is being developed at 80 Rose St. is indeed high quality tourist accommodation and that when building is completed and ready for occupancy the developer will offer it as tourist accommodation and not include any worker accommodation?
 - and
 2. Given that there is no commercial accommodation currently available in Manjimup, will the shire, on behalf of the residents and ratepayers of Manjimup, undertake to negotiate with the developer to ensure that on completion, at least 50% of the available accommodation at 80 Rose St will be reserved for domestic tourists.

Thankyou.

The Pemberton Community Hub comprises 7 not-for-profit community organisations that will provide a vast range of services to the Pemberton Community, many of which will be available 7 days per week.

The combined memberships of these groups at present comprises over 33% of the Pemberton population.

The vision of the Hub would be to create a vibrant collaborative Community Precinct, aiming to provide relevant, and valuable community services, workshops, events, and training.

This is an undertaking of considerable size, and it has been indicated that this is the first of its kind within the Shire of Manjimup. It was mentioned one of the co-location meeting that the Manjimup Community centre is the closest venue to compare within the Shire and it took 5 years to iron out the “teething problems” and get the facility running at its optimum efficiency.

To ensure the success of the Pemberton Community hub the stakeholders approached the Shire to support this endeavour, not only in its infancy and contingency for start-up, but for the long term to ensure endurance of this level of service provision to the Pemberton community.

We appealed to the Shire to cover the cost of Electricity, Water, Emergency services, Waste services, garden management, Cleaning and building Management.

The primary concern for all members of the Community hub was the financial impact that may result from the co-location. Several of the community groups involved presently pay nothing for these services and relying solely on volunteer support for organisational management. These groups have little capacity to raise funds however they provide an important service to the community.

The advent of Covid has seen, not only delays and increased cost of building materials for the Shire at the the Pemberton Community hub, but has also had irreversible effects on the Volunteer sector in our small community.

The previous model of volunteer funded organisations that existed in this region is no longer viable. Even the time-consuming process of finding and applying for appropriate grants tends to fall on volunteers and we feel this level of reliance on a dwindling volunteer population is not sustainable.

Although the CRC has appealed on several occasions for suitable remuneration from the Shire for provision of building management services, it has been made clear that this is not open to discussion.

There was also no assistance in creating and operational plan or budget for the facility as all focus has been in obtaining the Lotterywest grant funding.

The Pemberton CRC has worked tirelessly in supporting the Lotterywest application through to a successful outcome and is now responsible for purchases, asset management, insurance, and acquittal. The additional work required for this process is a cost borne solely by the CRC.

The CRC are not in a financial position to provide adequate management of the co-location building without a fee for services.

After discussion with the DPIRD team at a recent conference it was made clear that the CRC was responsible for service deliverables to DPIRD under contract that did not include free services to local government. Infact all CRC's are required to take a fee for service approach for services provided.

It was for this reason that the Pemberton CRC Committee agreed that the PCRC resign as head lessee for the premises.

There has been no room for negotiation with the Director of Community Services who has been the primary contact for this project. After attempting to flag issues regularly in co-location meetings we were advised to put motions forward to the Shire council which we did on 31st Oct 22. It is important that the Shire council understand that the motions presented at this meeting did not occur overnight.

I would like to give some background on how the motions to council came about.

Please note these are my interpretation and memories of the events that occurred from April 21 to present day. I have endeavoured to make these statements accurate, succinct and efficient to assist the council understand the difficulties we have faced over the last 18 months of the project.

April 2021

19th April 21, I was employed as new Manager of Pemberton CRC for three days per week.

On undertaking the Managers role at the Pemberton CRC, I soon discover I was not only Manager for the CRC, but also acting Manager for the PVC, Primary Leasee for the Co-location and primary lottery west applicant and recipient on behalf of all 7 stakeholder groups.

May 21

I was given very little background or time to process the overall requirements of the project before my first meeting on 18 May 21 where we discussed a "Wish-list" of fit out purchases for the combined lotterywest grant.

Although there was a project Manager employed for this project, they were primarily engaging in collating the data that all groups were to provide individually. This included audits of existing facilities, furnishings, asset equipment, and communications. A huge task with all organisations having extremely outdated everything.

With no formal Manager in place for several years I believe the Pemberton Visitor Centre was not well represented in this process, particularly from an administrative perspective. As seen from minutes of this meeting, the PVC representative had not been in attendance for some time, the committee was restructuring and there were only two part-time employees.

At the time, the CRC was providing the Bulk of the Business management and secretarial services.

This poor representation can be seen by the fact they are not included in many of the schematic drawings of the co-location building. There is no allocated space for an office for a manager or storage for StarTrack and/or Bibbulmun track parcels, one of their main income streams, amounting to \$6,292.00 per annum in the last financial year.

At this meeting I requested an updated schematic drawing of the facility.

June 21 Meeting requested a wish list for assets be provided by beginning of Sept.

The July meeting mentions an agreement around Lotterywest assets and asset management that would be outlined in the MOU's that had not been provided at this point. There was also mention of a \$13000 contingency in the budget that was then corrected to no contingency at the next meeting.

Aug 21

The focus of the meeting which occurred on 24 Aug 21, was on Landscaping.

- Place Making for outdoor spaces.
- Wayfinding and signage needs (including Noongar dual naming consultation);
- Event use functionality of outdoor; and
- Landscape plan (including planning workshop between consultant, stakeholders and Noongar Elder representative)

It was suggested during several of the stakeholder meetings that solar panels, battery backups and generators be part of the Lotterywest Wishlist that was rejected outright and does not appear in any meeting minutes.

Oct 21

On 21 Oct 2021 The PEMBERTON COMMUNITY HUB ADVISORY COMMITTEE was established

The draft MOU's, created by the Shire were received by each organisation for review and It was made very clear that the MOU's were "fluid documents" that could be amended later but required signing for the Lotterywest application to be submitted.

Practical completion of the build went from June 22 to August 22.

Nov 21

Meeting of 9th Nov minutes do not reflect anything of note.

Nov 21 the Lotterywest Grant application was submitted.

Dec 21

Meeting of ? a question is raised regarding office space for a PVC Manager that is rejected due to lack of contingency funding.

Project Manager (Jessica) goes on maternity leave 16th Dec 21 to June 22??
Meeting now planned for every 3 months once LW grant submitted.

March 22

The next meeting of the Advisory Committee was not until 1st March 2022 during which MOU's were discussed.

All stakeholders are encouraged to develop drafts of their MOU with the expectation that the document is likely to change before being finalised. With Draft MOU's to be provided to Chair by cob Tuesday 15 March 2022.

The next co-location Advisory committee meeting was scheduled for June 2022 with an expected building completion date in July 22.

As building Manager I Requested a site visit for 24 May 22. No other stakeholders had been onsite at this stage

May 22

Lotterywest requested for additional information regarding the application.

Director of Community services (Gail) and I met with Lotterywest via a team's meeting on 2nd May 22

During this meeting the Lotterywest application team indicated that it was a "highly unusual" application with all community groups applying together and that individual groups would have been preferred.

Gail responded that it had been the previous lotterywest grant team that had suggested they combine the application.

I was contacted by phone some weeks after our May meeting by lotterywest at which time they told me that the application would be rejected in its entirety as the Shire had already been allocated substantial funding for landscaping and they felt this was "double dipping".

I suggested that Lotterywest had the option of rejecting the components of the grant that they did not agree with, rather than throw out all our hard work.

Of the \$395,934 application to Lotterywest for the co-location fit out, \$162,207.85 was for Landscaping, and Outdoor Meetings spaces.

The Lotterywest Grant was Approved on 25 July 2022 for a Total amount of \$236,207.00, towards the fit-out of the Pemberton Community Hub, to support a range of community services and activities.

11th May I send an email to the Director of Community Services

- attached a list of set-up requirements for the co-location.
- For the Shire could indicate on this list what items they have already organised and perhaps the contact person to discuss management and procedures.
- I have also attached the sub meter application from the water corp.

There was no response to this email.

I attended a site visit on 24 May 22. The interior of the building was incomplete.

- No door on centerlink room for CRC
 - o It was highlighted that the Centerlink facilities did not need privacy.
 - o However in the building layout the CRC had lost its "zoom room" a small teleconferencing/hot office space required as part of our service deliverables to DPIRD.
 - o We also require this smaller, private space for exam invigilation and small meeting room hire Combined, these charges amount to approximately \$3000 per annum.

Request was sent via email to Director of Community service on 24th May 2022 as written permission was needed by the builder to provide this variation. This email was not responded too at all.

At this stage, the wall lining had not been attached and a door could have been easily installed for a verbal quote of \$200 as suggested by the building Manager at the time.

June 2022

Meeting on 7th June 22 stated that the building would be delayed due to Covid.

Aug 22

Petula Holland employed as new Visitor Centre Manager 8th Aug 22

19th Aug 22 – Grant presentation

Sept 22

6th Sept 22 Co-location meeting queries were raised regarding the IT setup and maintenance costs to be included in the lotterywest budget which was clarified to only include the fitout of the CRC. All other stakeholders to manage their own IT requirements.

The building completion date was then moved to Nov 22 with penalties being applied after Dec 22.

Meeting reflects \$4000 available for landscaping that had been found in additional funding by stakeholders from outside sources.

Sept 22

Meeting of 6th Sept 22

- The H&H group were advised they would be receiving a dry documents room as apposed to a fire proof room as originally agreed.
- There was a query raised as to the inclusion of sub meters being installed for each occupant that was never addresses. I referred to the email of 11th May and the Chairperson said they had “seen it”.

12th Sept 22 - Onsite visit was permitted for PVC, CRC and library to discuss reception. However, most stakeholders were very enthusiastic to attend.

Many issues were discovered on the initial onsite visit including:

- Incorrect servery window for RSL kitchen
- Concerns over dangerous and moulding floor and ceiling in old RSL kitchen
- No lining for PAG store-room
- No fire-proof room for Heritage and history
- No door on centerlink room for CRC

Although these issues were raised at the time, the majority of stakeholders were disappointed with what they saw and I was approached by several people after this meeting requesting advise and assistance.

I therefore organised a meeting with the stakeholders on 19th Sept 22 to discuss their issues as then head leesees and building manager. At this meeting we discussed our MOU's facility requirements and expectations as outlined in these agreements and invited Shire representatives to attend.

At this meeting the stakeholders requested assistance and advice on how to proceed from Pemberton Shire councillors and president.

It was decided that I would put forward out concerns on behalf of the stakeholders group which I did, in an email to the Director of Community Services on 21 Sept 22. In this email, Gail indicated that Jessica had returned as project manager so she would respond to my queries.

However in this email, Gail stated that “it needs to be remembered that the Pemberton Community Hub will only work if the groups work together to achieve improved efficiencies and longer term sustainability – sharing costs and risks is the key here as is open, honest and transparent communication. It is not about the Shire making decisions and giving directions. This is a new beginning for all of us and the Shire is also a partner.”

I noted with interest that when copying in all stakeholders to the email I was rewarded with an instant, detailed response.

Oct 22

17th Oct co-location meeting finally began the discussions around MOU's and the requirements on each stakeholder group.

This meeting was lengthy, tense and fraught with difficulties. The agenda items were only part way managed and the meeting was adjourned to be continued on 31st Oct 22.

After this meeting I was again approached by several distressed stakeholders who were concerned that the meeting were primarily driven by the Shire and were not taking into consideration the concerns of the stakeholders.

On 27th Oct 22 there was another evening meeting with the co-location stakeholders with Shire representation present.

We were then advised to put motions forward to the Shire council as an advisory committee to be heard and supported by those voted in by the community to represent us at this level.

These motions were presented at the co-location meeting on 31st Oct 22.

Nov 22

Shire meeting of 17th Nov was presented with a counter motion by councillor Ventris in our favour.

Dec 22

6th Dec 22 Co-location meeting was CANCELLED
An email was sent by the Shire CEO to suspend all Lotterywest funding.

Motions of 17th Nov were overturned. Date??

I note with interest that not one councillor voting to remove this motion had communicated with any stakeholder or been to view the co-location facility.

Project manager resigns.

Jan 23

24th Jan 23 – external signage onsite visit

Feb 23

The financial inconsistencies within the lotterywest funding spreadsheet were a cause for concern for me so I wrote to the then CEO to request a meeting with the Chief Financial Officer for clarification.

7th Feb I had a Meeting with Greg Lockwood with no significant outcome.
His suggestion was to “draw a line in the sand” and request no more changes to the figures with now \$6500 unallocated in the lotterywest budget.

There was some humour over the fact it was an “un-necessarily complicated spreadsheet”.

In Summary

The financial issues need to be resolved prior to moving in.

With the completion of the building finally upon us, all stakeholders involved hope that some resolution to these issues are in site.

However, as outlined in this deputation, we have been actively requesting assistance from the Director of Community service since May 22 on these issues to no avail.

As there has been no resolution to the many issues raised therefore I am here to suggest one of the following options be implemented.

Option 1:

The Shire holds to its commitment to environmental impact and install solar panels to support ongoing costs of electricity.

A management fee is provided to either the PVC or the CRC to undertake management services for the hub based on figures given to Manjimup and Northcliffe Visitor centres.

These services and amounts to be agreed upon by all parties concerned and outlined in their revised MOU and become primary lessee of the premises as originally suggested.

The Shire revise the recommendations made by the Advisory committee 17 November 22 to financially support the NFP groups to manage overall costs.

The head lessee manages MOU's for all tenants based on this arrangement as part of their shire funded management services.

Option 2:

Stakeholders to remain in their current place or residence until an independent risk assessment be conducted for the co-location project.

This would include the potential financial impact of organisations, the most efficient use of building space and capacity, suggested best practice management options, building maintenance and succession planning.

The cost of this independent assessment to be undertaken at Shire expense.

After which the MOU's and structure of the project be revised to reflect independent recommendations, and once agreed upon by all parties concerned, organisations to take up residence at the new location precinct.

Option 3:

The stakeholders who feel they would be in a detrimental position both financially and physically in the current arrangement remain in their existing building or find alternative residence and all lotterywest fit out funding be returned or renegotiated to suit the new conditions.

So where to from here?

As a community we feel the Shire has failed us in this project.

Additional blahhhh

| | | | |
|-----------------------------------|------------------------------|-----------------------------|----------------------------|
| Library facilities | Local history information | Local community information | Local governments services |
| Art workshops | Visitor services | Community events | JP services |
| local artist information | Local business information | RSL information | Foodbank |
| Art exhibitions | Accommodation bookings | Business support services | Recycling services |
| Museum attractions | Local tour bookings | IT support | Emergency relief services |
| Grant writing assistance | Computer and internet access | Pemberton Community news | Vic Conte Community Garden |
| Business and secretarial services | Equipment hire | Facility hire | Training and traineeships |

(but not limited too):

Table 1: list of services available at the Pemberton Community Hub

We are very fortunate to have an outstanding group of stakeholders for the community hub, all enthusiastic, optimistic and have been working collaboratively and tirelessly towards a successful outcome, however, we have been met with many obstacles, including the overturning of decisions made by councilNov 22.

It is important that the Shire council understand that the motions presented on 31st Oct regarding the Pemberton community hub did not occur overnight.

I would like to give some background on how those motions came about.

19th April 21, I was employed as new Manager of Pemberton CRC for three days per week. I soon discover I was not only Manager for the CRC, but also acting Manager for the PVC, Primary Leasee for the Co-location and primary lottery west applicant and recipient on behalf of all 7 stakeholder groups.

Each organisations was required to undertake audits of their outdated facilities, furnishings, assets, equipment, and communications needs, to provide a "LW fitout wish list for the new building".

The Pemberton Visitor Centre (PVC) was not well represented in this process, with no formal Manager in place for several years. The May meeting minutes reflected, that no PVC representative had attended for some time, as the committee was restructuring and there were only two part-time employees. With the CRC providing the Bulk of the Business management and secretarial services.

This poor representation can be seen by the fact the PVC not included in many the schematic drawings of the co-location building. There is no office for a manager or storage for StarTrack, one of their main income streams, amounting to \$6,292.00 per annum.

June 21 Meeting Queries around Lotterywest assets and management would be outlined in the MOU's which had not been provided at this point.

There was also mention of a \$13000 contingency in the budget that was then corrected to no contingency at the next meeting.

The focus of the meeting which occurred on 24 Aug 21, was on Landscaping. All of which was to be included in the lotterywest application.

It was suggested during several of the stakeholder meetings that solar panels, battery backups and generators be part of the Lotterywest Wishlist that was rejected outright and does not appear in any meeting minutes.

21 Oct 2021 The PEMBERTON COMMUNITY HUB ADVISORY COMMITTEE was established

The draft MOU's, created by the Shire were received by each organisation for review. All quotes for wishlist were submitted.

Practical completion of the build went from June 22 to August 22.

Nov 21 the Lotterywest Grant application was submitted.

Request for office space for a PVC Manager was rejected due to lack of contingency funding. When asked where the Manager would sit, the response was "they could grab a laptop and sit anywhere".

16th Dec Project Manager (Jessica) goes on maternity leave

Once the LW grant was submitted, meeting went to 3 monthly.

In May Lotterywest requested for additional information and on 2nd May 22 the Director of Community services and I met with Lotterywest via a team's.

During this meeting the LW application team indicated that it was a "highly unusual" application with all community groups applying together and that individual groups would have been preferred.

Gail responded that it had been the previous lotterywest grant team that had suggested they combine the application.

I was contacted by phone some weeks after our May meeting by lotterywest where they said the application would be rejected in its entirety as the Shire had already been allocated substantial funding for landscaping and they felt this was "double dipping".

I suggested that Lotterywest had the option of rejecting the components of the grant that they did not agree with, rather than throw out all our hard work.

Of the approx. \$400 K application to Lotterywest for the co-location fit out, \$162,000 was for Landscaping, all of which was declined.

11th May I send an email to the Director of Community Services

- attached a list of set-up requirements for the co-location including responsibilities
- to discuss management and procedures for the building
- I have also attached the sub meter application from the water corp and western power

There was no response to this email.

I attended a site visit on 24 May 22, whilst the interior of the building was still incomplete.

- No door on centerlink room for CRC
 - o Although the Centerlink facilities did not need privacy.
 - o The CRC require a smaller, private space for exam invigilation and small meeting room hire and teleconferencing. Combined, these services provide an income of approximately \$3000 per annum and is required as part of our service deliverables to DPIRD.

At this sit visit the wall lining had not been attached and a door could have been easily installed for a verbal quote of \$200 as suggested by the building Manager at the time.

A request for a door was sent via email to Director of Community service on the same day as written permission was needed by the builder to provide this variation. This email was not responded too at all.

7th June 22 Meeting indicated building would be further delayed due to Covid.

The Lotterywest Grant was Approved on 25 July 2022 for a Total amount of \$236,207.00, towards the fit-out.

8th Aug 22 Petula Holland employed as new Visitor Centre Manager

6th Sept 22 Notified the IT setup costs to be included in the lotterywest budget only included the fitout of the CRC. All other stakeholders to manage their own IT requirements.

The building completion date was then moved to Nov 22.

Meeting of 6th Sept 22

- There was a query raised as to the inclusion of sub meters being installed that was never addressed. I referred to the email of 11th May and the Chairperson said she had “seen it”.

12th Sept 22 - Onsite visit was permitted for stakeholders

Many issues were discovered on the initial onsite visit including:

- Incorrect servery window for RSL kitchen
- Concerns over dangerous and moulding floor and ceiling in old RSL kitchen
- No lining for PAG store-room
- No fire-proof room for Heritage and history
- No door on centerlink room for CRC

These issues were raised at the time, with many stakeholders frustrated with the response. I was approached by several people after this meeting requesting advise.

As then head leesees, I organised an evening meeting for stakeholders on 19th Sept 22 to discuss their issues.

We discussed our MOU's facility requirements and expectations and invited Shire representatives to attend.

It was decided that to put forward our concerns on behalf of the stakeholders group which I did, in an email regarding all of the above concerns to the Director of Community Services on 21 Sept 22.

In this email, Gail indicated that Jessica had returned as project manager and would respond to all queries, which she did with these items to be discussed at the next meeting.

However, I did receive an instant quote for \$1600 for a Centrelink door. To be paid by the CRC.

Due to the email of 24th May being ignored, the wall lining had been applied in the meantime and would need to be removed to meet building standards so the cost had escalated substantially.

17th Oct co-location meeting finally began the discussions around MOU's and the requirements on each stakeholder group.

When asked what would happen if H&H could not pay its bills, the suggestion was to “turn the lights off”.

This meeting was lengthy, tense and fraught with obstacles. The agenda items were only part way managed and the meeting was adjourned to be continued on 31st Oct 22.

I was again approached after this meeting by distressed stakeholders who were concerned that the meetings were primarily driven by the Shire and were not considering the concerns of the stakeholders.

On 27th Oct 22 there was another evening meeting with the co-location stakeholders with requests for assistance from the Shire representatives that were present.

We were then advised to put motions forward to the Shire council as an advisory committee to be heard and supported by those voted in by the community to represent us at this level.

These motions were presented at the co-location meeting on 31st Oct 22. The CRC resigned as head lesee due to the financial implications and no possibility of management fee for services.

On 15th PVC Manager and committee met with DOCs to discuss head lesee arrangement. Although the PVC was well prepared with management services based on other facilities, there was to be no negotiation.

So the PVC resigned as head lesee due to the financial implications and lack of support.

The Shire Council meeting of 17th Nov was presented with our motions with a counter motion by councillor Ventris being successful.

An email was sent by the Shire CEO to suspend all Lotterywest funding and our 6th Dec 22 Co-location meeting was CANCELLED.

However, a community information session was held at the Pemberton library instead, without any other stakeholders being invited to attend.

Dec 8th the Motions of 17th Nov were overturned by Council.

I note with interest that no councillor voting to remove this motion had communicated with stakeholders or been to view the co-location facility.

The co-location Project manager resigns.

24th Jan 23 – external signage onsite visit where the PAG is requested to design a logo voluntarily.

The financial inconsistencies within the lotterywest funding spreadsheet were a cause an ongoing concern for me with 12 financial changes occurring between 11 Nov and 23 Jan without notice. I requested a meeting with the Chief Financial Officer for clarification which was granted.

I had a Meeting with Greg Lockwood 7th Feb who could not assist with my queries so there was no significant outcome.

His suggestion was to “draw a line in the sand” and request no more changes to the figures with now \$6500 unallocated in the lotteries west budget.

In Summary

With the completion of the building finally upon us, all stakeholders involved hope that some resolution prior to moving in.

Although we have been actively raising issues regarding the building, services and management since May 22 we have been told repeatedly to just "move in and work it out".

The Pemberton Shire Councillor asking questions and seeking support on our behalf is now under investigation for his efforts and we have exhausted an already-fatigued volunteer group.

CRC is expected to manage the building and library for nothing, share space with a busy VC open 7 days, lose room hire income of \$3000 per year whilst already managing the lotterywest budget, procurement of assets, insurances, and acquittal in their own time and at their own expense.

PAG art space does allow for exhibitions as it does not have the room, nor comply with gallery conditions with their annual exhibitions being their only source of income. They have had no facility overheads for the last 6 years.

RSL does not have its servery window for events, shares its storage space with the library and did not receive external audio equipment as requested.

PVC retail space is now 1/5 the size, has no office for FT manager and loses \$7000 income per year

H&H to pay all amenities and insurances having never done so before and are required to Monitor security and manage electronic ticketing on volunteer time.

PCCI is to share its only allocated space with the CRC.

However, the Library is very happy.

So where too from here?

Ultimately this facility will require financial management now, and into the future. Who will accept this responsibility when the Shire is not prepared too?

The groups involved are not financially solvent to keep putting their hands in their pockets and utilizing volunteer time to keep the doors open.

As there has been no resolution to the many issues raised, I could suggest one of the following options be implemented.

Option 1:

A management fee is provided for management services to for the hub based on figures given to Manjimup and Northcliffe Visitor centres.

The Shire Revise the recommendations made by the Advisory committee 17 November 22 to financially support the NFP groups to manage overall costs.

The head lessee manages MOU's for all tenants based on this arrangement as part of their shire funded management services.

Option 2:

An independent risk assessment be conducted for the co-location project with the cost of this to be undertaken at Shire expense.

This would including the potential financial impact of organisations, the most efficient use of building space and capacity, suggested best practice management options, building maintenance and succession planning.

After which the MOU's and structure of the project be revised to reflect independent recommendations, and once agreed upon by all parties concerned, organisations to take up residence at the new-location precinct.

Option 3:

The stakeholders who feel they would be in a detrimental position both financially and physically in the current arrangement remain in their existing building or find alternative residence and all lotterywest fit out funding be returned or renegotiated to suit the new conditions.