



MINUTES

COUNCIL MEETING

13 APRIL 2023

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,
Thursday, 13 April 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

2. ANNOUNCEMENTS BY THE PRESIDENT:

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

The Shire President attended the following events and meetings on behalf of the Shire:

- A meeting of the Regional Road Group at the Shire of Dardanup with Catherine Mills.
- The CEO Review Committee meeting regarding appointment of the Chief Executive Officer.
- The Middlesex 100th Anniversary of Group Settlement.
- The Warren Blackwood Alliance of Councils meeting in Nannup with the Acting Chief Executive Officer.
- The Pemberton Arts Group Art exhibition opening with Councillors Ventris, Lawrence and Buegge.
- A Local Government Insurance Scheme workshop and board meeting.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)
Cr D Buegge
Cr W Eiby
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)

Mrs Shammara Markotis (Acting Corporate Administration Officer)
Mr Jason Giadresco (Senior Governance Officer)

Gallery

David Giblett
Nancy Giblett
Alan Lloyd

Mary Nixon
Ian Wilson

Media

Daniel Hocking

3.1 Apologies: Nil.

3.2 Leave Of Absence:
Councillor Susan Dawson Vidovich has been granted a Leave of Absence for this meeting.

4. DECLARATIONS OF INTEREST:

The Acting Chief Executive Officer advised that he has received Impartiality Interest Declarations from the Shire President, Councillor Ventris, Councillor Eiby and Councillor Willcox for Item 9.9.3, a Proximity Interest Declaration from Councillor Eiby for Item 9.5.1 and a Financial Interest Declaration from the Acting Chief Executive Officer for Item 9.16.5.

The Shire President declared an Impartiality Interest in Item 9.9.3 as he is a member of the Pemberton Heritage and History Group.

Councillor Ventris declared an Impartiality Interest in Item 9.9.3 as his wife is a member of the Pemberton Heritage and History Group.

Councillor Eiby declared an Impartiality Interest in Item 9.9.3 as the Northcliffe Pioneer Museum is a member of the Northcliffe Visitor Centre which she manages.

Immediately prior to Item 9.9.3 being considered, Councillor Willcox declared an Impartiality Interest as she is the Secretary of the Walpole Historical Society.

Councillor Eiby declared a Proximity Interest in Item 9.5.1 as the RV site is located in the Northcliffe Visitor Centre car park which she manages.

The Acting Chief Executive Officer declared a Financial Interest in Item 9.16.5 as he is giving consideration to applying for the Chief Executive Officer position.

5. PUBLIC QUESTION TIME:

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

5.2.1 Ian Wilson, 5 Wheatley Street, Manjimup.

- In relation to the item regarding the Northcliffe Centenary celebrations next year, I would like to remind Council that in 2008 Manjimup Shire celebrated its centenary and in 2010 Manjimup town celebrated its centenary and there was an amount of money provided by the Shire for that event. This was used for seed funding for a whole range of activities that were undertaken that year. My recommendation is that Council consider this item favourably.
- Regarding the item relating to allocating funds to heritage groups across the Shire, this is probably the only Shire in the south west that I'm aware of that has a distributed heritage across the Shire which primarily means that there are four heritage groups across the Shire, each doing absolutely fantastic stuff. I have to say I'm biased in relation to one of those, but my interest is more about the Shire's history and heritage. I belong to the Manjimup Historical Society but it is about the Shire's history and heritage. I have pushed for a standardised allocation of funds to support the history and heritage groups within this Shire because from my point of view they are the drivers for the cultural policy of the Shire. Most groups work hand in hand with the Shire, obviously Pemberton is only just starting, but Walpole has worked well with the Shire over time and Northcliffe and Manjimup do the same. I recommend Council look at that agenda item favourably.

The Shire President responded: I share your passion for history of the district and I've looked at the letter from the Northcliffe community. It sounds like they've got an amazing program lined up for next year. I think I attended the last one that was attended by the Governor General John Sanderson years ago. I've got to say that the event at Middlesex was really quite heart-warming, listening to Greg Starkie relate to some of the stories was quite entertaining. Thank you for your continued interest and the work that you do.

6. PRESENTATIONS:

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

7. CONFIRMATION OF MINUTES:**MOVED: Taylor, R****SECONDED: Skoss, K****29084****That the Minutes of the Ordinary Meeting of the Council held on 23 March 2023 be confirmed.****CARRIED: 10/0****8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil.****9. COUNCIL OFFICERS' REPORTS:****MOVED: Skoss, K****SECONDED: Eiby, W****29085****"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 93 of the Agenda with the exception of:****CARRIED: 10/0**

9.1.1	Proposed Bush Fire Brigades Local Law 2023
9.5.1	Review of Overnight Parking for Self Contained Recreational Vehicles - Northcliffe Townsite
9.9.1	Proposed Community Funds Program Occasional Committee of Council
9.9.3	Request for Consideration to Allocate Annual Funds to Town Heritage and Historical Organisations - to Assist in the Conservation and Preservation of Shire of Manjimup Heritage
9.15.1	Minutes of the Northcliffe Forest Park Management Committee Meeting Held 29 March 2023
9.15.2	Unconfirmed Minutes of the Airfield Management Committee Held on 1 March 2023
9.16.3	Unconfirmed Minutes of the Manjimup Recreation Advisory Committee Meeting held 13 March 2023
9.16.4	Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting Held on 14 March 2023
9.16.5	Unconfirmed Minutes of the Chief Executive Officer Review Committee Meetings held 10 March 2023 and 30 March 2023

Items passed by En Bloc Resolution

- 9.3.1 Monthly Financial Activity Statement - February 2023
- 9.5.2 Proposed Patio Overheight Outbuilding at Lot 77 (37) Leman Street, Manjimup
- 9.5.3 Proposed Dwelling and Variation to Building Envelope at Lot 49 Karri Lane, Quinninup
- 9.5.4 Proposed Transportable Building with Ablution Facilities at Lot 115 (264) Golf Links Road, Pemberton
- 9.5.5 Proposed Dam with Setback Reduction at Lot 620 (688) Middlesex Road, Middlesex

- 9.5.6 Proposed Change of Use from 'Dwelling' to 'Low Impact Tourist Accommodation - Short Stay' at Lot 4 (8) Fox Road, Eastbrook
- 9.5.7 Delegated Planning Decisions for February 2023
- 9.9.2 Request for Shire Budget Allocation 2023/2024 Financial Year- Northcliffe 100th Anniversary
- 9.13.1 Proposed Award of Tender 07/22 Carting Gravel, Manjimup and Surrounds
- 9.15.3 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 15 March 2023
- 9.16.1 Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held on 16 February 2023
- 9.16.2 Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held on 28 February 2023

ATTACHMENT**9.3.1 Monthly Financial Activity Statement - February 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:	3 April 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 28 February 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: 9.3.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 28 February 2023 is a projected profit of \$6,160.

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

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

Positive

- Planning Fees (gain \$20,000) – to the end of February \$63,942 has been received for Planning Fees with a budget of only \$55,000; and
- Interest Received on Bank Accounts (gain \$116,548) – to the end of February \$198,976 has been received from a budget of \$103,542;
- Financial Assistance Grants Roads – additional \$41,283 received to be expended on Road Maintenance; and
- Manjimup Home & Community Care, Home Care Package Income \$265,000 – This growing area has seen more requests for services, however the gain is offset by additional staff costs associated with providing the service.

Negative

- Power Up Entry Fees (loss \$60,000) – The loss for the Power Up Museum entry has tempered a little however still significant. This loss has been significantly influenced by the low level of International Tourist as well as a lack of accommodation for tourist to stay in the region for an extended period of time;
- AquaCentre Electricity (loss \$42,000) – The AquaCentre Solar array was out of commission for approximately 2 months with a parts failure that took some time to be sourced and replaced. There may be savings within the AquaCentre budget that might offset this overspend, however it should be noted as part of this report; and
- Auto Patch Truck (loss \$376,617) – As stated in previous reports, the company supplying the unit have gone into liquidation. This loss will not affect the carried forward position as it is funded by reserve, however it will require a significant reshuffle of future plant purchases.

Monitoring

There are several accounts being regularly monitored as we progress towards to 30 June 2023, being:

- Storm Damage – at the end of February 2023 storm damage actuals were \$92,043 from an overall \$127,185 budget. As we enter the change in season this account can be heavily affected with multiple storm events; and
- Road Maintenance – at the end of February 2022 road maintenance categories are 72% expended with 33% of the year remaining. Whilst slightly ahead of budget, March, April and May will see timesheet employees allocate time to capital jobs improving the road maintenance position.

Whilst there have been both negative and positive line items against the budget the final end of year position is expected to be neutral or a minor surplus.

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 February 2023 as per Attachment: 9.3.1(1).

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Eiby, W

29086

That Council receive the Monthly Financial Activity Statement Report for February 2023 as per Attachment: 9.3.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.2 Proposed Patio Overheight Outbuilding at Lot 77 (37) Leman Street, Manjimup**

PROPONENT	Sheds West
OWNER	P & J Hodgkin
LOCATION / ADDRESS:	Lot 77 (37) Leman Street, Manjimup
WARD:	Central
ZONE:	Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P57320 DA23/19
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	16 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is 1447m² and is located west of the town centre on Leman Street. The property currently comprises of a single dwelling and an outbuilding. A location plan of the subject property is shown below.



The applicant is seeking to establish a 6m by 13m gabled roof Patio at the rear of the existing dwelling, remove the existing 60m² outbuilding and erect a new 16m by 9m (144m²) Outbuilding. The wall height of the proposed Outbuilding is 4m and ridge height of 4.793m. This height is required to house a 4-wheel drive truck with a canopy.

The proposed height of the Outbuilding does not meet the Deemed-to-Comply Local Planning Policy 6.1.3 Outbuildings (the Policy) and therefore requires consideration by Council. A copy of the submitted application and supporting information is 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 comments were received.

COMMENT (Includes Options):

The property is zoned Residential with a density of R20 by Local Planning Scheme No. 4 (the Scheme). The proposed development is required to comply with the requirements relating to R20 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes).

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;*
- (xv) *the preservation of the amenity of the locality; and*
- (xxvi) *any relevant submissions received on the application.*

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

R-Codes

The proposed Outbuilding is to be setback 1.5m from the western and eastern boundaries. Table 2a – Boundary Setback – Walls with no major openings, requires a setback distance of 1.1m, for a wall that is 9m long and 4m high.

All setback distances of the Patio and Outbuilding are in keeping the setback requirements for an R20 zone.

It should be noted that the Patio is considered compliant with the Scheme and R-Codes, and therefore will not be discussed further in this report. Council is only required to consider the variation of the Outbuilding with Local Planning Policy 6.1.3 Outbuildings.

Outbuilding Policy Assessment

The Policy outlines Deemed-to-Comply provisions in a Residential Zone, replacing section 5.4.3 of the R-Codes due to the general construction of outbuildings in the Shire of Manjimup being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an Outbuilding should not exceed 3m in wall height and 4.2m in ridge height. In this instance the outbuilding exceeds this variation by 1m in wall height and 0.593m for the ridge height. The proposed

outbuilding was advertised to the adjoining landowners, and no comment was received raising concern to the proposed variation.

Impact on Amenity

In this instance the increased height in the ridge of the Outbuilding is less than 600mm above the height requirements of the Policy. The location of the proposed Outbuilding at the rear of the dwelling is in a similar location to the existing Outbuilding that is to be removed. The larger sized lots within that area of Manjimup generally allow for a greater distance between built developments. In this instance, the height of the proposed Outbuilding will have a minimal impact on the adjacent neighbouring properties.

Conclusion

It is considered that the proposed Outbuilding meets the objectives of the Scheme and the Policy. The location of the Outbuilding will not detract from the streetscape of Leman Street, and due to the size of the properties within that location will not intrude on the visual amenity of the neighbouring properties. Also, as no concerns were raised by the neighbouring landowners the proposed height of the Outbuilding is considered to be in keeping with the community's expectations.

STATUTORY ENVIRONMENT:

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

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: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Patio Outbuilding (Application TP23/2023) at Lot 77 (37) Leman Street, Manjimup 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
1	Site Plan	3 February 2023
2	Patio Floor and Elevation	3 February 2023
3	Outbuilding Floor and Elevations	3 February 2023

2. The existing outbuilding on the land shall be removed from the land within (90) days of the date approval, to the satisfaction of the Shire of Manjimup;
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and
4. The outbuilding hereby approved shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping.

Advice to the Applicant:

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

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29087That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Patio Outbuilding (Application TP23/2023) at Lot 77 (37) Leman Street, Manjimup 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;

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2. The existing outbuilding on the land shall be removed from the land within (90) days of the date approval, to the satisfaction of the Shire of Manjimup;
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and
4. The outbuilding hereby approved shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping.

Advice to the Applicant:

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

ADOPTED BY EN BLOC RESOLUTION: 10/0

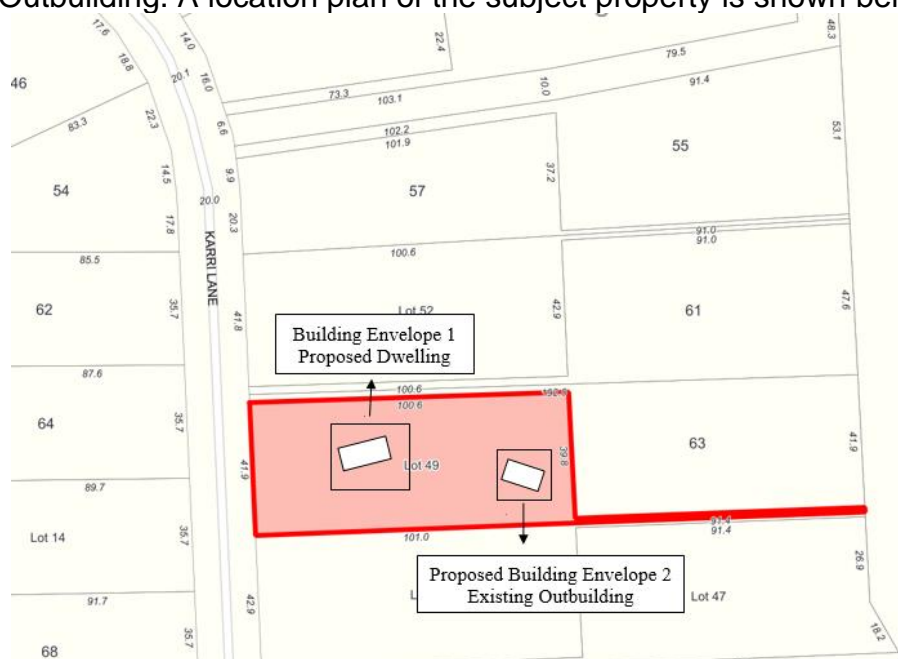
ATTACHMENT

9.5.3 Proposed Dwelling and Variation to Building Envelope at Lot 49 Karri Lane, Quinninup

PROPONENT	Mr S G Bonner
OWNER	Mr S G Bonner
LOCATION / ADDRESS:	Lot 49, Karri Lane, Quinninup
WARD:	East
ZONE:	Residential R2.5
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/22 P52719
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	20 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is 4340m² and is located in the Karri Lakes Estate, approximately 650m from the intersection of Wheatley Coast Road and Karri Lane in Quinninup. The property contains remnant vegetation and a 72m² Outbuilding. A location plan of the subject property is shown below.



The applicant is seeking to amend the approved building envelope by separating it into two separate areas to accommodate a proposed 123.14m² dwelling and an existing outbuilding which was granted planning approval in November 2013. The proposed variation is justified by the landowner as an attempt to retain some significant trees located in the middle of the subject property.

Council is requested to consider the application as Shire Officers do not have the delegated authority to determine applications that do not meet the requirements of the Local Planning Scheme No. 4. A copy of the submitted application and supporting information is shown in the attached.

ATTACHMENT: 9.5.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

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

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the subject land within the Residential zone, with a density of R2.5. The proposed development is required to comply with the requirements relating to R2.5 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes).

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

Matters to be considered by Council

Clause 10.2 of the Scheme prescribes that in determining applications for planning approval, the local government must have regard to various matters. Relevant considerations for the subject application are as follows:

- (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;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme; and*
- (xv) *the preservation of the amenity of the locality;*

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.

Proposed Building Envelope

The applicant is seeking to split the building envelope into two separate areas to accommodate the proposed location of the dwelling and to cover the existing outbuilding.

Building envelope one, measures 20m by 30m and is 600m² in area. The building envelope is setback 25m from Karri Lane, 12.66m from the northern side boundary, and 9m from the southern side boundary.

The second building envelope encompasses the existing 93.99 m² outbuilding. The proposed envelope measures 15m by 15m and is 255m² in area. The building envelope is to be setback 11.5m from the rear boundary and 10m from the southern side boundary.

In total the two building envelopes are 825m² in size, 39m² smaller than the existing building envelope. The proposed location of the dwelling will be closer to Karri Lane and setback at a greater distance to the neighbouring properties.

Approval of the proposed building envelope variation will allow the retention of significant vegetation on the subject property and ensure that all development is contained within an approved building envelope.

Proposed Dwelling

The Proposed two-bedroom, one bathroom dwelling is 123.12m² in size the dwelling is to be setback 10m from the southern boundary and 17.04m to the northern side boundary. The external finishes of the proposed dwelling are dark grey walls and off-white roof.

Planning Precinct QP.1

The subject property is located within Planning Precinct QP.1, the precinct outlines development control provisions specific to Karri Lakes Estate.

5.3.1 Prior to a plan of subdivision being approved, that plan of subdivision shall designate areas on each lot as building exclusion areas or building envelopes. No dwelling or structure shall be built outside the area defined by the building exclusion areas or building envelope. The local government may at the request of a landowner or his representative vary the position, shape or size of a building envelope where it is of the opinion that the slope, vegetation, fire risks or site conditions justify a variation.

5.3.3 The texture, colour and architectural style of all buildings and structures (including fencing) shall be in keeping with surrounding buildings and the colours/textures of the site. Building materials are to be of a colour which is not detrimental to the amenity of the area that is a non-reflective material (not zincalume).

5.3.4 No dwelling house shall have a floor area of less than 100m² (excluding verandahs, carports and garages).

To retain the existing significant trees, the applicant has proposed to locate the dwelling closer to Karri Lane. This proposition means that the location of the dwelling is outside of the approved building envelope.

In accordance with clause 5.3.1 the applicant has proposed to vary size, formation and the position of the building envelope.

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.

The design, size and location of the dwelling is compliant with the Scheme and provisions of Planning Precinct QP.1 and requires no further assessment.

The submitted plans demonstrate the ability to construct an Effluent Disposal System within the Building Envelope.

With respect to bushfire, the application is supported by a Bushfire Attack Level Assessment, which is discussed further into this report.

Existing Vegetation

As addressed above the subject property is heavily vegetated with native vegetation. The applicant is seeking to retain a significant Blackbutt tree and Karri tree which provide a habitat for the native birdlife.

Approved Building Envelope

The approved structure plan for QP.1, identifies that the current 864m² building envelope as 24m wide by 36m long. It is setback 8 metres from the northern and southern side boundaries, 55m from Karri Lane and 8m from the rear boundary.

Amenity

The proposed building envelope variation will allow the dwelling to be built 30m closer to Karri Lane, however still providing a 25m vegetated setback. The side and rear setback distances to the building envelope have increased in length to the neighbouring properties. Given this, the proposed amendment to the building envelope is considered to have less impact on the amenity of the neighbouring properties.

As part of the planning application process, as addressed above the neighbour's landowners were consulted on the variation to the building envelope and as a result have not raised concern in regard to proposed locations of the building envelopes.

It is considered that the proposed variation to the building envelope will not cause a detrimental impact on the amenity of the Karri Lakes Estate and its residents.

State Planning Policy 3.7 Planning in Bush Fire Prone Areas

The subject property has been identified as being in a designated bushfire prone area. A BAL assessment report has been submitted in conjunction with this application reporting an indicative level of BAL 40 for the subject property.

Karri Lakes Estate does pose a high fire risk due to its dense vegetation, therefore landowners need to adhere to the approved Bush Fire Management Plan, together with the Shire of Manjimup's Annual Fire Break and Fuel Hazard Reduction Notice and any recommendations of the prepared Bush Fire Assessment Report. A copy of the BAL assessment report is attached for Council's reference.

ATTACHMENT: 9.5.3(3)

Accompanying the submission of the Bushfire Report a letter was provided by the adjoining landowner stating that they grant approval for vegetation to be removed from their property in order to achieve a lower BAL rating. The letter is noted, however, Shire Officers cannot entertain the clearing of vegetation on the neighbouring property as part of this application.

It is considered that the proposed variation to the building envelope will not impact on the overall bushfire attack level determined over the subject property.

Recommendation

As addressed above, the proposed variation to divide the building envelope into two areas will allow significant vegetation to be retained on the subject property. As no objections were received in response to the proposed development and reasonable justification are provided by the applicant, approval for the proposed Building Envelope variation and the dwelling is recommended.

STATUTORY ENVIRONMENT:

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

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: The retention of significant vegetation within the Shire of Manjimup ensures the existing habitats for local flora and fauna are preserved.

Economic: Nil

Social: Nil

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

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Dwelling and Building Envelope Variation (Application TP26/2023) at Lot 49, Karri Lane, Quinninup in accordance with the plans and specifications shown at ATTACHMENT: 9.5.3(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
2 of 4	Building Envelope Plan	24 February 2023
4 of 4	Elevations and Floor Plan	16 February 2023
1 of 1	BAL Assessment	29 November 2022

2. 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;
3. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Bushfire Prone Planning dated 29 November 2022 and approved by the Shire of Manjimup for the duration of the development;
4. 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;
5. 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
6. 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. 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 and Fuel Hazard Reduction Notice endorsed by Shire of Manjimup;
- iii. 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
- iv. 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: Skoss, K **SECONDED:** Eiby, W

29088

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Dwelling and Building Envelope Variation (Application TP26/2023) at Lot 49, Karri Lane, Quinninup in accordance with the plans and specifications shown at ATTACHMENT: 9.5.3(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
2 of 4	Building Envelope Plan	24 February 2023
4 of 4	Elevations and Floor Plan	16 February 2023
1 of 1	BAL Assessment	29 November 2022

2. 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;
3. The applicant must implement all of the recommendations

contained in the Bushfire Management Plan prepared by Bushfire Prone Planning dated 29 November 2022 and approved by the Shire of Manjimup for the duration of the development;

4. 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;
5. 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
6. 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. 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 and Fuel Hazard Reduction Notice endorsed by Shire of Manjimup;
- iii. 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
- iv. 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.

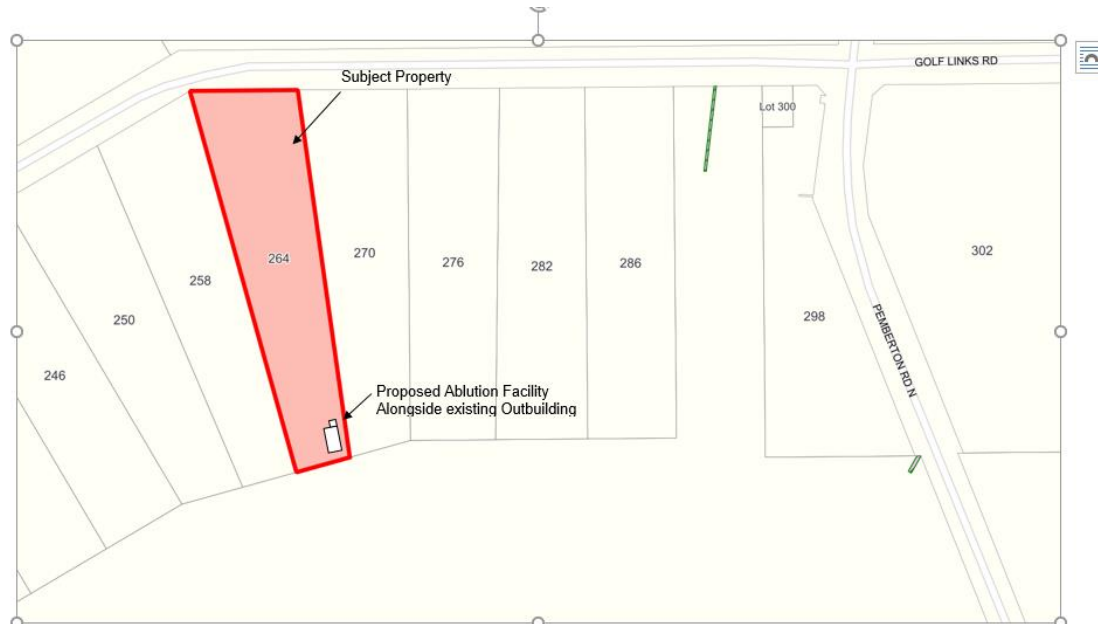
ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.4 Proposed Transportable Building with Ablution Facilities at Lot 115 (264) Golf Links Road, Pemberton**

PROPONENT	Ms M M Smalberger
OWNER	Ms M M Smalberger
LOCATION / ADDRESS:	Lot 115 (264) Golf Links Road, Pemberton
WARD:	West
ZONE:	Special Use
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/26 and P58132
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	20 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject property is 1 hectare in size and is located approximately 3 kilometres from the Pemberton townsite within Greenland Estate, Pemberton. The property is predominantly pasture excluding the 80m vegetated buffer that extends from Golf Links Road. A location plan of the subject property is shown below.



The applicant is seeking approval to locate a 2.1m x 1.9m transportable building with ablution facilities near the approved outbuilding. The existing 8.4m x 5.87m Outbuilding was approved on the vacant property on 26 April 2022 with the condition requiring a dwelling to be substantially commenced within two (2) years of the date of the approval..

The landowner has stated the purpose of the transportable ablution facilities is to provide amenities on the occasion the landowner is maintaining the property. A copy of the submitted application and supporting information is shown in the attached.

ATTACHMENT: 9.5.4 (1)

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's Local Planning Scheme No. 4 (the Scheme) include the subject land within the Special Use Zone 7 relating to the greater "Greenland Estate". The purpose of this zone is to provide for developments, which because of their special nature or complexity, cannot be appropriately located in other Scheme Zones and which may consist of multiple uses.

Matters to be considered

Clause 10.2 of the Scheme prescribes that in determining applications for planning approval, the local government must have regard to various matters. Relevant considerations for the subject application are as follows:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under clause 2.4; and*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area.*

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

Schedule Six – Special Use Zone 7

The Schedule states that a structure plan is to be prepared and approved prior the commencement of any subdivision and that all development shall generally reflect the Subdivision and Development Concept Plan. A structure plan for land fronting Golf Links Road was endorsed by the Western Australian Planning Commission in 2013. The Schedule also conditions that Building Design Guidelines are to be prepared, which has occurred and are contained within Local Planning Policy 6.1.22 Greenland Estate Development Standards.

Local Planning Policy 6.1.22 Greenland Estate Development Standards

The Greenland Estate Development Standards (the Policy) provides a guide to achieve a certain design standards with a consistent approach to sustainable residential development within the Greenland Estate.

The proposed transportable building is to be setback 10 metres from side boundary to the east and approximately 18m north of the southern boundary

north of the approved outbuilding within Building Envelope B. The proposed setbacks of the transportable building meets the Policy.

The external finish of the transportable building is an off white with dark grey trim. The external wall colour meets the earth / sandy hues of clause 3.2.4 Exterior Wall Colours, however the dark grey trim is a slight variation to the Policy. The proposed building will adjoin the approved outbuilding that is finished with Dune and Manor Red. The applicant has also stated that they are intending on screening the subject building to the neighbouring properties with strategically placed vegetation.

Given this the building has been assessed as an outbuilding against local planning Policy 6.1.3 Outbuildings.

Local Planning Policy 6.1.3 Outbuildings

The proposed transportable building which is a non-habitable building meets this Policy's Deemed-to-Comply provisions as articulated in Local Planning Policy 6.1.3 Outbuildings (the Policy).

However, Policy 6.1.3 prescribes that *"the local government will employ a general presumption against approving domestic outbuildings and shipping containers on a lot where a dwelling does not exist."* The policy states that approval may be granted on a lot where a dwelling does not exist provided that certain criteria can be met, including:

- a) *The landowner can demonstrate that a future dwelling can be provided for on the lot by submitting concept site and floor plans as part of any application; and*
- b) *A valid reason for constructing a domestic outbuilding or shipping container on a vacant lot exists.*

The landowner has indicated that they intend to build on the subject property within a two-year time frame. This was reflected in the conditional approval granted for the outbuilding in April 2022. It is noted that now only one year remains as the dwelling is to be substantially commenced by April 2024 in accordance with the approval of the Outbuilding. The proposed transportable building with ablution facilities should not be considered justification for the landowner to extend the duration of time to build a dwelling.

It is recommended that the landowner comply with their planning approval granted in April 2022 and continue to work toward substantially commencing the construction of a dwelling by April 2024. A condition relating to this requirement will be included in the Officer Recommendation.

Temporary Approval

Given the above, it is considered that temporary approval only be granted for the transportable building with ablution facilities. The approval is to reflect the timeframe for the construction of a dwelling on the subject property. Given that there is no provision of a dwelling on the subject property the transportable building with ablution facilities may encourage the unauthorised occupancy of the existing outbuilding or unlawful camping on the subject property. The legal compliance aspects of this activity are discussed below.

Human Habitation of the Existing Outbuilding

Human habitation of the existing outbuilding or camping on the subject property cannot occur. This has been made clear to the applicant. Habitation of the existing outbuilding for any purpose is contrary to Condition 2 of their planning approval dated 26 April 2022. Should Council determine to approve the application it is recommended that this condition be included.

Camping on the Property

The *Caravan Parks and Camping Ground Regulations 1997* (the Regulations), clause 11 "Camping on land that is not a caravan park or camping ground" limits the availability for camping to occur on areas not approved as a Caravan Park or a Camping Ground. The Regulations state that camping is only allowed for 3 nights in every 28 consecutive days on land which he or she has legal right to occupy.

If it is proven that the landowners are occupying the outbuilding or camping on the subject property an order will be issued under section 214 of the *Planning and Development Act 2005* requiring the Outbuilding or any form of accommodation to cease immediately. Failure to comply will result with a Order being issued to the landowner, outlining penalties and/or legal action that will be undertaken for a contravention of the conditions of planning approval.

Amenity

The proposed transportable building is to be located within the required setbacks adjoining an existing outbuilding. The building is proposed to be screened with strategically placed planting, appropriately screening the building from the neighbouring properties, and given no concerns were received from the adjoining landowners, it is considered that the proposed development will not impact on the use and enjoyment of neighbouring properties.

Recommendation

It is recommended that approval for one year or until occupancy of an approved dwelling on the subject property has occurred. The landowners at that time can seek further approval with adequate justification to grant further approval from Council. The ablution facility should not alleviate the need for the landowner to continue to progress establishing a dwelling on the subject property.

STATUTORY ENVIRONMENT:

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

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: Nil.

Social: Appropriate restrictions must be placed on the use of outbuildings constructed prior to a dwelling to ensure that the landowner is aware that they cannot be used for human habitation or commercial activities of any kind. This will limit the potential for activities undertaken within the outbuilding to impact on adjacent residents.

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 Outbuilding (Application TP29/2023) at Lot 115 (264) Golf Links Road, Pemberton in accordance with the plans and specifications shown at ATTACHMENT: 9.5.4(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 of 3	Site Plan	15 February 2023
2 of 3	Floor Plan	15 February 2023
3 of 3	External Photograph	15 February 2023

2. This development approval is granted for a one (1) year period only after the expiration the use shall cease, unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period;
3. The outbuilding hereby approved shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping.
4. A single dwelling is to be substantially commenced by 26 April 2024, two (2) years from the date of approval granted for the Outbuilding, unless otherwise extended by the Shire of Manjimup;

5. Exterior wall materials shall be of a colour within keeping with the rural elements of the landscape such as earth/sandy and/or bush green hues or heritage/manor red;
6. All perimeter fencing shall be constructed in a manner and of materials, which contribute to the rural characteristics of the locality. The standard fencing style acceptable is post and wire no greater than 1.5 metres in height, for the purpose of preserving the amenity of the area; and
7. No native vegetation on the land shall be removed, damaged, destroyed or caused to be removed, damaged or destroyed.

Advice to the Applicant

- i. A compliance review will be undertaken in one (1) year from the approval date and, where applicable, every year thereafter. The Shire of Manjimup will determine the level of compliance with the conditions of approval and may take legal action as appropriate where non-compliance is identified.
- ii. Further to condition No (3) above, the applicant is advised that the outbuilding shall not be used for commercial, industrial or accommodation in any form without the further approval of Council.

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29089

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Outbuilding (Application TP29/2023) at Lot 115 (264) Golf Links Road, Pemberton in accordance with the plans and specifications shown at ATTACHMENT: 9.5.4(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 of 3	Site Plan	15 February 2023
2 of 3	Floor Plan	15 February 2023
3 of 3	External Photograph	15 February 2023

2. This development approval is granted for a one (1) year period only after the expiration the use shall cease, unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period;
3. The outbuilding hereby approved shall only be used for domestic purposes such as storage, garaging of vehicles or other approved purposes, excluding human habitation, temporary accommodation or camping.
4. A single dwelling is to be substantially commenced by 26 April 2024, two (2) years from the date of approval granted for the Outbuilding, unless otherwise extended by the Shire of Manjimup;
5. Exterior wall materials shall be of a colour within keeping with the rural elements of the landscape such as earth/sandy and/or bush green hues or heritage/manor red;
6. All perimeter fencing shall be constructed in a manner and of materials, which contribute to the rural characteristics of the locality. The standard fencing style acceptable is post and wire no greater than 1.5 metres in height, for the purpose of preserving the amenity of the area; and
7. No native vegetation on the land shall be removed, damaged, destroyed or caused to be removed, damaged or destroyed.

Advice to the Applicant

- i. A compliance review will be undertaken in one (1) year from the approval date and, where applicable, every year thereafter. The Shire of Manjimup will determine the level of compliance with the conditions of approval and may take legal action as appropriate where non-compliance is identified.
- ii. Further to condition No (3) above, the applicant is advised that the outbuilding shall not be used for commercial, industrial or accommodation in any form without the further approval of Council.

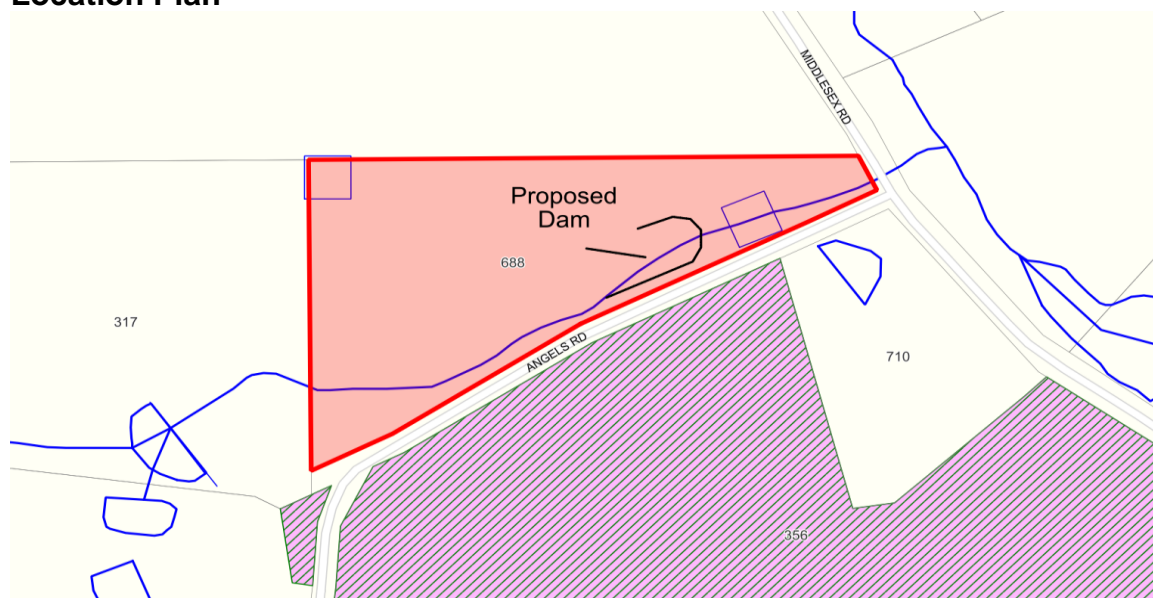
ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.5 Proposed Dam with Setback Reduction at Lot 620 (688) Middlesex Road, Middlesex**

PROPONENT	Mr AG Jacob
OWNER	Mr AG & Mrs MC Jacob
LOCATION / ADDRESS:	Lot 620 (688) Middlesex Road, Middlesex
WARD:	East
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/221; P57229
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	21 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for approval to a dam with a 4 metre setback to the southern boundary of Lot 620 (688) Middlesex Road, Middlesex. Plans and supporting information relating to the proposed dam are attached.

ATTACHMENT: 9.5.5 (1)**ATTACHMENT: 9.5.5 (2)****Location Plan**

The subject property is 7.64 hectares in area and contains a dwelling, shed and two smaller catchment dams.

Approval is being sought to construct a dam with a capacity of 7 megalitres (ML). The dam if approved will have a wall height of 6.2 metres with a width of 45 metres and a length of 85 metres and will have a depth of 3 metres. The

applicant has supplied information regarding the overflow and has stated that The overflow design can be fulfilled following approval of this application and the appointment of a dam builder as well as the construction of the spillway. There are no plans showing a pump shed for the proposed dam.

The applicant has outlined that the proposed method of stabilisation will be the appropriate use of suitable plants to landscape as well as the appropriate use of grasses for the retention of the dam wall.

Council is requested to determine the application given that approval to the dam will require a relaxation of normal dam setback requirements relating to a property boundary.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Local Planning Scheme No. 4 (the Scheme) and referred to the adjoining landowner for 21 days and also to Department of Water and Environmental Regulation (DWER) for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A submission was received from DWER, which is detailed in the comment section below and a copy of the submission is attached.

ATTACHMENT: 9.5.5 (3)

COMMENT (Includes Options):

The provisions of the Scheme include the subject land within the Priority Agriculture zone.

The objectives of the Scheme relating to this zone is to reinforce the requirement for the protection of the rural amenities.

Matters to be Considered

As prescribed in clause 10.2 of the Scheme, the local government is required to have regard to various matters when determining an application for planning approval. These matters include but not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (ii) *the local government's adopted Local Planning Strategy and any local Planning Policy adopted by the local government under Clause 2.4.....;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration of a Special Control Area; and*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

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

Zoning Purpose

The purpose of the Priority Agriculture zone is to provide high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. The objectives of the Scheme relating to this zone reinforce the requirement for the protection of the rural activities.

Given the proposed dam will be used for farming requirements including livestock and self-sufficient needs, the application is consistent with the objectives of the Priority Agriculture Zone.

Exempted Development

In accordance with clause 8.4 of the Scheme, dams located within the Priority Agriculture and General Agriculture zones are exempt from requiring planning approval where the lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from the boundaries of the subject land. Planning approval is required in this instance due to the application seeking a relaxation of the required setbacks to the southern boundary.

Given the proposed setbacks, approval to the proposed development may only be granted through a relaxation of the setback requirements.

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 the 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, a relaxation to the side boundary is consistent with the requirements of clause 10.2, and the impact of an approval on either the subject land or adjacent property has been assessed against the Policy position.

Policy Assessment

The application has been assessed against the provisions of Local Planning Policy 6.1.22 – Dams (the Policy). The risk assessment indicates that the dam would be considered a moderate risk given the dam has been designed by the owner and the spillway is to be constructed at the time of development.

Risk Category	Score
Construction Type – Catchment / Off Stream	1
Volume (5-10ML)	2
Wall Height (0-5m)	3
Dam Wall Design (designed by owner/others)	3
Infrastructure Downstream (other dams)	3
Overflow infrastructure proposed (bypass & overflow by others)	1
TOTAL	13

In accordance with provision 6.2 of the Policy, dams that score between 10 and 15 when assessed against the risk matrix are considered moderate risk.

As outlined in the Policy it is recommended that advice notes be included on any approval relating to a moderate risk dam, advising landowners that:

- The landowner is responsible for the structural integrity of the dam construction; and
- It is recommended that the proposed structure be certified by an appropriately qualified contractor or engineer.

Notwithstanding the above, it should be noted that the applicant has stated that the overflow and through wall pipe will be reinforced and sealed as required.

DWER Submission

The submission received from DWER has made comment on the proposal relating to water, environment and other matters. DWER have stated that the subject property is located within the Warren River and Tributaries Surface Water Area under the *Rights in Water and Irrigation Act 1914* (RIWI) and have determined the activity is exempt from licensing under the RIWI. Interference to the watercourse requires a permit from DWER. The applicant has applied for a permit to interfere with the bed or banks for the construction of the dam.

Conclusion

Approval to the proposed dam is recommended on the basis that it has been assessed as being a Moderate Risk Dam in accordance with LPP 6.1.22 – Dams.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

As outlined above, the application has been assessed against Local Planning Policy 6.1.22 – Dams.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The applicant has paid the relevant fees as per the Shire's approved 2022-2023 fees and charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Establishing a water storage area will assist towards a suitable supply of water for horticultural purposes.

Social: Nil.

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

That Council in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4 grant development approval to the proposed Dam with a Reduced Setback on Lot 620 (688) Middlesex Road, Middlesex (TP218/2022) in accordance with the plans and specifications attached at 9.5.5 (1) and 9.5.5 (2) subject to the following conditions and advice:

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

Reference	Document Title	Date Received
1.	Submitted Plans	13 December 2022
2.	Additional information for dam construction	13 December 2022

- b) The setbacks shown on the approved plans are to be to the toe of the dam wall;
- c) Water from the dam is prohibited to accumulate across property boundaries; and
- d) All pumps and ancillary equipment and structures being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4.

Advice to Applicant:

- i. The proponent is advised that it is the responsibility of the landowner to ensure that the dam is safely constructed and maintained and that it is recommended that the proposed structure be certified by a suitably qualified contractor or engineer.

- ii. Prior to commencement of works, the applicant is to obtain any relevant approvals from the Department of Water and Department of Water and Environmental Regulation as necessary.

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29090

That Council in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4 grant development approval to the proposed Dam with a Reduced Setback on Lot 620 (688) Middlesex Road, Middlesex (TP218/2022) in accordance with the plans and specifications attached at 9.5.5 (1) and 9.5.5 (2) subject to the following conditions and advice:

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

Reference	Document Title	Date Received
1.	Submitted Plans	13 December 2022
2.	Additional information for dam construction	13 December 2022

- b) The setbacks shown on the approved plans are to be to the toe of the dam wall;
- c) Water from the dam is prohibited to accumulate across property boundaries; and
- d) All pumps and ancillary equipment and structures being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4.

Advice to Applicant:

- i. The proponent is advised that it is the responsibility of the landowner to ensure that the dam is safely constructed and maintained and that it is recommended that the proposed structure be certified by a suitably qualified contractor or engineer.
- ii. Prior to commencement of works, the applicant is to obtain any relevant approvals from the Department of Water and Department of Water and Environmental Regulation as necessary.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.6 Proposed Change of Use from 'Dwelling' to 'Low Impact Tourist Accommodation - Short Stay' at Lot 4 (8) Fox Road, Eastbrook**

PROPONENT	Ms H E Joynes
OWNER	Mr J & Mrs P A & Mr J P Ellingham
LOCATION / ADDRESS:	Lot 4 (8) Fox Road, Eastbrook
WARD:	West
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/195; P53654
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts / Jason Giadresco
DATE OF REPORT:	22 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for a Change of Use – Low Impact Tourist Accommodation – Short Stay at Lot 4 (8) Fox Road, Eastbrook. A location plan is shown below. A copy of the development application submitted is attached for Councillor reference.

ATTACHMENT: 9.5.6 (1)**Location Plan**

The subject property has an area of 4.63 hectares and currently contains two dwellings, a mud brick gallery, small outbuilding and two water tanks. The gallery was formerly used to display artwork, jewellery, pottery and contained a café.

The applicant is proposing to change the use of the second dwelling on the property as Short Stay for 20 individuals that will participate in sewing retreats and has stated on the development application form that the proposed change of use to Low Impact Development will only be for those participating in the retreats as this will allow them to stay on site and not have to obtain accommodation within nearby Pemberton.

The dwelling contains four bedrooms, kitchen, dining/living area, bathroom and ensuite as well as a games room and double garage. The application proposes to change the use of the dwelling to short stay accommodation.

The key elements of the Management Plan are as follows:

- The application is proposing the number of guests to be a maximum of twenty (20) persons;
- Key collection and return will be from the main residence;
- The management of the property will be undertaken by the owners;
- The cleaning of the property will be managed by the owner;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Bookings will be by telephone until the applicant has a website in place;
- There are 2 x 150,000 litre water tanks that will service the accommodation;
- Bulk rubbish bin collection is available to the property;
- Parking is available for 25 cars outside the gallery with the area being bitumised; and
- Two signs are proposed to be located within the property boundary and on the highway verge – replacing the existing sign.

The application is referred to Council for determination as Shire officers do not have the delegated authority to approve development applications with an 'A' land use.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of Local Planning Scheme No. 4 (the Scheme) for a 21-day period to all adjoining landowners and 42 days to Department of Biodiversity, Conservation and Attractions (DBCA), Main Roads Western Australia (MRWA) and Department of Fire and Emergency Services (DFES) seeking their comments.

The adjoining landowners have provided no comment on the proposal. Comments were received from DBCA, MRWA and DFES. These comments will be discussed in the comment section below.

Copies of the submissions are shown attached.

ATTACHMENT: 9.5.6 (2)

COMMENT (Includes Options):

The provisions of the Scheme include the subject land within the Priority Agriculture. To assist Council, the following comments are offered:

Land Use Classification

Table 1 of the Scheme identifies that various forms of Holiday Accommodation may be considered within the Priority Agriculture Zone. Having regard to the fact that the change of use from a Dwelling to Low Impact Tourist Accommodation – Short Stay, which is defined as follows:

“low-impact tourist development – short stay” is a development of predominately tourist nature which meets the criteria of “Low-Impact Development; and

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

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

The proposal is considered to be consistent with the land use definition, given the proposal is for the use of the participants of sewing retreats.

Land Use Permissibility

As previously noted in the Background section, Low-Impact Tourist Accommodation-Short Stay is an ‘A’ use within the Priority Agriculture Zone that is, a use which is *“not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6”*.

The use of the existing Gallery on site as a space for the sewing retreat participants to use for their craft is considered to be consistent with Scheme requirements. No further assessment of that aspect of the development is required.

Matters to be Considered

Clause 10.2 of the Scheme requires that Council has regard to various matters when determining an application for Development Approval. These matters include, but are not limited to:

- (i) *the aims and provisions of the Scheme and any relevant Local Planning Scheme operating within the Scheme area;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xv) *the preservation of the amenity of the locality; and*
- (xvi) *the relationship of the proposal to development on adjoining land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

Advice on these matters is provided below.

Consistency with Zoning

The proposed short stay accommodation is considered to meet the objectives of the Priority Agriculture Zone, which include;

- (iii) *to permit low impact tourist accommodation – short stay proposals where relevant provided that any impact from any such land uses or development is contained on-site.*

The proposed Low-Impact Tourist Development – Short Stay will provide the owner with a source of income in addition to income from the retreats undertaken on-site.

Impact on Amenity of Area

The proposed short stay accommodation is not expected to have any impact upon the amenity or environmental attributes of the surrounding area. No new construction will be taking place, the proposal is to be located within an existing building on the property. Car parking will also be contained on site.

Consistency with Adjacent Land Use

Examination of aerial photography indicates that there are a range of agricultural/rural activities being undertaken on the adjacent land, in addition to either State Forest or National Park reserves.

Whilst occupation of the accommodation is unlikely to result in agricultural activities on the surrounding land being restricted, it is recommended that the applicants be required to advise prospective occupants that the accommodation is provided in a rural environment.

Health (Miscellaneous Provisions) Act, 1911

The proposed use will be required to operate in compliance with all relevant requirements of the *Health (Miscellaneous Provisions) Act, 1911*. It is recommended that an advice note be included on any approval granted by Council to reflect this.

Lodging House

The application as originally received and advertised was for 10 persons to be accommodated on the property at any one time. It is noted that the applicant has stated within the Management Plan, the proposal will accommodate up to 20 persons on site. The author of the report has since clarified that 10 persons will be accommodated at any one time. A condition requiring the Management Plan as submitted be revised to state 10 persons to be accommodated on the premises at any one time is recommended on any approval issued by Council.

Additionally, the applicant will also need to apply for secondary approval for a "Lodging House" from the Shire in order to operate. Advice to this effect has been included in the Officer Recommendation below.

Public Liability Insurance

The applicant has not supplied a copy of their current Public Liability Insurance Certificate. A condition will be included on any approval issued that this must be supplied prior to commencement of the activity.

Guest Register

The applicant is required to maintain a guest register of all guests and this is to be made available to an authorised officer from the Shire of Manjimup on request. This will be included as a development condition in the event that Council determines to approve the application.

Bushfire Prone Area

The subject property is located within an area designated as Bushfire Prone by the Department of Fire and Emergency Services (DFES) and a Bushfire Attack Level (BAL) Assessment was undertaken by an accredited Assessor where the rating for the proposed development is BAL-29.

The Bushfire Management Plan submitted states (page 22) that a BAL-12.5 is achievable with the installation of a 20m Asset Protection Zone. A copy of the BMP for the development is attached.

ATTACHMENT: 9.5.6(3)

Modifications to the BMP provided have been recommended by DFES in their submission. These modifications are discussed in the Submission section below.

Bushfire Emergency Plan

The applicant has also submitted a Bushfire Emergency Plan for the proposal. A copy of the Emergency Plan is attached.

ATTACHMENT: 9.5.6(4)

It is recommended a copy of the plan is to be kept on display within a common area within the proposed accommodation for access during an emergency. A condition ensuring this occurs will be included in the event Council approves the application.

Submissions Received

MRWA Submission

MRWA have advised that they have no objection to the proposal subject to some conditions and comments.

They have stated that the sightlines along Vasse Highway from the existing driveway/crossover to Vasse Highway are very substandard which could potentially create vehicle conflicts which will detract from the function and safety of the highway and that the driveway/crossover is not constructed to MRWA standards. The current driveway off Fox Road is considered suitable for access to the property.

MRWA have recommended that the existing driveway/crossover the Vasse Highway be removed and the road verge be reinstated to their satisfaction and a condition be placed on any approval granted in relation to the driveway/crossover.

In light of the submission, the applicant has removed the access driveway to Vasse Highway and installed a chain to prevent access to the property from this crossover, except in the event of an emergency. This is considered by Shire officers a reasonable outcome as reinstatement of the verge on Vasse Highway would make the proposed Change of Use unviable due to the prohibitive cost of the works. Given that the application is a relatively minor change of use to an existing building on the property. The condition requested by MRWA in this instance is considered unreasonable given the relatively minor nature of the proposal and is not supported.

A condition is to be added to any approval granted stating that all guests are to enter and leave the subject property via Fox Road and that non-emergency access is not permitted from Vasse Highway.

DBCA Submission

DBCA Parks and Wildlife have no comments or objections to the proposal.

DFES Submission

DFES have stated that there are some modifications that need to be addressed in regards to the Bushfire Management Plan (BMP), these being:

- Policy Measure 6.5 a) Preparation of a BAL Assessment.
- Policy Measure 6.5 c) Compliance with Bushfire Protection Criteria.
- Policy Measure 6.6.1 Vulnerable land uses.

DFES recommendation is that the BMP requires modification to demonstrate "Element 5: Vulnerable Tourism Land Uses.

The applicant will be working with the Bushfire Assessor with regards to the BMP to address the issues identified. A condition requiring that the content of the BMP be modified to DFES requirements, and to the Shire's satisfaction is requested to be implemented on any approval issued by Council.

Conclusion

The Low Impact Tourist Accommodation – Short Stay is consistent with the land use definition and requirements of the Scheme. Conditional approval is therefore recommended.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

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

Social: Nil.

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

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants approval for a Change of Use from a Dwelling to Low Impact Tourist Accommodation – Short Stay at Lot 4 (8) Fox Road, Eastbrook (TP192/2022) in accordance with the submitted plans as attached at 9.5.6 (1), and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Development Information	10 November 2022
2.	Bushfire Management Plan	25 January 2023
3.	Bushfire Emergency Plan	25 January 2023

2. Prior to commencing the use hereby approved, the Management Plan as submitted be modified to reflect the accommodation of 10 guests on the property at any one time, to the satisfaction of the Shire of Manjimup;
3. The development approval is granted for a period expiring on 30 June 2024 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Low Impact Tourist Accommodation to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup;
4. Arrangements being made to the satisfaction of the Shire of Manjimup Chief Executive Officer, for guests to be made aware that the accommodation hereby approved is located in an Agriculture Zone and that there is potential for existing rural operations in the area to impact on the amenity of the property to be affected by noise, odour, dust and spray drift;
5. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
6. The Low Impact Tourist Accommodation – Short Stay is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup on demand;
7. All parking for guests is to be provided on-site for the use of users of the Low Impact Tourist Accommodation – Short Stay;
8. Prior to commencing the use hereby approved, the submitted Bushfire Management Plan (BMP) to be modified as per Department of Fire and Emergency Services requirements and be implemented and maintained to the satisfaction of the Shire of Manjimup; and
9. The submitted Bushfire Emergency Plan is to be implemented and displayed within the Low Impact Tourist Accommodation – Short Stay at all times;
10. Access to the subject property is to be via Fox Road and that the existing driveway / crossover to Vasse Highway is to be closed unless to facilitate emergency evacuation of the property.

Advice to Applicant:

- i. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;

- ii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iii. The Low Impact Tourist Accommodation – Short Stay will require secondary approval as a “Lodging House” under the Health Local Laws 2020 from the Shire of Manjimup;
- iv. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from Building Services for the reclassification of a Class 1a building to a Class 1b building at least 10 days before the proposed change;
- v. In all buildings approved for Low Impact Tourist Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and
 - b) consist of :
 - lights incorporated into the smoke alarm itself; and
 - lighting located in the corridor, hallway or area served by the required smoke alarm(s).

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29091

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants approval for a Change of Use from a Dwelling to Low Impact Tourist Accommodation – Short Stay at Lot 4 (8) Fox Road, Eastbrook (TP192/2022) in accordance with the submitted plans as attached at 9.5.6 (1), and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Development Information	10 November 2022
2.	Bushfire Management Plan	25 January 2023
3.	Bushfire Emergency Plan	25 January 2023

2. Prior to commencing the use hereby approved, the Management Plan as submitted be modified to reflect the accommodation of 10 guests on the property at any one time, to the satisfaction of the Shire of Manjimup;
3. The development approval is granted for a period expiring on 30

June 2024 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Low Impact Tourist Accommodation to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup;

4. Arrangements being made to the satisfaction of the Shire of Manjimup Chief Executive Officer, for guests to be made aware that the accommodation hereby approved is located in an Agriculture Zone and that there is potential for existing rural operations in the area to impact on the amenity of the property to be affected by noise, odour, dust and spray drift;
5. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
6. The Low Impact Tourist Accommodation – Short Stay is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup on demand;
7. All parking for guests is to be provided on-site for the use of users of the Low Impact Tourist Accommodation – Short Stay;
8. Prior to commencing the use hereby approved, the submitted Bushfire Management Plan (BMP) to be modified as per Department of Fire and Emergency Services requirements and be implemented and maintained to the satisfaction of the Shire of Manjimup; and
9. The submitted Bushfire Emergency Plan is to be implemented and displayed within the Low Impact Tourist Accommodation – Short Stay at all times;
10. Access to the subject property is to be via Fox Road and that the existing driveway / crossover to Vasse Highway is to be closed unless to facilitate emergency evacuation of the property.

Advice to Applicant:

- i. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;
- ii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iii. The Low Impact Tourist Accommodation – Short Stay will require secondary approval as a "Lodging House" under the Health Local Laws 2020 from the Shire of Manjimup;
- iv. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from

Building Services for the reclassification of a Class 1a building to a Class 1b building at least 10 days before the proposed change;

- v. In all buildings approved for Low Impact Tourist Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-**
 - a) be activated by a smoke alarm(s); and**
 - b) consist of :**
 - lights incorporated into the smoke alarm itself; and**
 - lighting located in the corridor, hallway or area served by the required smoke alarm(s).**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.7 Delegated Planning Decisions for February 2023**

PROPONENT:	Shire of Manjimup
OWNER:	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylee Blee
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A register of Delegated Development Approvals, detailing those decisions made under delegated authority in February 2023 is attached.

ATTACHMENT: 9.5.7(1)

PUBLIC CONSULTATION UNDERTAKEN:

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

COMMENT (Includes Options):

During February 2023, ten (10) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for February 2023 compared to February 2022:

Table 1: Planning Decisions Made February 2022 and 2023

	February 2022	February 2023
Delegated Decisions	5 (\$1,118,327)	10 (\$979,485)
Council Decisions	2 (\$3,050,457)	4 (\$292,601)
Total	7 (\$4,168,784)	14 (\$1,272,086)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2022-23 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2021-22 and 2022-23

	YTD 2021-22	YTD 2022-23
Delegated Decisions	64 (\$8,569,528)	87 (\$6,419,671)
Council Decisions	35 (\$9,729,738)	44 (\$5,455,375)
Total	99 (\$18,299,266)	131 (\$11,875,046)

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for February 2023 as per ATTACHMENT: 9.5.7(1).

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29092

That Council receives the report on Delegated Development Approvals for February 2023 as per ATTACHMENT: 9.5.7(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.9.2 Request for Shire Budget Allocation 2023/2024 Financial Year-
Northcliffe 100th Anniversary**

PROPONENT	Northcliffe 100 th Anniversary Committee
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Northcliffe
WARD:	Coastal
ZONE:	NA
DIRECTORATE:	Community Services
FILE REFERENCE:	F210331
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In March – April 2024 the Northcliffe community will celebrate the towns' centenary. The Northcliffe 100th Anniversary Organising Committee, which is a subcommittee of the Northcliffe Development Group Incorporated, has been established to coordinate the celebratory activities.

At the Ordinary Council meeting of 2 March 2023 Council received a presentation from a sub-committee representative highlighting the event proposal and requesting Council to consider allocating financial assistance to the event. A formal written request for a \$10,000 budget allocation to support the planning, organisation and running of the event has now been received. A copy of the formal correspondence is attached.

ATTACHMENT: 9.9.2 (1)

The purpose of this report is for Council to give consideration to the request received from the Northcliffe 100th Anniversary Committee for financial assistance in the 2023/2024 Financial Year Budget.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In 1924, Northcliffe was selected as a site for the post war Group Settlement Scheme. One hundred years ago it was a town in name only, without any established infrastructure, shops, services, or facilities. Many of the 20 families that arrived together did not cope with the primitive conditions, those that stayed however are testament to the truly resilient and resourceful community that Northcliffe has become.

The Northcliffe community have been working towards the 2024 Centenary for over 12 months. The community is immensely proud of its history and heritage and have retained strong connections with past residents. The 29 March to 1

April 2024 will see Northcliffe shine, reflecting on what has been achieved and looking forward to a promising future.

As is noted in the attached correspondence there is a full programme of events planned and fundraising has been ongoing. There is an exceptional team of volunteers working behind the scenes to coordinate all activities. The request to Council for a financial contribution of \$10,000 will go a long way to ensuring that the event is delivered in its entirety and to a standard befitting a centenary event.

STATUTORY ENVIRONMENT:

Local Government Act 1995, s6.8 (Financial Management Regulations)

POLICY / STRATEGIC IMPLICATIONS:

Strategic Community Plan 2021 – 2031

3. Our Community

3.8 Diversity, inclusivity and harmony are the foundations of our strong community spirit, and we celebrate and honour our diverse cultures, heritage and lifestyles.

C20. Facilitate, develop, and promote a broad range of cultural and art capabilities, facilities, events and achievements.

C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy.

3.1.3 Community Fund Policy

Policy 3.1.3 recognises significant anniversaries but caps the grant value to \$2,000. Centenary events by nature may be regarded as sitting outside this general category of 4C as defined below:

Category 4C events are new, incl. *events celebrating a significant anniversary*, and emerging events seeking to establish themselves on the Shire's annual events calendar. (*Category 4C. grants capped at \$2,000*).

Arts and Cultural Strategic Plan 2013 – 2023

1.3 Objective: Special events that commemorate and celebrate our heritage milestones are supported by the Shire.

1.3.2 Commit resources to organising or supporting special events to mark significant milestones.

ORGANISATIONAL RISK MANAGEMENT:

If the request is not granted there is potential for the Northcliffe community to view Council as not supporting their important milestone resulting in some reputational risk.

FINANCIAL IMPLICATIONS:

This report requests Council consider allocating funds in the 2023/2024 annual budget deliberations as such there are no financial implications for the current budget. Should Council support the recommendation as contained in this report then funding then the once only financial implication will be \$10,000.

As other communities reach significant milestones there may be additional request put to Council however each will be determined by Council on its merit.

SUSTAINABILITY:

Environmental: Nil.

Economic: The Northcliffe Centenary will be a significant event potentially drawing over a thousand people during the celebrations. The event will result in a considerable direct spend into the community and stimulate the local and regional economy.

Social: Northcliffe's resilience and achievements over its 100-year history is remarkable. The celebration of this significant milestone will be embodied by the strong sense of pride and connection past and present residents have for the Northcliffe community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council agree to consider the allocation of \$10,000 (ex. GST) in the 2023/2024 financial year budget to support the planning, organisation and running of the Northcliffe Centenary Anniversary.

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29093

That Council agree to consider the allocation of \$10,000 (ex. GST) in the 2023/2024 financial year budget to support the planning, organisation and running of the Northcliffe Centenary Anniversary.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.13.1 Proposed Award of Tender 07/22 Carting Gravel, Manjimup and Surrounds**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F220212
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	28 February 20203
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As a major component of the 2022/23 and expected 2023/24 Infrastructure Budget Capital Works Program, the Shire expects to purchase in excess of \$250,000 worth of gravel carting services for the upgrade, renewal and maintenance of its sealed and unsealed roads throughout the Shire. In order to secure fixed prices and to be compliant with regulatory procedure, a Request for Tender (RFT) was advertised for gravel carting in the Manjimup and surrounding areas. The RFT is seeking to appoint a panel of two to five suppliers for a two-year period.

The purpose of this report is to present the results of the tender process of the RFT 07/22 Carting Gravel, Shire of Manjimup and Surrounds for Council's consideration.

PUBLIC CONSULTATION UNDERTAKEN:

Public advertising of the RFT was in the form of an advertisement in the West Australian Newspaper on 15 February 2023, in the Manjimup Bridgetown Times on 15 February 2023 and advertising on the Shire of Manjimup website from 15 February 2023, with the request for tender process closing 9 March 2023.

COMMENT (Includes Options):

Three (3) prospective tenderers downloaded documents from the Shire's website with only one (1) Tender received by the specified closing time.

The Tender Evaluation Panel, comprising three Shire Officers, undertook to independently assess the Tender received using an assessment matrix which considered Compliance Criteria and Qualitative Criteria as specified in the RFT. The matrix presented yes or no answer for Compliance Criteria and used a scoring method to assess the Qualitative Criteria.

The averaged evaluation assessment from the three (3) evaluators can be found in the attachment with a summary of the assessments shown below.

ATTACHMENT: 9.13.1(1)

	Weighted Score for Supply				
	(a) 10% Demonstrated Experience	(b) 20% Ability to meet Shire Requirements	(c) 70% Price	Total Score	Ranking
Dronow Contracting – Wet Hire Single Trailer	6.7	12.0	39.3	58.0	1

	Weighted Score for Supply				
	(a) 10% Demonstrated Experience	(b) 20% Ability to meet Shire Requirements	(c) 70% Price	Total Score	Ranking
Dronow Contracting – Wet Hire Road Train	6.7	12.0	20.1	38.8	1

	Weighted Score for Supply				
	(a) 10% Demonstrated Experience	(b) 20% Ability to meet Shire Requirements	(c) 70% Price	Total Score	Ranking
Dronow Contracting – Wet Hire Rigid Truck (12 tonne)	6.3	11.3	45.6	63.3	1

The matrix referenced the terms and assessment criteria of the RFT document. In particular, the criteria for the Tenderer's ability to meet the Shire's requirements considered:

- Number of trucks/trailers available for the Shire;
- Can commit to Shire timeframes;
- Proof of registered vehicles; and
- Proof of licences and available operators.

The Tender received was assessed accordingly and is found to be suitable and as such it is recommended that Council award the contract RFT 07/22 Carting Gravel to the sole Tenderer.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* detail the Tender requirements for local government procurement of goods or services

POLICY / STRATEGIC IMPLICATIONS:

Tender assessment was undertaken applying the Council's Corporate Policy 2.3.8 Regional Price Preference, when applicable. The purchase of gravel and

the Tender process is in accordance with the Council's Corporate Tendering Policy 2.3.6.

ORGANISATIONAL RISK MANAGEMENT:

There is a high likelihood of severe consequence to the Shire if fixed rates for gravel carting are not secured.

FINANCIAL IMPLICATIONS:

Nil, as purchase of services will be in accordance with Council approved 2022/23 and 2023/24 Budgets.

SUSTAINABILITY:

Environmental: Nil.

Economic: Cost efficient supply of road construction materials enables for economical delivery of the Shire's Works Program. In accordance with clause 3.8.5 of RFT 07/22 Carting Gravel, Manjimup and Surrounds, the Shire has the ability to appoint other service suppliers in the event the awarded contractor is unable to provide the contracted service.

Social: A safe and useable road network helps create good social and business connections.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council award RFT 07/22 Carting Gravel, Manjimup and Surrounds to Dronow Contracting for the tendered prices of:

- **\$160 exclusive of GST per hour for wet hire of prime mover and single trailer;**
- **\$260 exclusive of GST per hour for the wet hire of prime mover as road train; and**
- **\$127 exclusive of GST per hour for the wet hire of rigid truck (12 tonne).**

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29094

That Council award RFT 07/22 Carting Gravel, Manjimup and Surrounds to Dronow Contracting for the tendered prices of:

- **\$160 exclusive of GST per hour for wet hire of prime mover and single trailer;**
- **\$260 exclusive of GST per hour for the wet hire of prime mover as road train; and**

- **\$127 exclusive of GST per hour for the wet hire of rigid truck (12 tonne).**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.15.3 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 15 March 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170449
LEGISLATION:	<i>Emergency Management Act 2005, Local Government Act 1995</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	17 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The unconfirmed minutes of the latest Local Emergency Management Committee (LEMC) meeting held on the 15 March 2023 are attached.

ATTACHMENT: 9.15.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

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

The meeting did not result in any recommendations requiring a decision of Council.

STATUTORY ENVIRONMENT:

*Emergency Management Act 2005; and
Local Government Act 1995*

POLICY / STRATEGIC IMPLICATIONS:

The operation of the Local Emergency Management Committee is consistent with the *Shire of Manjimup Strategic Community Plan 2019-2029*, with specific reference to the following Community Goals and associated Strategies:

Community Goals

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

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

Strategies

C22 *Prepare for emergencies and natural disasters.*

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held on the 15 March 2023 as shown in the Attachment 9.15.3(1).

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Eiby, W

29095

That Council receive the unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held on the 15 March 2023 as shown in the Attachment 9.15.3(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.1 Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held on 16 February 2023**

PROPONENT	Walpole Town Activation Advisory Committee
OWNER	N/A
LOCATION / ADDRESS:	Walpole Town Centre
WARD:	South
ZONE:	N/A
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170457
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	1 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Walpole Town Activation Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. In accordance with the adopted Terms of Reference, the functions of the Committee are:

- 1. Identification of opportunities for space activation within Walpole Townsite;*
- 2. Liaison with other relevant community groups and / or service agencies over potential art or cultural projects;*
- 3. Assisting the Shire of Manjimup officers in drafting design guidelines to guide future developments within the Town Centre Precincts;*
- 4. Assist in co-ordinating community participation;*
- 5. Communicate and inform the local community about activities of the Committee; and*
- 6. Provide advice on Tourism and Marketing Campaigns relating to the Walpole Community.*

The latest meeting of the Walpole Town Activation Advisory Committee was held on 16 February 2023. A copy of the unconfirmed minutes relating to that meeting are shown attached.

ATTACHMENT: 9.16.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As reflected within the unconfirmed minute, the Committee passed two recommendations. The following table details the recommendations passed by the Committee that require the consideration by Council.

Committee Recommendation		Officer's Comment
1.	That the Committee request Council to consider the asphaltting of the CRC front car park.	See comment below.
2.	That the Committee request Council to consider allocating funds for the design of a playground / nature based playground in Pioneer Park.	See comment below.

The current adopted Shire of Manjimup Annual Budget does not contain any specific funding allocation for either of the above requests.

The above said, as elected members would be aware each year Council makes an allocation of \$150,000 towards capital improvements associated with the main streets of towns and settlements within the Shire. To date, with only three months remaining in the financial year, no funds have been extended from this account.

It is proposed that an agenda item be prepared for Council consideration at its meeting to be held on 4 May 2023 detailing the potential projects including design requirements and allowing Council the opportunity to consider allocations towards these projects from either the current allocation or future budgets. This will ensure all identified projects are given fair and equal consideration.

STATUTORY ENVIRONMENT:

The committee is an Advisory Committee formed by Council in accordance with the *Local Government Act 1995*. Committee members are bound by the Terms of Reference and the Shire's Standing Orders.

POLICY / STRATEGIC IMPLICATIONS:

The Walpole Town Activation Advisory Committee provides the Shire of Manjimup with a vital tool and local input into planning for improvement works and space activation with the Walpole townsite.

Revitalisation of the Walpole Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with the Community Goal 4.4 as identified in the Shire's Strategic Community Plan 2021 – 2031.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The Committee assists the Shire in identifying future improvement works and opportunities for space activation within the town.

Economic: By addressing opportunities for space activation within the town centre, operation of the committee ensures opportunities for economic development area maximised and that local businesses will benefit.

Social: In accordance with the terms of reference, a key element of the committee's role is to ensure community involvement in future development programs.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee being held on 16 February 2023 as shown at Attachment: 9.16.1 (1); and**
2. **Await the presentation of an agenda item to the 4 May 2023 Council meeting in order to consider allocation of funds for design and construction of Town Centre Revitalisation projects through out the Shire.**

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29096

That Council:

1. **Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee being held on 16 February 2023 as shown at Attachment: 9.16.1 (1); and**
2. **Await the presentation of an agenda item to the 4 May 2023 Council meeting in order to consider allocation of funds for design and construction of Town Centre Revitalisation projects through out the Shire.**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.2 Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held on 28 February 2023**

PROPONENT	Northcliffe Town Activation Advisory Committee
OWNER	N/A
LOCATION / ADDRESS:	Northcliffe Town Centre
WARD:	Coastal
ZONE:	N/A
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170455
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Kaylene Roberts/Brian Robinson
DATE OF REPORT:	7 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Northcliffe Town Activation Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. In accordance with the adopted Terms of Reference, the functions of the committee are:

1. *Identification of opportunities for space activation within Northcliffe townsite;*
2. *Liaison with other relevant community groups and / or service agencies over potential art and cultural projects;*
3. *Assisting the Shire of Manjimup officers in drafting design guidelines to guide future developments within the Town Centre precinct;*
4. *Assist in co-ordinating community participation; and*
5. *Communicate and inform the local community about activities of the Committee.*

The latest meeting of the Northcliffe Town Activation Advisory Committee was held on 28 February 2023. A copy of the unconfirmed minutes relating to that meeting are shown attached.

ATTACHMENT: 9.16.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As reflected in the unconfirmed minutes, the Committee passed several recommendations. The following table details those recommendations required by Council:

Committee Recommendation		Officer's Comment
1.	That the Committee request the Council to re-estimate the car park for Munroe House.	That the Director of Works be requested to prepare a revised estimate as recommended.
2.	The Committee wish to thank the CEO for his work with the O'Sullivan Fires, the Pandemic and the time and effort during his term as Chief Executive Officer.	That correspondence be forwarded to the departing Shire of Manjimup Chief Officer.
3.	That the Committee approach Fiona Sinclair-Hill and the Southern Forest Arts Group to paint the new bin.	The recommendation be supported in respect of new bins in the townsite.
4.	That extra recycling bins be placed around the town and the replacement of the traditional round bins with new bins.	The recommendation be supported, and the Director of Works be requested to action the item subject to compliance with the annual budget.

STATUTORY ENVIRONMENT:

The Committee is an Advisory Committee formed by Council in accordance with the *Local Government Act 1995*. Committee members are bound by the Terms of Reference and the Shire's Standing Orders.

POLICY / STRATEGIC IMPLICATIONS:

The Northcliffe Town Activation Advisory Committee provides the Shire of Manjimup with a vital tool and local input into planning or improvement works and space activation within the Northcliffe townsite.

Revitalisation of the Northcliffe Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with Community Goal 4.45 and identified in the Shire's Strategic Community Plan 2021 – 2031.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The Committee assists the Shire in identifying future improvement works and opportunities for space activation within the town.

Economic: By addressing opportunities for space activation within the town centre, operation of the committee ensures opportunities for economic development area maximised and that local businesses will benefit.

Social: In accordance with the terms of reference, a key element of the committee's role is to ensure community involvement in future development programs.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council;

- 1. Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee meeting held on 28 February 2023 as shown at Attachment: 9.16.2 (1);**
- 2. The Director of Works be requested to prepare a revised/updated cost estimate for the formal construction of the Northcliffe Pioneer Museum carpark;**
- 3. Correspondence be forwarded to the departing Chief Executive Officer – Andrew Campbell on behalf of the Northcliffe Town Activation Advisory Committee to thank him for his work during the O'Sullivan Fires, the Pandemic and the time and effort during his term as Chief Executive Officer;**
- 4. Support the Advisory Committee recommendation for the Committee approach Fiona Sinclair-Hill and the Southern Forest Arts Group to paint new bins in the Northcliffe townsite; and**
- 5. Subject to compliance with the adopted Shire of Manjimup Annual Budget, the Director of Works be requested to proceed with the extra recycling bins to be placed around the town and the replacement of the traditional round bins with new bins.**

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29097

That Council;

- 1. Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee meeting held on 28 February 2023 as shown at Attachment: 9.16.2 (1);**
- 2. The Director of Works be requested to prepare a revised/updated cost estimate for the formal construction of the Northcliffe Pioneer Museum carpark;**
- 3. Correspondence be forwarded to the departing Chief Executive Officer – Andrew Campbell on behalf of the Northcliffe Town Activation Advisory Committee to thank him for his work during the O'Sullivan Fires, the Pandemic and the time and effort during his**

term as Chief Executive Officer;

- 4. Support the Advisory Committee recommendation for the Committee approach Fiona Sinclair-Hill and the Southern Forest Arts Group to paint new bins in the Northcliffe townsite; and**
- 5. Subject to compliance with the adopted Shire of Manjimup Annual Budget, the Director of Works be requested to proceed with the extra recycling bins to be placed around the town and the replacement of the traditional round bins with new bins.**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.1.1 Proposed Bush Fire Brigades Local Law 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F170066
LEGISLATION:	<i>Local Government Act 1995, Bushfires Act 1954</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 11 January 2023, the Shire of Manjimup received correspondence from the Commissioner of Department of Fire and Emergency Services (DFES) advising that the department, in conjunction with Western Australian Local Government Association (WALGA) were undertaking an audit of local government to determine whether they had Local Laws governing the operation of their volunteer bushfire brigades. A copy of the correspondence is attached for Councillor reference.

ATTACHMENT: 9.1.1 (1)

Shire Officers initially challenged the advice provided by DFES and WALGA upon the discovery that the Manjimup Road Board in May 1940 had gazetted a by-law relating to “the Establishment, Maintenance and Equipment of Bush Fire Brigades for the Road District of Manjimup”, as published in the Government Gazette.

However, it has been accepted by Shire Officers that the creation of a Bushfire Brigades Local Law to guide the governance of volunteer bushfire brigades is a suitable measure to remove any ambiguity as to the legal constitution of the Shire’s volunteer brigades in the future. The 1940 by-law is considered to be well out of date, and its current legality is disputed given it was made under a previous version of the Bushfires Act.

A draft Shire of Manjimup Bushfire Brigades Local Law 2023 (the Local Law) has been prepared and is attached for Council’s consideration, with a view to obtaining approval to advertise it.

ATTACHMENT: 9.1.1(2)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):Local Law Process

The provisions of the *Local Government Act 1995* (the Act) enable Western Australian Local Government to make local laws considered necessary for the good governance of their district. The procedure for making a local law, which is prescribed by section 3.12 of the Act, is summarised as follows:

1. Notice of purpose and effect of the Local Law to be given by the person presiding at a Council meeting;
2. Advertisement is required over a minimum 6-week period, with both Statewide and Local public notice required, and copies to the Minister/s immediately after notice given;
3. Following the close of advertising, a Local Law may be adopted (by absolute majority) once all submissions are considered;
4. Arrangements must then be made to publish a copy of the Local Law in the Government Gazette and provide the Ministers of Local Government and Emergency Services with a copy of that notice; and
5. After the Local Law is published in the Government Gazette, local public notice must be undertaken summarising the purpose of the Local Law, specifying the day it comes into operation and advising that copies may be obtained from the local government.

In accordance with section 3.14 of the Act, unless otherwise provided for, local laws come into effect 14 days after Gazettal notice.

Local Law Content

The proposed Local Law is closely based on the content of the Shire of Williams Bushfire Brigades Local Law 2022 being the most recent and relevant example available. The Local Law will provide for the legal framework governing, and giving a head of power to, the constitution and operation of volunteer brigades within the Shire. The primary components of the Local Law are:

- The head of power to establish and name a brigade;
- Clarification of the brigade hierarchy of control, and the appointment, duties and responsibilities of brigade officers;
- The maintenance of firefighting appliances; and
- The appointment, employment, payment, dismissal and duties of bush fire control officers.

It should also be noted that the draft Local Law has been presented to the Shire's Bush Fire Advisory Committee meeting held 22 March 2023, in which the Committee resolved to support the draft Local Law as proposed.

Given the discussion on the need to ensure the Shire's bushfire brigades are appropriately and legally constituted it is recommended Council adopt the draft Shire of Manjimup Bushfire Brigades Local Law 2023 for the purposes of seeking public comment.

STATUTORY ENVIRONMENT:

As stated within the comment section above, the making of a local law occurs in accordance with the *Local Government Act 1995*.

As detailed in section 3.12 of the Act, notice of purpose and effect of local law to be given by the person presiding at a Council meeting. Further guidance on this is given by Regulation 3 of the *Local Government (Functions and General) Regulations 1996* stating that, the person presiding at a Council Meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In this regard, the proposed purpose and effect of the Draft Shire of Manjimup Bushfire Brigades Local Law 2023, the purpose and effect of the Local Law are as follows:

Purpose – to provide for the adequate governance of bushfire brigades throughout the Shire of Manjimup.

Effect – to repeal the outdated By-Law and ensure the legal constitution of all bushfire brigades within the Shire of Manjimup.

POLICY / STRATEGIC IMPLICATIONS:

The adoption of a new Bushfire Brigades Local Law will ensure that Shire officers have adequate statutory authority to ensure the good governance of bushfire brigades within the district.

ORGANISATIONAL RISK MANAGEMENT:

The introduction of a new Bushfire Brigades Local Law will mitigate any future risk in the ongoing governance of bush brigades and their ability to operate in an emergency.

FINANCIAL IMPLICATIONS:

Costs associated with advertising of the Draft Bushfire Brigades Local Law will be wholly contained within the Shires approved budget for the 2022/23 financial year.

SUSTAINABILITY:

Environmental: Volunteer bushfire brigades serve an important role in the protection and maintenance of the local environment either through fire mitigation activities or active response to bushfire events.

Economic: Nil.

Social: The local community looks to its emergency services volunteers for protection and support during fire events. This proposed Local Law serves to ensure that bushfire brigades are legislatively able to operate.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to the *Local Government Act 1995* section 3.12(3) and (3a), and all other legislation enabling it, give Statewide and Local public notice that it intends to make the Shire of Manjimup Bushfire Brigades Local Law 2023, as shown at 9.1.1 (1) with the following purpose and effect:

Purpose – to provide for the adequate governance of bushfire brigades throughout the Shire of Manjimup.

Effect – to repeal the outdated By-Law and ensure the legal constitution of all bushfire brigades within the Shire of Manjimup.

2. Advertise the Bushfire Brigades Local Law as referred to in point 1 above for a period of not less than 6 weeks in accordance with Statewide and Local Public Notice provisions;
3. In accordance with the *Local Government Act 1995* section 3.12(3) advise the Ministers for Local Government and Emergency Services of the proposed local law; and
4. Await a further report on the Shire of Manjimup Bushfire Brigades Local Law 2019 following the completion of the advertising period referred to in point 2 above.

COUNCIL RESOLUTION:

MOVED: Winfield, C SECONDED: Skoss, K

29098

That Council:

1. Pursuant to the *Local Government Act 1995* section 3.12(3) and (3a), and all other legislation enabling it, give Statewide and Local public notice that it intends to make the Shire of Manjimup Bushfire Brigades Local Law 2023, as shown at 9.1.1 (1) with the following purpose and effect:

Purpose – to provide for the adequate governance of bushfire brigades throughout the Shire of Manjimup.

Effect – to repeal the outdated By-Law and ensure the legal constitution of all bushfire brigades within the Shire of Manjimup.

- 2. Advertise the Bushfire Brigades Local Law as referred to in point 1 above for a period of not less than 6 weeks in accordance with Statewide and Local Public Notice provisions;**
- 3. In accordance with the *Local Government Act 1995 section 3.12(3)* advise the Ministers for Local Government and Emergency Services of the proposed local law; and**
- 4. Await a further report on the Shire of Manjimup Bushfire Brigades Local Law 2019 following the completion of the advertising period referred to in point 2 above.**

CARRIED: 10/0

Councillor Eiby declared a Proximity Interest in this Item as the RV site is located in the Northcliffe Visitor Centre car park which she manages. Councillor Eiby did not speak or vote on the matter and left the Chamber at 5.47pm.

ATTACHMENT APPENDIX

9.5.1 Review of Overnight Parking for Self Contained Recreational Vehicles - Northcliffe Townsite

PROPONENT	Northcliffe Visitors Centre/Community Resource Centre
OWNER	Crown Land
LOCATION / ADDRESS:	Reserve 46739 Muirillup Road, Northcliffe
WARD:	Coastal
ZONE:	Public Purposes
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160708
LEGISLATION:	<i>Caravan Park and Camping Grounds Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	3 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In May 2019, Council resolved to proceed with a 12 month trial for the overnight parking of a maximum of four self contained vehicles within the Northcliffe Visitors Centre (NVC) car park, subject to the following matters being addressed:

- a) *A detailed design being prepared for a maximum of four parking bays, ensuring that the design will not restrict access to the existing RV Dump Point or the carpark area in general;*
- b) *All RV parking within the overnight bays being restricted to outside of normal business hours (i.e 8am to 5pm), with vehicles to be required to vacate the parking bays by 8am;*
- c) *No vehicle parking overnight for more than a single night in any seven day period;*
- d) *Self-contained Recreational Vehicles being encouraged to utilise existing accommodation options within the area should they wish to stay longer;*
- e) *The Chief Executive Officer being authorised to liaise with the Northcliffe Visitors Centre over the management and day to day operation of the facility;*

- f) *Appropriate line marking and signage to be installed to reflect the requirements for use of the overnight parking; and*
- g) *The Visitors Centre being encouraged to consider the establishment of a donation box associated with the overnight parking of Recreational Vehicles.*

Subsequently a design was finalised (refer Appendix A), line marking and signage installed before the trial commenced in early 2020.

APPENDIX: 9.5.1(A)

As a result of the COVID-19 pandemic, the trial was temporarily suspended. Following the operation of the facility over 12 months, Council was requested to consider to review the operation at its Ordinary Meeting held on 17 June 2021. Council resolved to approve the ongoing operation of the facility. An excerpt of the relevant minutes is appended.

APPENDIX: 9.5.1(B)

Over the 2022/23 summer period, numerous complaints were received from a commercial caravan park operator in the area, substantiated by supporting photographs. The complaints and photographs highlight:

- a) Camping occurring in vehicles that were not self contained, including small caravans, utility vehicles and small vans, standard cars and on occasions tents/swags;
- b) More than the four permitted vehicles staying over night; and
- c) Vehicles staying more than overnight.

Copies of relevant photographs will be made available to elected members at the meeting.

Council is now requested to give further consideration to the ongoing operation of the facility, having regard to the complaints received and the response from the Northcliffe Visitors Centre/CRC as detailed in the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

Prior to proceeding with the initial trial, the proposal was advertised for public comment over a 21 day period. In response 7 submissions were previously received. As detailed in the June 2021 agenda, the submissions are summarised as follows:

- a) Four overnight bays as proposed will not be sufficient to meet the needs;
- b) A minimum period of 48 hours is required for free RV camping to maximise the money that travellers would spend within the community;
- c) There is potential for RV parking as proposed to conflict with other carparking requirements associated with the Visitors Centre/CRC/Library and events within the Town; and
- d) Suggestions that the carparking area on Wheatley Coast Road or an area opposite the Northcliffe Hotel would be more suitable.

COMMENT (Includes Options):

The provision and operation of the Overnight Parking of Self Contained Recreational Vehicles is primarily regulated through:

- i) the provisions of the *Caravan Parks and Camping Grounds Act 1995* and the associated *Caravan Parks and Camping Grounds Regulations 1997*; and
- ii) the specific conditions imposed by the Local Government in respect of the permits granted.

In this case, the conditions relating to the overnight parking specifically limit the number of vehicles to four, parking within the required bays and they require that persons are staying within a Self Contained Recreational Vehicle.

To assist Council in its determination of this matter, the following advice is offered:

Types of Caravan Park Licenses

The provisions of the *Caravan Park and Camping Grounds Regulations 1997* (the Regulations) outline three forms of caravan park being a standard caravan park, a nature based caravan park and a transit caravan park. Council's approval to the overnight parking of self contained vehicles is consistent with that of a transit park.

Transit Park Requirements

The Regulations prescribe various requirements relating to a transit park, including requirements for showers and toilets. The requirements for showers and toilets are however set aside by Schedule 7 – Clause 22, which effectively states that such facilities are not required where the sites are occupied by a “caravan with ablution, toilet and laundry facilities” (i.e. fully self contained).

In the event that vehicles are not self contained, toilets and showers are required to be provided. For a site catering for four vehicles, a minimum of one male and one female toilet are required. This ensures that appropriate ablutions are provided for guest use, avoiding inappropriate behaviour.

Given that toilets and showers are not provided on-site there is a need to ensure all vehicles utilising the facility are self contained.

Cancellation of Permit

In accordance with clause 12 of the *Caravan Parks and Camping Grounds Act 1995* a permit to operate a facility where the conditions of the permit have been contravened.

Response from Visitors Centre

The response from the NVC highlights that “it is unfortunate that they only report the instances of non-compliance, not the other 95% of the time the

users are compliant. On average there are one or two compliance vans or RVs there every night.” The submission furthermore highlights that:

- a) the majority of the time, non-compliant vehicles are arriving well after business hours, being discovered the next morning;
- b) At no stage has the non-compliance been reported to the Visitors Centre staff or board;
- c) It is unclear if the complainants have ever tried to call the Shire Rangers;
- d) Saturday nights are an ongoing issue with backpackers sleeping in their cars in town, out exploring on their weekends off from local farms and using the free wi-fi in town;
- e) Recently there has been an influx of backpackers from South Australia who do not understand the self-contained requirements, which is an industry wide issue;
- f) Improved signage defining what self contained means and outlining no sleeping in cars, tents and occasional visits by Rangers to issue fines would be helpful.

The NVC also express the view that closure of the facility will not encourage compliant users to commercial facilities, rather they will *“just move out to the highway overnight stops again”*. They also submit that the non-compliant users will remain an issue in town, camping in other areas where they have access to the wi-fi (i.e. adjacent to the general store).

A copy of the NVC submission is shown attached.

ATTACHMENT: 9.5.1(1)

Options Available to Council

In responding to the issue, the following options exist for Council:

1. Cancellation of the License – As outlined above, the permit may be cancelled due to the operators not ensuring compliance with the requirements for vehicles to be self-contained;
2. Refuse to renew a permit – Effectively requiring the facility to cease on the anniversary date of Council’s approval (17 June);
3. Permit the activity to continue for a set period subject to additional measures to ensure compliance.

Enforcement of Requirements

Both the operator of the facility and Shire Officers are responsible for ensuring compliance with the conditions of approval. In this case, as identified by the NVC, non-compliant vehicles are tending to arrive following the closure of the NVC and are only discovered the following morning.

Where inspections are required after hours to ensure compliance, such inspections are usually undertaken by Shire Rangers. With no Shire Rangers residing in Northcliffe, inspections by Shire Rangers will involve Officers being dispatched from Manjimup.

Inspections are recommended early in the morning. This is due to the identification of non-compliance at night usually results in the non-compliant

vehicles simply moving to another unauthorised location. On occasions non-compliant vehicle drives have consumed alcohol, so they are unable to legally drive.

On finding unauthorised campers, Shire Rangers have the authority to issue fines in accordance with the *Caravan Park and Camping Grounds Act 1995*.

General Issues of Unauthorised Camping

As elected members are aware, issues of unauthorised camping in carparks and other locations are common with travellers seeking to “free camp”, avoiding the costs associated with staying at a licensed facility.

As reflected in the submission from the NVC, unauthorised campers are being observed in other locations within the Northcliffe Townsite. It therefore appears it would be appropriate to make arrangements for Shire Rangers to attend the townsite in order to enforce the legislation.

Conclusion

As highlighted by the NVC, the majority of vehicles attending the facility are self-contained in accordance with the conditions of approval. The NVC submission has highlighted that in addition to unauthorised camping occurring at the facility, unauthorised camping appears to be regularly occurring at other locations within townsite. They further submit that closure of the facility will result in additional unauthorised camping occurring elsewhere within the townsite.

Given the information provided by the complainant and the NVC, it is apparent that inspections are required both at the facility and the Northcliffe Townsite to ensure compliance with the legislation.

Having regard to the above, it is recommended that the NVC be permitted to continue until June 2023, subject to:

- a) The NVC being required to arrange additional signage confirming that to be considered self-contained vehicles must contain toilet, shower and laundry facilities; and
- b) Shire Rangers undertake regular early morning inspections of the facility and townsite.

STATUTORY ENVIRONMENT:

Camping within Western Australia is regulated by the provisions of the *Caravan Parks and Camping Ground Act 1995* and the associated 1997 Regulations.

As defined by the *Caravan Parks and Camping Ground Act 1995*, a camp “means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle..”. The Act further defines that a vehicle is “a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels”. Sleeping within a vehicle is therefore classified as camping under the Act.

Regulation 11 identifies that a person may camp on land other than a caravan park or camping ground under the following circumstances:

- a) For up to 3 nights in any 28 day period on land which he or she owns, or has a legal right to occupy. Camping for more than 3 nights, but not more than 3 months in any 12 month period, may occur where the local government grants approval. Approval for a period longer than 3 months may only be granted by the Minister.
- b) Up to 24 hours in a caravan or other vehicle in a road side rest area;
- c) Up to 24 hours in a road reserve in an emergency. The regulations define an emergency as a situation where the movement of the caravan or other vehicle would constitute an immediate or serious hazard.
- d) Land held by the state (freehold, leasehold or reserve) in accordance with the permission of that instrumentality; and
- e) On any unallocated crown land with the permission of the Minister for Lands.

In accordance with the above provisions, camping (including overnight camping) may only occur on land under the care and control of the Shire with the Shire's prior approval.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

There are several risks associated with the facility, whether on going operation of the facility is approved or not. For the benefit of elected members, these risks are summarised as follows:

- a) Should operation of the facility, there will be a need for further enforcement of the conditions of approval, including increased inspections by Shire of Manjimup Rangers after hours;
- b) There is potential for non-self contained vehicles to continue to use the facility contrary to the conditions of approval, when these vehicles should be attending an appropriately licensed commercial facility;
- c) As highlighted by the Visitors Centre/CRC, closure of the facility is likely to result in unauthorised camping in other areas within, or adjacent to the Northcliffe townsite.

FINANCIAL IMPLICATIONS:

Should Council support the ongoing operation of the facility, it is considered that there will be a requirement for Shire Rangers to inspect the facility to ensure compliance with the Caravan Parks and Camping Grounds Act and the conditions of the Shire approval.

SUSTAINABILITY:

Environmental: Nil.

Economic: The provision of an overnight facility at Northcliffe has allowed travellers to stay overnight and further explore the area and spend money in the townsite, when they otherwise may not have stayed in the area.

Social: Social issues regularly arise with non-self-contained vehicles staying overnight with no access to suitable ablutions.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Permit the continued operation of the Overnight Parking Facility in the Northcliffe Visitors Centre Carpark until 30 June 2023, subject to the following:**
 - a) The Northcliffe Visitors Centre providing additional signage on-site to ensure that all attendees are aware that in order to be considered self-contained, the vehicles must contain internal toilet, shower and laundry facilities;**
 - b) Shire Rangers, where available, attending the site to enforce the requirements for vehicles to be self contained.**
- 2. The Acting Chief Executive Officer be requested to arrange for inspection of the Northcliffe townsite by Shire Rangers to ensure compliance with the *Caravan Park and Camping Grounds Act 1995*, subject to appropriate resources being available; and**
- 3. Await a further agenda item on the issue of compliance with the requirement for vehicles to be self-contained at its Ordinary Meeting to be held on 6 July 2023.**

COUNCIL RESOLUTION:

MOVED: Jenkins, D SECONDED: Winfield, C

29100

That Council:

- 1. Permit the continued operation of the Overnight Parking Facility in the Northcliffe Visitors Centre Carpark until 30 June 2023, subject to the following:**
 - a) The Northcliffe Visitors Centre providing additional signage on-site to ensure that all attendees are aware that in order to be considered self-contained, the vehicles must contain internal toilet, shower and laundry facilities;**
 - b) Shire Rangers, where available, attending the site to enforce the requirements for vehicles to be self contained.**
- 2. The Acting Chief Executive Officer be requested to arrange for**

inspection of the Northcliffe townsite by Shire Rangers to ensure compliance with the *Caravan Park and Camping Grounds Act 1995*, subject to appropriate resources being available; and

3. Await a further agenda item on the issue of compliance with the requirement for vehicles to be self-contained at its Ordinary Meeting to be held on 6 July 2023.

CARRIED: 9/0

Councillor Eiby returned to the Chamber at 5.48pm.

SUSPENSION OF STANDING ORDERS:

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

29101

That Council suspend Standing Orders.

CARRIED: 10/0

Standing Orders were suspended at 5.49pm.

RESUMPTION OF STANDING ORDERS:

MOVED: Jenkins, D **SECONDED:** Eiby, W

29102

That Council resume Standing Orders.

CARRIED: 10/0

Standing Orders were resumed at 5.51pm.

**ATTACHMENT
APPENDIX**

9.9.1 Proposed Community Funds Program Occasional Committee of Council

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Community Services
FILE REFERENCE:	F160252
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Evy Apeldoorn; Kelsie Brown
DATE OF REPORT:	24 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Council meeting held on 9 February 2023, Council resolved the following as part of their response to Council agenda item *Proposed Review of Policy 3.1.3 Community Funds Allocation*:

MOVED: Eiby, W

SECONDED: Jenkins, D

29035

That Council:

- 3. Await a further report to establish an Occasional Committee of Council to undertake the assessment of the grant applications and make recommendations to Council about the allocation of community funds.**

The purpose of this report is to request Council's approval to:

- Create an Occasional Committee;
- Establish the Terms of Reference; and
- Appoint Council delegates to the Committee.

The proposed Terms of Reference for the Occasional Committee are attached.

ATTACHMENT: 9.9.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In accordance with the recently reviewed Policy Council endeavours to allocate 2.5% of the prior year's rates revenue to the Community Fund Program. While this amount may, over time, reflect growth or decline in Council rate base, the number of applications for funds and the total sum of funds applied for are growing steadily, with the program being oversubscribed each year. These circumstances require a robust set of conditions and criteria framing a clear and transparent funding program so that Council, Officers and community applicants can all participate or fulfil their respective roles in the program with confidence.

Committees of Council provide advice to Council to enable responsible and well-informed decisions be made. The Functions of the proposed Community Funds Program Occasional Committee of Council will assist Council to:

1. Assess the Community Funds applications received in the annual program round in accordance with the policy objectives, conditions, and measures of Policy 3.1.3 Community Funds Allocation; and
2. Make recommendations to Council about the allocation of Community Funds for the annual program round in accordance with the Policy 3.1.3 Community Funds Allocation.

APPENDIX: 9.9.1(A)

The Terms of Reference will establish membership, terms, and functions of the Committee. Proposed as an Occasional Committee, the Committee would meet during the annual Council budget deliberation process upon the closure date of the annual program round.

Alternatively, should Council wish not to establish a new Occasional Committee of Council to assist with the Community Funds allocation, Council

can elect to continue the process followed over the past years, in which all Councillors discuss the applications and allocate the funds in a workshop which forms part of the annual budget timetable.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Corporate Business Plan 2022-2026:

- C2 Support volunteer community groups, encourage participation (particularly in areas of emergency management and acknowledge Contributions to the community.
 - C2.4 Provide annual Community Grants to community groups and not-for-profit organisations for projects or activities that have a focus on benefiting communities within the Shire; and
 - C2.5 Provide acknowledgement and support to a diverse range of local volunteer groups (both operational and financial support).

ORGANISATIONAL RISK MANAGEMENT:

Policy 3.1.3 guides the appropriate administration and funds allocation of the Community Funds Program. The policy provides guidelines for Officers in the correct administration of the program, for applicants in their selection of the appropriate funding category to apply for funds within and for Council in their allocation of funds.

The intent of this policy is to provide clarity, consistency and transparency to the community and the applicants as well as to officers when preparing reports with recommendations to Council on the decision-making process thus controlling organisational risk.

The establishment of an Occasional Committee of Council aims to assist with a systematic and transparent assessment of the grant applications to provide well-informed and equitable recommendations to Council for the allocation of Community Funds. To achieve this, it is imperative that the Councillors on this Committee evenly represent all Shire areas as well as the different types of activities/events applied for by community groups of various nature.

FINANCIAL IMPLICATIONS:

There are no financial implications related to the establishment of this committee.

SUSTAINABILITY:

Environmental: Nil.

Economic: This Policy guides the allocation of Council funds to a variety of community groups, projects, and events which in turn supports opportunity for those recipients to improve their economic sustainability.

Social: In supporting the activities and events of various community groups, this Policy provide for enhanced social opportunities across the Shire.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Confirm the Terms of Reference for the proposed Community Funds Program Occasional Committee of Council as provided in Attachment: 9.9.1(1);
2. Appoint the following Councillors to the Community Funds Program Occasional Committee of Council for the biennial period ending October 2023; and

Community Funds Program Occasional Committee of Council	
Cr Paul Omodei	Shire President (Chair)
Cr	Councillor (Central Ward)
Cr	Councillor (Central Ward)
Cr	Councillor (Central Ward)
Cr	Councillor (Outer Ward)
Cr	Councillor (Outer Ward)
Cr	Councillor (Outer Ward)

COUNCIL RESOLUTION:

MOVED: Jenkins, D SECONDED: Taylor, R

29103

That Council:

1. Confirm the Terms of Reference for the proposed Community Funds Program Occasional Committee of Council as provided in Attachment: 9.9.1(1);
2. Appoint the following Councillors to the Community Funds Program Occasional Committee of Council for the biennial period ending October 2023; and

Community Funds Program Occasional Committee of Council	
Cr Paul Omodei	Shire President (Chair)
Cr Donelle Buegge	Councillor (Central Ward)
Cr Denise Jenkins	Councillor (Central Ward)
Cr Robert Taylor	Councillor (Central Ward)
Cr Wendy Eiby	Councillor (Outer Ward)
Cr Murray Ventris	Councillor (Outer Ward)
Cr Cliff Winfield	Councillor (Outer Ward)

CARRIED: 10/0

The Shire President declared an Impartiality Interest in this Item as he is a member of the Pemberton Heritage and History Group. Councillor Ventris declared an Impartiality Interest in this Item as his wife is a member of the Pemberton Heritage and History Group. Councillor Eiby declared an Impartiality Interest in this Item as the Northcliffe Pioneer Museum is a member of the Northcliffe Visitor Centre which she manages. Councillor Willcox declared an Impartiality Interest in this Item as she is the Secretary of the Walpole Historical Society. The Shire President, Councillor Ventris, Councillor Eiby and Councillor Willcox declared that they would consider the matter on its merits and vote accordingly.

9.9.3 Request for Consideration to Allocate Annual Funds to Town Heritage and Historical Organisations - to Assist in the Conservation and Preservation of Shire of Manjimup Heritage

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	NA
DIRECTORATE:	Community
FILE REFERENCE:	F161315
LEGISLATION:	<i>WA Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Heritage includes places, values, traditions, events and experiences that capture where we've come from, where we are now and gives context to where we are headed as a community.

Our heritage gives us understanding and conveys the stories of our development as a nation, our spirit and ingenuity, and our unique, living landscapes. Heritage is an inheritance that helps define our future.

By identifying, protecting and managing our heritage we are conserving a valuable asset and ensuring that those places will continue to be experienced and enjoyed by future generations. Further detail can be accessed here: (<https://www.dcceew.gov.au/parks-heritage/heritage/about>).

The Shire of Manjimup covers a geographical area of 7,022 square kilometres with 4 towns each with its own rich heritage and traditions. Each town has a recognised Heritage / History Group dedicated to the collection, conservation, preservation and interpretation of historical information and objects. Such groups are dedicated to ensuring that future generations understand their heritage and visitors can better appreciate and reflect on the region they are visiting.

Manjimup Heritage Park Collections, whilst focused on those Collections housed within the Heritage Park recognises the importance of heritage conservation and preservation. As Council would be aware the Heritage Park is home to a number of Shire owned and maintained 'Collections' of local, regional, state, and national significance. With limited human and financial resources at its disposal the management and maintenance of the Shire Collection is highly reliant on volunteers and the Manjimup Historical Society.

Local Heritage / History groups provide a significant service to the community as a whole and ensure that the regions heritage stories and objects are secured and interpreted for future generations. The purpose of this report is to request Council consideration to give formal recognition to the important service these groups play and to allocate annual funds from the Shire of Manjimup Community Fund Category 2 Financial Hardship Community Groups. The funding is to guarantee basic support to cover all or part of basic operational costs for insurance, utilities, cleaning, and collection management.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Shire of Manjimup Strategic Community Plan and Arts and Cultural Strategy recognise the importance to ensure that local historical records and stories are collected, documented, conserved and available for everyone to study and enjoy; and that the Shire's collection of historical artefacts is expanded, conserved, and exhibited for everyone to study and enjoy.

The rich cultural heritage of the region and its geographical area requires more than the local government to ensure the above is achieved. Local Heritage and History groups provide a significant service to local communities and collaboratively together with the Shire work tirelessly to meet the heritage objectives of the region.

There are four peek Heritage / History groups within the Shire, all are not for profit and predominately run by an ageing volunteer workforce. These groups are:

Manjimup Historical Society: based in the Manjimup Heritage Park (the Park) in History House and work collaboratively with the Shire to maintain heritage objects and exhibits within the Park and to manage Shire of Manjimup historical documentation such as electoral rolls stored within the fire proof storage area, making such documents available to the public on request.

The Society also participate in Park activation and interpretation and are open to the public for special events, exhibitions, and open days.

Northcliffe Pioneer Museum: located in Northcliffe at the Pioneer Museum the Group have an extensive collection of historical objects and documentation. The Museum is staffed by volunteers and a key visitor attraction within the

district. The Northcliffe Pioneer Museum is a very proactive Heritage Group with multiple buildings and assets to manage.

By way of example, the Northcliffe Group have advised that their base operational costs are as follows: Public Liability insurance \$2,200; power \$1,000 and contract cleaning \$1,500. Having this base cost covered would enable the Group to focus their fundraising efforts and volunteer time on maintenance and strategic management of the Museums rather than simply to cover base operational costs.

Walpole Historical Group: Have a long tradition and are actively working towards relocating the Shannon heritage building to an area adjoining the Community Resource Centre. This facility will be an important next step for the Historical Group to further enhance their role in heritage conservation, preservation, and interpretation.

Pemberton Heritage and History Group: traditionally managed the local heritage Collection within the old school building within the Visitor Centre lease. The Group will move into a new Museum and Workshop within the Pemberton Community Hub.

Understandably, the above move comes with some trepidation for the Group as this is their first foray into a leased area with increased levels of maintenance and management responsibility.

Rationale

Providing a base annual financial allocation of \$5,000 for each Heritage / History group will enable a broader benefit of meeting heritage objectives across the region. Stronger foundations will foster new opportunities for the peak heritage and history groups within the Shire to work more collaboratively and efficiently.

It is proposed that each group be allocated \$5,000 annually as foundation level assistance to cover all or part of basic operational costs for insurance, utilities, cleaning, and collection management. The intention is that Groups will continue to seek additional funding sources for other works and will remain eligible to apply for funds from other categories within the Shire of Manjimup Community Fund program. The \$5,000 reflects the base costs of the Northcliffe Pioneer Museum and would be subject to periodic review.

In conclusion, the proposal to allocate funds to each Heritage / History Group comes with an expectation that the Groups will continue to service their local communities and visitors through their continued commitment to the conservation, preservation, and interpretation of local heritage and management of local collections.

STATUTORY ENVIRONMENT:

Western Australian Local Government Act 1995, s6.8 (Financial Management Regulations)

POLICY / STRATEGIC IMPLICATIONS:

Strategic Community Plan 2021 – 2031

3. Our Community

3.8 Diversity, inclusivity and harmony are the foundations of our strong community spirit, and we celebrate and honour our diverse cultures, heritage, and lifestyles.

C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy.

3.1.3 Community Fund Policy

Policy 3.1.3 under Category 2 Financial Hardship Community Groups recognises the importance of community groups who provide a service or care function to the community. Category 2A *Financial assistance – community care/ service or in high need capped at \$5000*).

Arts and Cultural Strategic Plan 2013 – 2023

1.5 Objective: Local historical records and stories are collected, documented, conserved and available for everyone to study and enjoy.

1.7 Objective: The Shire's collection of historical artefacts is expanded, conserved, and exhibited for everyone to study and enjoy.

3.1.7 Manjimup Heritage Park Collections

Policy 3.1.7 recognises the importance of heritage conservation. The Park is the home of a number of Shire owned and maintained 'Collections' of local, regional, state and national significance. With limited human and financial resources at its disposal the management and maintenance of the Shire Collection is highly reliant on volunteers.

The Manjimup Heritage Park ('the Park') Collection policy is a public document that guides the management and development of the collections within the Park. It outlines why, what, where, how and when the Park collects objects, and how and why items may be deaccessioned and disposed.

The collection is a source of knowledge, ideas, stories and memories. It is developed and managed as a community resource to inspire, educate and inform the community and visitors, and to contribute to the conservation of the history and heritage of Manjimup and the Southern Forests region.

ORGANISATIONAL RISK MANAGEMENT:

The Shire of Manjimup clearly identifies the importance of local heritage, its conservation, interpretation, and management. The Shire of Manjimup's ability to meet its strategic heritage objectives across the region will remain limited. Supporting existing Heritage and Historical Groups will better facilitate the delivery of these objectives.

FINANCIAL IMPLICATIONS:

Nil. The proposed amount will be allocated from the Community Grant Fund financial hardship category which was endorsed at the Ordinary Meeting of Council held 10 February 2023.

SUSTAINABILITY:

Environmental: The environment and the stories and traditions associated with it form an important part of our regions rich history and heritage.

Economic: Museums and heritage conservation and interpretation are an important attraction and contributor to the visitor economy.

Social: By identifying, protecting, and managing our heritage we are conserving a valuable asset and ensuring that those places will continue to be experienced and enjoyed by future generations.

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

That Council;

1. Acknowledge the importance of heritage conservation, preservation and interpretation within the Shire of Manjimup and the challenges faced by the Shire of Manjimup to foster robust heritage management due to limited resources;
2. Recognise the important role incorporated local history and heritage groups play in supporting the conservation and preservation of significant local heritage and history;
3. Allocate \$5,000 annually from the Community Grant Fund Financial Hardship category to each of the following: Manjimup Historical Society, Pemberton Heritage and History Group, Northcliffe Pioneer Museum and Walpole Historical Group. The intention being that the funds will cover all or part of basic operational costs for insurance liability, utilities, and cleaning; and
4. Note that this allocation does not limit the aforementioned groups eligibility to apply for grants within other funding categories of the Shire of Manjimup Community Fund.

COUNCIL RESOLUTION:

MOVED: Ventris, M **SECONDED:** Winfield, C

29104

That Council;

1. Acknowledge the importance of heritage conservation, preservation and interpretation within the Shire of Manjimup and the challenges faced by the Shire of Manjimup to foster robust heritage management due to limited resources;
2. Recognise the important role incorporated local history and heritage groups play in supporting the conservation and preservation of significant local heritage and history;

3. **Allocate \$5,000 annually from the Community Grant Fund Financial Hardship category to each of the following: Manjimup Historical Society, Pemberton Heritage and History Group, Northcliffe Pioneer Museum and Walpole Historical Group. The intention being that the funds will cover all or part of basic operational costs for insurance liability, utilities, and cleaning; and**
4. **Note that this allocation does not limit the aforementioned groups eligibility to apply for grants within other funding categories of the Shire of Manjimup Community Fund.**

CARRIED: 10/0

ATTACHMENT APPENDIX

9.15.1 Minutes of the Northcliffe Forest Park Management Committee Meeting Held 29 March 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Northcliffe Forest Park
WARD:	Coastal
ZONE:	N/A
DIRECTORATE:	Works & Services
FILE REFERENCE:	F170372
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Nicole Booth
DATE OF REPORT:	30 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Northcliffe Forest Park Management Committee is a Management Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

This report is to present to Council the unconfirmed minutes of the Northcliffe Forest Park Management Committee meeting held 29 March 2023 as attached.

ATTACHMENT: 9.15.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There were three recommendations made by the Northcliffe Forest Park Management Committee, with these three recommendations requiring Council approval.

Committee recommendations	Officer's comment
That the Shire consider purchasing a subscription to MAPPT for use by volunteers in mapping Northcliffe Forest Park and other reserves in the Shire.	Supported by Officers, pending review of quotes to be provided to the Shire by the Committee. Noting that MAPPT is a mobile, GIS mapping tool that can be used offline.
The Committee asks that the Northcliffe Forest Park budget be increased by CPI in the 2023/2024 budget considerations.	Not supported, given the previous five financial years show that budget has only been fully expended twice. Of these two occasions, one was a very minor overspend as a result of

	maintenance and the other was to assist with payment for the Northcliffe Forest Park Management Plan.
That Mark Batty is recommended to the Shire as a community representative on the Northcliffe Forest Park Management Committee.	Supported. The change is reflected in the draft Terms of Reference proposed for recommendation to Council.

It is noted in the minutes the resignation of Carol Perry as representative of the Northcliffe Environment Centre together with the resignation of both Duncan Smith, Glynn Jones and Cheryl Macaulay. Unfortunately, the meeting did not follow correct process for accepting and voting on these resignations. Having said that it is recommended that Council accept all three of these resignations. Further to this, with Council accepting the resignations, a vacancy for the Community Representative position is freed to be filled by Mark Batty, as per the Committee's recommendation in the table above.

In order to support the Committee's recommendations, the current Northcliffe Forest Park Management Committee Terms of Reference 2021 must be amended to reflect the change. Amending the Terms of Reference requires Council approval. The Northcliffe Forest Park Management Committee Terms of Reference 2021 - 2023 are appended.

APPENDIX: 9.15.1 (A)

The amended Northcliffe Forest Park Management Committee Terms of Reference 2023 reflecting the change to committee membership having Mark Batty as a community representative are attached.

ATTACHMENT: 9.15.1(2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The Northcliffe Forest Park Management Committee is responsible for the management of the budget allocated for the Northcliffe Forest Park's maintenance, capital improvement and reserves.

SUSTAINABILITY:

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

Economic: Nil

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

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Northcliffe Forest Park Management Committee meeting held 29 March 2023 as included in attachment: 9.15.1(1);
2. Accept the resignation of Carole Perry as the Northcliffe Environment Centre representative and thank her for her service;
3. Accept the resignation of Glynn Jones as the Northcliffe Volunteer Fire and Rescue representative and thank him for his service;
4. Accept the resignation of Duncan Smith as the Community Representative and thank him for his service;
5. Accept the resignation of Cheryl Macaulay as the Community Representative and thank her for her service;
6. Accept the nomination of Mark Batty as Community Representative;
7. Subject to Council's acceptance of Point 2, 3, 4 and 5, note that Shire Officers will prepare public notice and advertise the vacant committee positions for a period of 28 days; and
8. Confirm the Terms of Reference for the Northcliffe Forest Park Management Committee as detailed in attachment: 9.15.1(2).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Jenkins, D

29105

That Council:

1. Receive the unconfirmed minutes of the Northcliffe Forest Park Management Committee meeting held 29 March 2023 as included in attachment: 9.15.1(1);
2. Accept the resignation of Carole Perry as the Northcliffe Environment Centre representative and thank her for her service;
3. Accept the resignation of Glynn Jones as the Northcliffe Volunteer Fire and Rescue representative and thank him for his service;
4. Accept the resignation of Duncan Smith as the Community

Representative and thank him for his service;

- 5. Accept the resignation of Cheryl Macaulay as the Community Representative and thank her for her service;**
- 6. Accept the nomination of Mark Batty as Community Representative;**
- 7. Subject to Council's acceptance of Point 2, 3, 4 and 5, note that Shire Officers will prepare public notice and advertise the vacant committee positions for a period of 28 days; and**
- 8. Confirm the Terms of Reference for the Northcliffe Forest Park Management Committee as detailed in attachment: 9.15.1(2).**

CARRIED: 10/0

ATTACHMENT APPENDIX

9.15.2 Unconfirmed Minutes of the Airfield Management Committee Held on 1 March 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Dawn Road, Manjimup
WARD:	Central
ZONE:	Public Purposes
DIRECTORATE:	Works & Services
FILE REFERENCE:	F170380
LEGISLATION:	<i>Local Government Act 1995</i> <i>Civil Aviation Safety Authority (CASA)</i> <i>Regulations 1998</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	20 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to present to Council the unconfirmed minutes of the Airfield Management Committee meeting held 1 March 2023. A copy of the unconfirmed minutes is attached.

ATTACHMENT: 9.15.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Committee Recommendation	Officers Comment
Support the DBCA suggestion that a water service is required at the airport, request DBCA to investigate an alternative option by way of an on-site bore and request DBCA to seek formal quotes for a trenched option and a bore option.	Supported with the discussion highlighting budgeting processes and how the proposed project may be funded in the future.
The Committee accept Sean Tysoe as Deputy Airport Reporting Officer and update the Terms of Reference accordingly.	Supported and dealt with as part of the recommendations to Council in this report.

As the recommendation to accept Sean Tysoe requires amendment to the Terms of Reference, the current Airfield Management Committee's Terms of Reference are appended for Council's review.

APPENDIX: 9.15.2(A)

The proposed new Airfield Management Committee's Terms of Reference is included in the attachment.

ATTACHMENT: 9.15.2 (2)

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

In accordance with Council's adopted budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The Airfield is critical infrastructure to the community.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 1 March 2023, as shown in attachment: 9.15.2(1);
2. Approve the nomination of Sean Tysoe as Deputy Airport Reporting Officer; and
3. Adopt the amended Terms of Reference as shown in the attachment: 9.15.2(2).

COUNCIL RESOLUTION:**MOVED: Winfield, C SECONDED: Taylor, R****29106****That Council:**

- 1. Receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 1 March 2023, as shown in attachment: 9.15.2(1);**
- 2. Approve the nomination of Sean Tysoe as Deputy Airport Reporting Officer; and**
- 3. Adopt the amended Terms of Reference as shown in the attachment: 9.15.2(2).**

CARRIED: 10/0

ATTACHMENT APPENDIX

9.16.3 Unconfirmed Minutes of the Manjimup Recreation Advisory Committee Meeting held 13 March 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F170452
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	15 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

The purpose of the Committee is:

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

The purpose of this report is to present the unconfirmed minutes of the MRAC meeting held on 13 March 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Agenda Item 9.16.1 from the Council meeting held on 9 February 2023 discussed the large number of vacancies currently on the committee. The

Item stated that 'as there appears to be a lack of interest from the sporting community in filling the vacant committee roles, the future direction of MRAC will be discussed with the committee at its next meeting'. This was discussed at length during the meeting held 13 March 2023. The overall consensus of the current committee is that the committee is a valuable space for sports in Manjimup to come together to share their successes and struggles with a focus on facility development, and that it should continue on in its current format.

Furthermore, three nominations for vacant committee positions were received. Aaron Pedlar is the President of the Manjimup Amateur Basketball Association and is nominating for the vacant Basketball representative position. Michelle Lyster is the Secretary of the Manjimup Amateur Basketball Association and is nominating for the vacant Basketball (proxy) representative position. Kira Blechynden is the President of the Manjimup Netball Association and is nominating for the vacant Netball representative position.

As such, there are three recommendations relating to representation on the MRAC Committee that require a decision of Council.

Committee Recommendation	Officer Recommendation
That Council endorse the nomination of Aaron Pedlar in the Basketball representative position.	As per committee recommendation.
That Council endorse the nomination of Michelle Lyster in the Basketball (proxy) representative position.	As per committee recommendation.
That Council endorse the nomination of Kira Blechynden in the Netball representative position.	As per committee recommendation.

The current Terms of Reference are appended, and the proposed updated Terms of Reference are attached.

APPENDIX: 9.16.3(A)
ATTACHMENT: 9.16.3 (2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:Environmental: Nil.Economic: Nil.Social: Collaboration between sporting clubs and community members is important in the sustainable development of community sport and recreational facilities.**VOTING REQUIREMENTS:****ABSOLUTE MAJORITY****OFFICER RECOMMENDATION:****That Council:**

1. Receive the unconfirmed Minutes of the Manjimup Recreation Advisory Committee Meeting held 13 March 2023 as shown in Attachment: 9.16.3(1);
2. Accept the nomination of Aaron Pedlar in the Basketball representative position on the Manjimup Recreation Advisory Committee;
3. Accept the nomination of Michelle Lyster in the Basketball (proxy) representative position on the Manjimup Recreation Advisory Committee;
4. Accept the nomination of Kira Blechynden in the Netball representative position on the Manjimup Recreation Advisory Committee; and
5. Accept the proposed Terms of Reference of the Manjimup Recreation Advisory Committee as per Attachment: 9.16.3(2).

COUNCIL RESOLUTION:**MOVED: Buegge, D****SECONDED: Winfield, C****29107****That Council:**

1. Receive the unconfirmed Minutes of the Manjimup Recreation Advisory Committee Meeting held 13 March 2023 as shown in Attachment: 9.16.3(1);
2. Accept the nomination of Aaron Pedlar in the Basketball representative position on the Manjimup Recreation Advisory Committee;
3. Accept the nomination of Michelle Lyster in the Basketball (proxy) representative position on the Manjimup Recreation Advisory Committee;
4. Accept the nomination of Kira Blechynden in the Netball

representative position on the Manjimup Recreation Advisory Committee; and

- 5. Accept the proposed Terms of Reference of the Manjimup Recreation Advisory Committee as per Attachment: 9.16.3(2).**

CARRIED: 10/0

**ATTACHMENT
APPENDIX**

9.16.4 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting Held on 14 March 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Reserve 26199 (Manjimup Heritage Park) Ward, Giblett and Edwards Streets, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F170453
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Heritage Park 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 advice to Council on the orderly development, maintenance and promotion of the Manjimup Heritage Park;
2. Undertake voluntary work at the Manjimup Heritage Park;
3. To support delegate opportunities to represent the Heritage Park, specifically the heritage precinct, on external bodies; and
4. To assist, advise and participate in the Manjimup Heritage Park activation.

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on the 14 March 2023 as attached and to consider the proposed amended Terms of Reference reflecting changes in the Committee membership. The current Terms of Reference are appended for Council information.

**ATTACHMENT: 9.16.4(1)
APPENDIX: 9.16.4(A)**

PUBLIC CONSULTATION UNDERTAKEN:

Vacant committee positions were advertised by Public Notice in the Manjimup Bridgetown Times and Antenno. One nomination was received.

COMMENT (Includes Options):

There are three recommendations arising from this meeting that require a decision of Council.

Committee Recommendation	Officer Recommendation
<p>To accept possession of items offered for donation as listed below and in accordance with the Collections Committee advice:</p> <ul style="list-style-type: none"> - Western Power World of Energy manuals, brochures, pamphlets relating to the electricity collection; - Railway platform scale; - Wool Press; - Shackles and Insulators; - Timber grading stamp; - Engine indicator and various items from the retired members group Energy West Social Club; - Bridge Megger; and - Karri Tree image which is 100 years old and was from the Deanmill site. 	As per Committee Recommendation
To accept the nomination of Jessica Winters to the vacant position of Community representative and to amend the Terms of Reference to reflect this.	As per Committee Recommendation
To amend the Terms of Reference to reduce the number of community representatives to two and to amend the quorum to five members instead of the current six.	As per Committee Recommendation

With the proposed recommended change of representation on the Advisory Committee it is necessary to amend the Terms of Reference to incorporate the proposed changes. The Terms of Reference as adopted at the meeting of September 2022 are appended and the proposed amended Terms of Reference are attached.

APPENDIX: 9.16.4(A)
ATTACHMENT: 9.16.4(2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The Terms of Reference, actions and activities of the Heritage Park Advisory Committee are consistent with the strategies and directions identified in the:

Shire of Manjimup Strategic Community Plan 2021-2031.

- C2. Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community;
- C18. Create, support and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities;
- C20. Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements;
- C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy;
- C23. Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance;
- D5. Develop and maintain community infrastructure to a service-level that meets the community's needs;
- D8. Develop town centres to showcase their unique characters and encourage vibrant, mixed-use commercial and public spaces; and
- D10. Provide for public parks and playgrounds that are accessible and attractive with well-maintained amenities and equipment.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The Manjimup Heritage Park educational activities contributes to the flora, fauna and environmental awareness of visitors and community members.

Economic: The Manjimup Heritage Park is a visitor destination / attraction is a key contributor to the regions visitor economy.

Social: The preservation, conservation and interpretation of heritage and history is critical for ensuring future generations have an understanding as to how the modern world has evolved. It is important for future generations to have access to the region's heritage and historical information and the sense of place that such knowledge offers. The Park space proper is a significant community hub and visitor destination for the region.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee meeting held 14 March 2023 as per Attachment: 9.16.4(1);**

2. Endorse the recommendation to accept possession of Collection items offered for donation as listed below:
 - i. Western Power World of Energy manuals, brochures, pamphlets relating to the electricity collection;
 - ii. Railway platform scale;
 - iii. Wool Press;
 - iv. Shackles and Insulators;
 - v. Timber grading stamp;
 - vi. Engine indicator and various items from the retired members group Energy West Social Club;
 - vii. Bridge Megger; and
 - viii. Karri Tree image which is 100 years old and was from the Deanmill site.
3. Accept the nomination of Jessica Winters as Community Representative and reflect this change in the Terms of Reference; and
4. Amend the Terms of Reference to reflect point 3 and to reduce the number of community representatives to two and to amend the quorum to five members instead of the current six as per Attachment: 9.16.4(2).

COUNCIL RESOLUTION:

MOVED: Buegge, D SECONDED: Skoss, K

29108

That Council:

1. Receive the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee meeting held 14 March 2023 as per Attachment: 9.16.4(1);
2. Endorse the recommendation to accept possession of Collection items offered for donation as listed below:
 - i. Western Power World of Energy manuals, brochures, pamphlets relating to the electricity collection;
 - ii. Railway platform scale;
 - iii. Wool Press;
 - iv. Shackles and Insulators;
 - v. Timber grading stamp;
 - vi. Engine indicator and various items from the retired members group Energy West Social Club;
 - vii. Bridge Megger; and
 - viii. Karri Tree image which is 100 years old and was from the Deanmill site.
3. Accept the nomination of Jessica Winters as Community Representative and reflect this change in the Terms of Reference; and
4. Amend the Terms of Reference to reflect point 3 and to reduce

the number of community representatives to two and to amend the quorum to five members instead of the current six as per Attachment: 9.16.4(2).

CARRIED: 10/0

The Acting Chief Executive Officer declared a Financial Interest in this Item as he is giving consideration to applying for the Chief Executive Officer position. The Acting Chief Executive Officer did not speak on the matter and left the Chamber at 6.02pm. The Director of Business assumed the Chair and the meeting resumed at 6.03pm.

SUSPENSION OF STANDING ORDERS:

MOVED: Jenkins, D SECONDED: Eiby, W

29110

That Council suspend Standing Orders.

CARRIED: 10/0

Standing Orders were suspended at 6.05pm.

RESUMPTION OF STANDING ORDERS:

MOVED: Ventris, M SECONDED: Jenkins, D

29111

That Council resume Standing Orders.

CARRIED: 10/0

Standing Orders resumed at 6.11pm.

ATTACHMENT

9.16.5 Unconfirmed Minutes of the Chief Executive Officer Review Committee Meetings held 10 March 2023 and 30 March 2023

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	Whole of Shire
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F170461
LEGISLATION:	<i>Local Government Act 1996, Local Government (Administration) Regulations 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	2 April 2023
DECLARATION OF INTEREST:	The Acting Chief Executive Officer has not participated in the Committee processes or minute production.

BACKGROUND:

In a late item presented to Council at the 2 March 2023 Council meeting, the Chief Executive Officer (CEO) Andrew Campbell, resigned from his position with his final day of employment being 18 May 2023.

The Chief Executive Review Committee whilst established to review the CEO's performance is also tasked in the event a CEO has resigned, with taking the first steps of the process for the recruitment of the replacement CEO.

The items the CEO Review Committee were required to consider were:

- Makeup of the Chief Executive Officer Selection Panel;
- Determine an appropriate "Independent Person" to be on the selection panel;
- Determine an appropriate Human Resources (HR) Consultant to support the selection panel;
- Identify a budget to fund the HR Consultant's services.

The purpose of this report is to present the recommendations from the Chief Executive Officer Review Committee, establish the Chief Executive Officer Selection Panel, with members being endorsed as part of this agenda item, and to receive the minutes from the 10 March 2023 and 30 March 2023 meetings. Copies of the minutes from these meeting are attached.

ATTACHMENT: 9.16.5 (1)

ATTACHMENT: 9.16.5 (2)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Chief Executive Officer Review Committee met two times due to several items from the first meeting requiring research or confirmation to then be ratified in the second meeting. As stated in the Background after this agenda item has been endorsed by Council by Absolute Majority the newly created Chief Executive Officer Recruitment Panel will take over the process.

It should be noted at every significant point of the process the Recruitment Panel will present items to Council for adoption by Absolute Majority. Those items will be:

- Endorsement of the Job Description and Key Performance Indicators;
- Confirmation of the remuneration package to be offered;
- Means and length of time of advertising;
- Details of offer to be made and employment contract to preferred candidate; and
- Endorsement of approved employment contract.

Below are those decisions that the Chief Executive Officer Review Committee are seeking endorsement to then allow the establishment of the Chief Executive Recruitment Panel.

Makeup of Chief Executive Officer Recruitment Panel (10 March 2023 meeting)

As per Council Policy 1.2.12 Chief Executive Officer Selection the Review Committee endorsed the composition of the Panel as four Councillors, the Shire President and an Independent Person.

Moved : Cr Taylor Seconded : Cr Skoss

“The constitution of the CEO Selection Panel will be the Shire President, four Councillors and the Independent Person”.

Carried : 4/0

Determine an appropriate Independent Person (30 March 2023 Meeting)

The definition of an Independent Person has changed under the regulations. An Independent Person cannot be a current elected member, human resource consultant, or staff member of the local government. Examples of the independent person could be:

- Former elected members or staff members of the local government;
- Former elected members (such as a Mayor of Shire President) or staff members of another local government;
- A prominent or highly regarded member of the community; or
- A person with experience in the recruitment of CEO's and senior executives.

After deliberation, Steve Miolin's name was put forward as a nomination for Independent Person. The Director of Business was tasked with gauging Mr Miolin's interest and he accepted the nomination. On that basis the Committee moved the following:

Moved : Cr Skoss Seconded : Cr Taylor

“Endorse Steve Miolin as the preferred candidate to fill the position of “Independent Person” on the Shire of Manjimup Chief Executive Officer Selection Panel”.

Carried 5/0

Determine an appropriate HR Consultant (30 March 2023 meeting)

The Director of Business requested quotes from six HR Consulting companies with three received.

The decision to endorse Lester Blades as the preferred consultant was based on their thorough submission that stepped out all elements of the process

from “End to End”. This gave the committee reassurance that the CEO recruitment process would be thorough, meet legislative requirements and a quality candidate could be appointed.

Moved : Cr Omodei Seconded : Cr Skoss

“Endorse Lester Blades Pty Ltd as the HR Consultant for the Shire of Manjimup Chief Executive Officer Recruitment process”.

Carried 5/0

Identify the budget to Fund the HR Consultant (10 March 2023 meeting)

The Director of Business suggested that Interest Received be used to fund the one-off expense due to this income source being well ahead of the annual budget allocation.

Moved : Cr Omodei Seconded : Cr Skoss

“The Shire of Manjimup set aside a provisional sum of \$40,000 to fund the Chief Executive Officer Recruitment Process subject to quotes received”.

Carried 4/0

Conclusion

On adoption of this agenda item the newly created Chief Executive Officer Recruitment Panel will take on all the duties of CEO recruitment with the support of the appointed HR Consultant, and all recommendations will come before the full Council for adoption by Absolute Majority.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Local Government (Administration) Regulations 1996 and Division 2 of the Local Government (Administration) Amendment Regulations 2021 set out the minimum requirements to meet compliance with the CEO appointment process.

POLICY / STRATEGIC IMPLICATIONS:

Council Policy 1.2.12 *Chief Executive Officer Selection Panel* gives guidance with regard to the CEO recruitment process.

ORGANISATIONAL RISK MANAGEMENT:

The most significant risks through the CEO recruitment process, are not getting the best candidate for CEO and/or not following the legislated method and having to restart a 9-month process. Appointing Lester Blades as HR Consultant reduces this risk given their high standing in executive recruitment and extensive experience with Local Governments.

FINANCIAL IMPLICATIONS:

Interest Received is \$199,661 with a budget of \$103,452 and is proposed to fund the HR Consultant budget of \$40,000. Whilst Lester Blades actual quote

is less than the proposed budget the provision allows for any extra expense if required as part of the process.

SUSTAINABILITY:

Environmental: Nil

Economic: Nil

Social: Nil

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the minutes of the Chief Executive Officer Review Committee held 10 March 2023 and 30 March 2023 in accordance with Attachment: 9.16.5(1) and Attachment: 9.16.5(2);
2. Endorse that the constitution of the CEO Selection Panel will be the Shire President, four Councillors and the Independent Person;
3. Appoint the Shire President and the following four Councillors to the Chief Executive Recruitment Panel:
 Councillor 1 _____
 Councillor 2 _____
 Councillor 3 _____
 Councillor 4 _____
4. Endorse Mr Steve Miolin as the “Independent Person” to sit on the Chief Executive Officer Recruitment Panel;
5. Appoint Lester Blades as the Human Resource Consultant to support the Chief Executive Officer Recruitment Panel; and
6. Amend the 2022/23 adopted budget as per the table below to fund the Human Resource Consultant:

Description	2022/23 Adopted Budget	2022/23 Revised Budget	Variation
Interest Received	(\$60,000)	(\$100,000)	(\$40,000)
Human Resource Consultant (Recruitment)	\$0	\$40,000	\$40,000
		Net Rates	\$0

ALTERNATE RESOLUTION:**MOVED: Omodei, P SECONDED: Skoss, K****29112****That Council:**

- 1. Receive the minutes of the Chief Executive Officer Review Committee held 10 March 2023 and 30 March 2023 in accordance with Attachment: 9.16.5(1) and Attachment: 9.16.5(2);**
- 2. Endorse that the constitution of the CEO Selection Panel will be the Shire President, six Councillors and the Independent Person;**
- 3. Appoint the Shire President and the following six Councillors to the Chief Executive Recruitment Panel:**
Cr Denise Jenkins
Cr Robert Taylor
Cr Wendy Eiby
Cr Murray Ventris
Cr Kim Skoss
Cr Cliff Winfield
- 4. Endorse Mr Steve Miolin as the “Independent Person” to sit on the Chief Executive Officer Recruitment Panel;**
- 5. Appoint Lester Blades as the Human Resource Consultant to support the Chief Executive Officer Recruitment Panel; and**
- 6. Amend the 2022/23 adopted budget as per the table below to fund the Human Resource Consultant:**

Description	2022/23 Adopted Budget	2022/23 Revised Budget	Variation
Interest Received	(\$60,000)	(\$100,000)	(\$40,000)
Human Resource Consultant (Recruitment)	\$0	\$40,000	\$40,000
		Net Rates	\$0

CARRIED: 11/0

The Acting Chief Executive Officer returned to the Chamber and assumed the Chair at 6.15pm.

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. APPLICATIONS FOR LEAVE OF ABSENCE:

COUNCIL RESOLUTION:

MOVED: Taylor, R

SECONDED: Skoss, K

29113

That Council grant Councillor Eiby a Leave of Absence for 4 May 2023 Council Meeting.

CARRIED: 10/0

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.17pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**