



AGENDA

COUNCIL MEETING

25 MAY 2023

Our Community Vision

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

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

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

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

SHIRE OF MANJIMUP – COUNCIL MEETING AGENDA

25 MAY 2023

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 25 May 2023 commencing at 5:30pm in the Council Chamber.



**Brian Robinson
ACTING CHIEF EXECUTIVE OFFICER**

17 May 2023

DISCLAIMER

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

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

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

SHIRE OF MANJIMUP**COUNCIL MEETING THURSDAY 25 MAY 2023****TO BE HELD
IN THE COUNCIL CHAMBER****COMMENCING AT 5:30PM****AGENDA****1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:**

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

2. ANNOUNCEMENTS BY THE PRESIDENT:**3. ATTENDANCE:**

3.1 Apologies:

Councillor Kim Skoss is an apology.

3.2 Approved Leave of Absence:

Councillor Cliff Winfield has been granted a Leave of Absence for this meeting.

4. DECLARATIONS OF INTEREST:

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

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice

5.2 Public Question Time

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

in writing. Any person asking questions of Council must state their correct name and address as this will form part of the public record of this meeting]

6. PRESENTATIONS:

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Delegate Reports
- 6.5 Conference Reports

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 4 May 2023 be confirmed.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

9. OFFICERS' REPORTS:

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

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

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

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

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

MAJORITY	ITEM	COUNCIL OFFICERS' REPORTS	Page No.
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	9.2	CORPORATE & GOVERNANCE	

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_____ / _____

“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 80 of the Agenda with the exception of:

ATTACHMENT**9.2.1 Quarterly Report - January to March 2023 - Business Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160966
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	17 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the quarter ending March 2023 for the Business Directorate is attached.

ATTACHMENT: 9.2.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The report outlines key activities that have occurred for the third quarter of 2022/2023. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising from those activities.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the January to March 2023 Quarterly Report – Business Directorate as contained in the Attachment: 9.2.1(1).

ATTACHMENTS

1 	Business Directorate Quarterly Report - January to March 2023	14 Pages
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ATTACHMENT

9.3.1 Council Financial Payments for April 2023

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Craig Martyn
DATE OF REPORT:	12 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Accounts for payment totalling \$1,441,570.07 for the month of April 2023 are listed below and in the attachment. Corporate Card transactions of \$3,758.67 for March 2023 are also detailed below.

ATTACHMENT: 9.3.1(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 25 May 2023.

Fund	Vouchers	Amount
Municipal	95270 – 95296	\$92,891.76
Trust Fund	-	\$0.00
Total Cheques for Month of April 2023		\$92,891.76

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 25 May 2023.

Fund	Batch	Amount
Municipal	255 – 260	\$1,327,993.72
Direct Debit		\$20,684.59
Total EFT for Month of April 2023		\$1,348,678.31

**Corporate Credit Card transactions 21 February 2023 – 20 March 2023
(paid 4 April 2023) – Municipal Account**

4.1221	Adobe Creative Cloud 12/03/23 - 11/04/23	\$79.99
4.1221	Amazon - Hardware to run front office monitor as digital sign	\$531.99
790.1317	Blue Dog Training - White Card training - M. Parke	\$59.00
1995.1226	Dome - Graphite Rd Construction Contractors meeting coffees	\$13.80
952.6001	MLA Holdings - Gasket kit for forklift FL1	\$736.23
788.1148	Magistrates Court - Lodgement Notice - D Potter	\$166.30
953.6001	Rolan Refund - Reversing camera for grader GR03	-\$177.30
3.1301	Manji Florist - Birth of new baby for staff member – P. Stirling	\$80.00
680.1133	Westnet Invoice 135582259: Internet Services 01/03/23 to 01/04/23, Wallib	\$89.95
98.1410	Westnet Invoice 135582259: Internet Services 01/03/23 to 01/04/23, mjpses	\$79.99
8.1317	Captain Stirling Hotel Perth: 1 x Nights accommodation for DB & SPO to attend Datacom meeting 15/3/23	\$242.00
571.1036	Ausmed Health - 10 x 100 overshoe covers	\$159.00
6.1101	Jabba Coffee - SMT meeting coffees	\$35.50
1166.1101	Woolworths - catering platters for gallery exhibition opening – Moments Made in Italy	\$195.00
677.1101	Ikea - Furniture for library story-time	\$224.00
677.1161	Beta Media - Replace library DVD cases	\$201.70
677.1094	Beta Media - Replace library DVD cases	\$127.74
677.1682	Sanity - DVD purchases for library	\$191.94
677.1682	Amazon - Book purchases for library - not available from traditional suppliers	\$42.06
570.1346	Starlink Satellite - subscription Windy Harbour 22/02/23 - 21/03/23	\$139.00
570.1346	Starlink Satellite FX Fee - subscription Windy Harbour 22/02/23 - 21/03/23	\$4.17
6.1101	Coles - CEO farewell bbq supplies	\$15.10

6.1101	Coles - CEO farewell bbq supplies	\$40.05
3.1301	Coles - CEO farewell Gift card charge	\$7.00
3.1301	Coles - CEO farewell Gift card	\$250.00
6.1101	Manji Bakery - CEO farewell bbq supplies	\$42.50
6.1101	Manji Meat Mart - CEO farewell bbq supplies	\$181.96
Total Credit Card Payments for March 2023		\$3,758.67

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As stated.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note the April 2023 accounts for payment totalling \$1,441,570.07 including the Corporate Credit Card transactions for March 2023 of \$3,758.67 as detailed and in the Attachment: 9.3.1(1).

ATTACHMENTS

[1](#) ⇨ Shire of Manjimup Payments - April 2023 38 Pages

ATTACHMENT

9.3.2 Monthly Financial Activity Statement - March 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:	12 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The Financial Activity Statement report for the period to 31 March 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: 9.3.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 March 2023 is a projected profit of \$26,663.

The projected profit is based on a conservative approach, however monitoring for any 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 March \$71,693 has been received for Planning Fees with a budget of only \$55,000; and
- Interest Received on Bank Accounts (gain \$157,554) – to the end of March \$237,183 has been received from a budget of \$143,542; and
- Manjimup Home & Community Care, Home Care Package Income \$465,000 – 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 tourist accommodation 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 the 30 June 2023, being:

- Storm Damage – at the end of March 2023 storm damage actuals were \$97,081 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 March 2023 road maintenance categories are 80% expended with 25% of the year remaining. Whilst slightly ahead of budget, 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 March 2023 as per Attachment: 9.3.2(1).

ATTACHMENTS

1 ➡ Monthly Financial Activity Statement - March 2023 17 Pages

ATTACHMENT

9.3.3 Proposed Budget Review Adjustments - March 2023

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160191
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	17 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following a review of the monthly accounts to 31 March 2023 a budget adjustment sheet has been prepared to reflect variations to expenditure and revenue compared to that contemplated in the adopted 2022/2023 Annual Budget.

ATTACHMENT: 9.3.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The March 2023 Monthly Financial Statement Report has been completed and is the subject of a separate agenda item providing a full explanation of “actual” compared to “budget” for the three months of operation to 31 March 2023.

Adjustments for 2022/2023 adopted budget, already approved by Council by way of specific agenda items, are:

- \$71,000 Pemberton Colocation Project – Allocate remaining General Purpose Grant \$27,548 and Interest Received \$43,452 to finalise the project as per agenda item 9.9.2, 9 February 2023;
- \$60,000 Wheatley Coast Road works – Increase budget to cover additional costs funded from Regional Road Group \$40,000 and Retrofit Pram Ramps \$20,000 as per agenda item 9.13.1, 23 March 2023; and
- HR Consultancy \$40,000 – Fund HR Consultancy costs associated with Chief Executive Officer recruitment process as per agenda item 9.16.5, 13 April 2023.

Proposed other adjustments not yet considered by Council are:

- \$652,829 ESL Bush Fire Brigade Plant – Recognise new 4.4 Fire Truck for Mordalup BFB and Light Tanker for Northcliffe BFB and associated trades; and
- \$30,000 Western Australian Cricket Assoc – Recognise successful grant application to support the Lighting Project at Rea Park / Collier St.

As part of the finalisation of the 2021/2022 Annual Financial Accounts the final end of year surplus position has been determined as being \$101,378 more than the original budget estimates.

On review of the Shire's current 2022/2023 financial position (minor surplus), and where the Shire is at in the 2023/2024 budget process, it is considered not appropriate to prioritise some projects over others when they have not been fully considered as part of the budget process.

One item within the Shire's balance sheet that gets very little attention is the Staff Annual and Long Service Leave Reserve. In the past money has only ever been transferred to it when such windfalls like this have been realised, rather than a systematic increase every year.

Below is a representation of the provision for leave versus funding in the leave reserve as at 31 March 2023:

Current - Liabilities	Actuals to 31 March 2023
Annual Leave Provision	\$ 730,869
Long Service Leave Provision	\$ 975,640
Provision for Workers Compensation	\$ 42,663
Provision for Superannuation	\$ 179,183
Non Current - Liabilities	
Long Service Leave Reserve	\$ 182,897
Provision for Workers Compensation	\$ 4,572
Provision for Superannuation	\$ 19,204
Total of Provision Accounts	\$2,135,029
Reserve Accounts	
Staff Annual and Long Service Leave Reserve	\$ 504,335
Manjimup Home and Community Care Annual and Long Service Leave Reserve	\$ 226,441
Reserve Total	\$ 730,776
Shortfall	\$1,404,253
Percentage Funded	34.2%

In the past the percentage of leave covered by funding has been much higher, some 10 years ago in 2012/13 the percentage was 53.5% funded from a \$1,333,241 provision. This funding level has been eroded over time by annual salary increases, increases to superannuation and minor transfers from the leave reserve when excess leave has been taken.

The proposed budget adjustment has two benefits, firstly if there is a significant amount of leave taken, or a long term staff members leaves and requires payout, rather than putting the current year budget under pressure the money

could be transferred from reserve if required, and secondly funding a liability in the Shire's balance sheet improves the Shire's overall financial position.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Details of the recommended budget adjustments are attached.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council adopts the March 2023 budget adjustments as contained in Attachment: 9.3.3(1).

ATTACHMENTS

1 ➡ Proposed Budget Adjustments - March 2023 2 Pages

ATTACHMENT

9.5.1 Proposed Dam with Setback Reduction at Lot 7694 (326) Mitchelldean Road, Yanmah

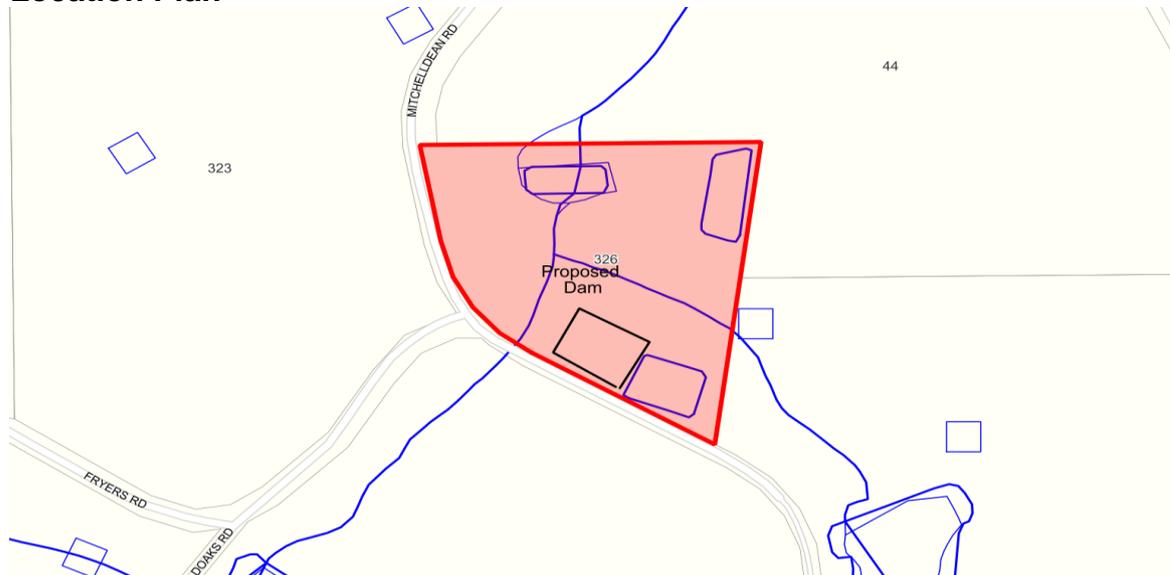
PROPONENT	Mr P D McGinty
OWNER	Mr P D McGinty
LOCATION / ADDRESS:	Lot 7694 (326) Mitchelldean Road, Yanmah
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/30; P54907
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts/Jason Giadresco
DATE OF REPORT:	18 April 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 road boundary, being the western boundary of Lot 7694 (326) Mitchelldean Road, Yanmah. Plans and supporting information relating to the proposed dam are attached.

ATTACHMENT: 9.5.1 (1)

Location Plan



The subject property is 10.9 hectares in area and contains three dams, fifteen marron ponds as well as a shed which is used as for Aquaculture (Marron and Trout) Production.

Approval is being sought to construct an off-stream dam with a capacity of 10 megalitres (ML). The dam if approved will have an outer wall height of 4 metres and an inner wall height of 7 metres with a width of 70 metres and a length of 100 metres and will have a depth of 5 metres. The applicant has supplied information regarding the overflow and has stated that an emergency overflow

will be constructed in the south-west corner of the dam using local rock material. The submitted site plan shows that the proposed dam is to have a scour pipe which will be flanged inside and out to prevent capillary seepage. The pipe will have clay compacted around it during construction.

The application outlines that the proposed method of bank stabilisation will be topsoil being spread over the top and exterior walls of the completed dam and seeded with kikuyu seed.

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 was referred to the adjoining landowners for 21 days and the 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: 9.5.1 (2)

Further to the submission received above, another submission was received from DWER regarding the application. This has been provided to Councillors under separate cover.

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

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 for the sustainable use of 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 the aquaculture business that is operating on the subject property, the application is considered to be 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.

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 that an emergency spillway is to be constructed at the time of development.

Risk Category	Score
Construction Type (Catchment Dam)	1
Volume 10-100ML (10ML)	2
Wall Height 0-5m (4m)	2
Dam Wall Design (designed by owner or others)	3
Infrastructure Downstream (other dams)	3
Overflow Infrastructure (dam by-pass & overflow by others)	1
TOTAL	12

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 application has stated that the overflow and scour pipe will be reinforced and sealed as required.

Land Use Intensification

It is acknowledged that the proposed Dam is for Marron and Trout production which will increase the intensity of the existing approval Aquaculture on the property. The Aquaculture land use is a 'D' land use on land zoned for Priority Agriculture meaning "*that it is not permitted unless the local government has exercised its discretion by granting planning approval*".

Local Planning Policy 6.1.11 Rural Land Use (the Policy) provides Shire Officers criteria to assess Aquaculture proposals including but not limited to having regard to the potential effect on existing water resources in the locality. As part of its assessment, the Shire referred the proposal on to the State agency responsible for water licencing and environmental impacts.

DWER Submission

The submission received from DWER has made comment on the proposal relating to water and setbacks. DWER have stated that the subject property is located within the Donnelly River System under the "*Rights in Water and Irrigation Act 1914 (RIWI)*" and the landowner holds a current RIWI surface water licence allocation.

DWER have some concerns around how the dam may be filled, given the existing storages on the property are likely to be in excess of the licensed annual water entitlement. DWER states that if the new dam is proposed to be filled under this entitlement, then it is unlikely to be supported. The applicant was contacted with regards to DWER's comments and has stated that they are non-consumptive water users.

In reply DWER has advised that the license entitlement is being reviewed with the applicant.

With regard to the above, it is not the role of Council nor Shire Officers to determine whether a landowner holds the appropriate water licence for a prospective water body on their property. The comment made by DWER in this regard is noted. An advice note to this effect will be included in the event Council approves the application.

With regard to setbacks, DWER have made comment that it encourages the Shire to consider the dam's construction in terms of impact on the local amenity, and in impact on Mitchelldean Road. Shire Officers are comfortable with the siting of the dam as proposed. No ongoing amenity impacts, visual or otherwise, are anticipated. Should construction of the dam go ahead and in any event, can be managed through the recommended conditions of approval as contained in the Officer Recommendation.

Conclusion

Given the proposed Dam has been assessed as a medium risk it is supported for approval, subject to appropriate conditions.

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: The proposal was referred to the State agency responsible for environmental impact assessment..

Economic: Establishing a water storage area will assist towards a suitable supply of water for aquaculture 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 and the increase in Aquaculture land use on Lot 7694 (326) Mitchelldean Road, Yanmah (TP33/2023) in accordance with the plans and specifications attached at 9.5.1 (1) 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.	Dam Application	24 February 2023
Form	Additional information for dam construction	24 February 2023

- 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) 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 suitable qualified contractor or engineer;
- ii) Prior to the commencement of works, the applicant is to obtain any relevant approvals from the Department of Water and Environmental Regulation; and
- iii) The development is defined as a “Food Business” under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the Shire of Manjimup’s Environmental Health team on (08) 9771 7777.

ATTACHMENTS

- 1 ➡ Attachment No. 1 - Site and Dam Plans and Additional Information 10 Pages
- 2 ➡ Attachment No. 2 - DWER Submission 2 Pages

9.5.2 Notification of Home Occupation, Alfresco Dining and Holiday Accommodation Permits No-Longer Operating

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	All
ZONE:	Whole of Shire
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F161162, F161132
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylee Blee
DATE OF REPORT:	24 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A number of development approvals granted by the Shire require annual renewal in order to remain valid. The purpose of this is to ensure that activities such as home occupations, alfresco dining, holiday houses and bed and breakfasts are operated in a manner consistent with the amenity of the locality.

The annual renewals for 2022-23 have been completed and a number of permits have not been renewed. The purpose of this report is to notify Council of the following Home Occupations, Alfresco Dining and Holiday Accommodation premises that are no longer operating:

- 1) Lot 1 (489) Stirling Road, Channybearup. Holiday House Permit first granted approval 31 August 2006.
- 2) Lot 76 (40) Latham Avenue, Walpole. Holiday House Permit first granted approval 30 July 2015.
- 3) Lot 23 North Street, Northcliffe. Holiday House Permit first granted approval 18 April 2018.
- 4) Lot 348 (30) Dean Street, Pemberton. Holiday House Permit first granted approval 21 November 2017.
- 5) Lot 135 (3) Banksia Street, Northcliffe. Holiday House Permit first granted approval 25 November 2019.
- 6) Lot 5 Staff Street, Quinninup. Holiday House Permit first granted approval 10 April 2003.
- 7) Lot 635 (9) Boronia Street, Walpole. Holiday House Permit first granted 7 April 2021.
- 8) Lot 99 (40) Karri Street, Walpole. Holiday House Permit first granted 13 February 2018.
- 9) Lot 1 (20) Jamieson Street, Pemberton. Holiday House Permit first granted 16 June 2021.
- 10) Lot 72 (45) Giblett Street, Manjimup (The Cherry Box). Alfresco Dining Permit first granted 26 November 2014.
- 11) Lot 142 (5) Casuarina Street, Manjimup (Processing Honey). Home Occupation Permit first granted 16 July 2012.

- 12) Lot 1 (62) Arnott Street, Manjimup (Manjimup Light Engineering). Home Occupation Permit first granted 4 September 2008.
- 13) Lot 21 (55) Mount Street, Manjimup (Consulting Room). Home Occupation Permit first granted 6 June 2007.
- 14) Lot 21 (26) Woodgate Retreat, Deanmill. Home Occupation Permit first granted 28 March 2019.
- 15) Lot 64, 3 Beresford Avenue, Manjimup. Home Occupation Permit first granted 8 January 2020.
- 16) Lot 14, 11 Seaton Villa Road, Manjimup (Honey Processing). Home Occupation Permit first granted 28 February 2020.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Given the Permits have not been renewed, Council's prior development approval will be required before the activity may recommence.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Shire of Manjimup Local Planning Scheme No.4 and *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

Local Planning Policies 6.1.5, 6.1.6 and 6.1.7 relate to the assessment and management of home occupations, alfresco dining and holiday accommodation respectively within the Shire. There are no implications to these Policies as a result of not renewing the subject home occupation, alfresco dining and holiday accommodation permits.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: The ceasing of the Home Occupations, alfresco dining or Holiday Accommodation may have a small economic impact as the number of service providers is reduced. However, similar operations exist elsewhere in the Shire to offset this.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note that the development approvals for the following properties have not been renewed on the grounds that the local government have received notification that the relevant Home Occupations, Alfresco Dining or Holiday Accommodations are no longer operating:

- 1) Lot 1 (489) Stirling Road, Channybearup. Holiday House Permit first granted approval 31 August 2006.**
- 2) Lot 76 (40) Latham Avenue, Walpole. Holiday House Permit first granted approval 30 July 2015.**
- 3) Lot 23 North Street, Northcliffe. Holiday House Permit first granted approval 18 April 2018.**
- 4) Lot 348 (30) Dean Street, Pemberton. Holiday House Permit first granted approval 21 November 2017.**
- 5) Lot 135 (3) Banksia Street, Northcliffe. Holiday House permit first granted approval 25 November 2019.**
- 6) Lot 5 Staff Street, Quinninup. Holiday House Permit first granted approval 10 April 2003.**
- 7) Lot 635 (9) Boronia Street, Walpole. Holiday House Permit first granted 7 April 2021.**
- 8) Lot 99 (40) Karri Street, Walpole. Holiday House Permit first granted 13 February 2018.**
- 9) Lot 1 (20) Jamieson Street, Pemberton. Holiday House Permit first granted 16 June 2021.**
- 10) Lot 72 (45) Giblett Street, Manjimup (The Cherry Box). Alfresco Dining Permit first granted 26 November 2014.**
- 11) Lot 142 (5) Casuarina Street, Manjimup (Processing Honey). Home Occupation Permit first granted 16 July 2012.**
- 12) Lot 1 (62) Arnott Street, Manjimup (Manjimup Light Engineering). Home Occupation Permit first granted 4 September 2008.**
- 13) Lot 21 (55) Mount Street, Manjimup (Consulting Room). Home Occupation Permit first granted 6 June 2007.**
- 14) Lot 21 (26) Woodgate Retreat, Deanmill. Home Occupation Permit first granted 28 March 2019.**
- 15) Lot 64, 3 Beresford Avenue, Manjimup. Home Occupation Permit first granted 8 January 2020.**
- 16) Lot 14, 11 Seaton Villa Road, Manjimup (Honey Processing). Home Occupation Permit first granted 28 February 2020.**

ATTACHMENT

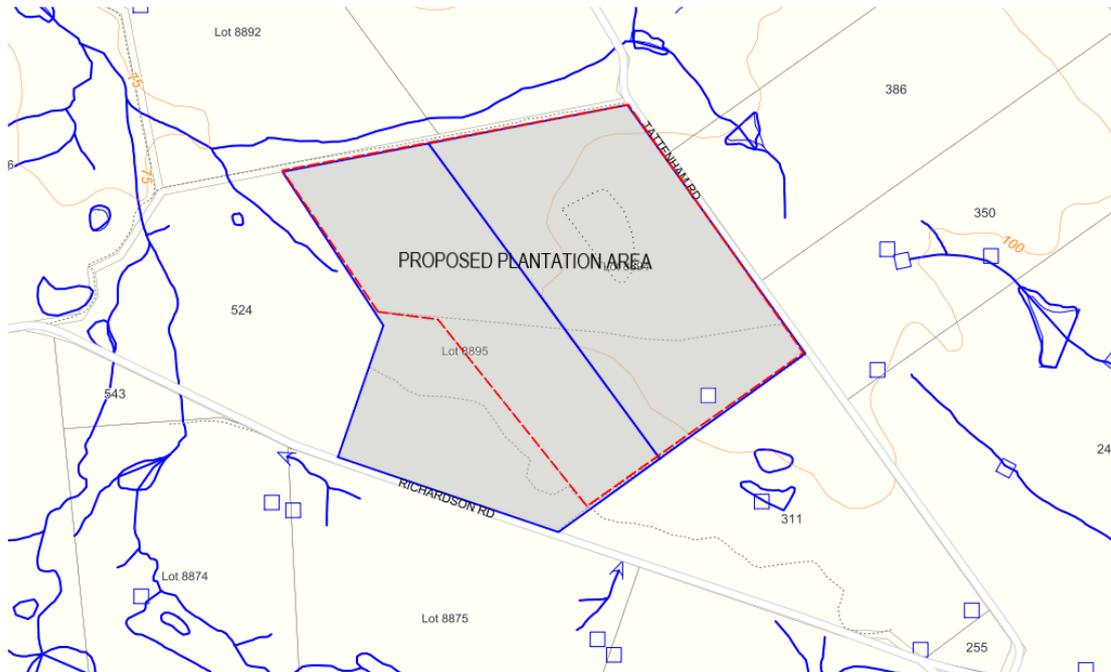
9.5.3 Proposed Plantation (Pine) at Lot 8895 Tattenham Road, Meerup

PROPONENT OWNER	Forest Products Commission Susanne Jane Smeathers
LOCATION / ADDRESS:	Lot 8894 and 8895 Tattenham Road, Meerup
WARD:	Coastal
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/28 P57248, 57249
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	26 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is 106.48ha consisting of two properties and is located approximately 4.5km from the Northcliffe town centre. The property is vacant of any built improvements however contains remnant vegetation within Lot 8894 and the south western corner of Lot 8895, which also has been identified as an Environmentally Sensitive Area (ESA). The land has previously been used for a Tasmanian Blue Gum plantation, which has been harvested and is currently sitting fallow. A location plan is shown below.

Location Plan



It is proposed to establish a 70ha Plantation of *Pinus radiata* (Pine) in the location previously used for Tasmanian Blue Gum. Copies of the Site and Plantation Management Plans are attached.

ATTACHMENT: 9.5.3 (1)

Council is requested to determine the application, as Shire Officers do not have the delegated authority to determine proposals for Agroforestry/Tree Plantation land uses.

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. Correspondence was also forwarded to Department of Biodiversity, Conservation and Attractions (DBCA), Main Roads WA (MRWA), Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES).

Submissions have been received from all of the agencies referred to above. Whilst the DBCA and MRWA correspondence simply states that there is no objection, other departments have offered comments on the proposal. Copies of the submissions received are shown attached, whilst the content of those submissions are addressed within the Comment section of this agenda item. No other submissions were received.

ATTACHMENT: 9.5.3 (2)

COMMENT (Includes Options):

The subject land is zoned General Agriculture under the Scheme. The purpose of this zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under clause 2.4...;*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment; and*
- (xv) *the preservation of the amenity of the locality.*

Land Use Definition

The Scheme definition of "Plantation" refers to the definition in the Code of Practice for Timber Plantations in Western Australia, which is as follows:

" a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits.

A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that the plantation will be harvested.”

Land Use Permissibility

The Scheme identifies a Plantation as an ‘A’ use within General Agriculture Zone. That is a use, which is not permitted, unless Council has exercised its discretion by granting planning approval after publicly advertising the application in accordance with the requirements of Clause 9.6 of the Scheme.

Local Planning Policy 6.1.11 Rural Land Uses (the Policy)

Part C of the Policy outlines the Shire’s position in relation to the development of tree plantations on agricultural land through the Shire, the standards to be applied to all future development of this type and the process required to obtain the necessary approvals. The following comments are provided in respect of the Policy requirements:

Access

The applicant has supplied a management plan for the plantation. Access to the site for both light and heavy vehicles is directly from Tattenham Road. The applicant has identified that some damage to the running surface may occur adjacent to the entry point and has committed to working with the Shire to repair any damage that may occur.

It is suggested that a condition be imposed, should Council approve the application, requiring a Transport Management Plan prior to harvesting.

Fire Risk and Management

The Plantation Management Plan includes fire protection measures that appear to be consistent with the Bush Fires Act and “Guidelines for Plantation Fire Protection”. Mitigation techniques include a 15 metre wide perimeter firebreak, access to water points for firefighting and procedures for minimising risk and in the event of fire attack.

The Plantation Management Plan has been reviewed by the Shire’s Community Emergency Services Manager who provided comments in respect to the proposed fire management of the property. These comments identify the need for the Plantation Management Plan to be revised.

Should the application be approved, it is recommended that conditions be imposed requiring ongoing compliance with the requirements of the Plantation Code of Practice and Guidelines and revision of the Fire Management Plan to the satisfaction of the Shire, along with a requirement that all fire management measures listed in the Fire Management Plan are to be implemented.

Visual Impact

The provisions of LPP 6.1.11 outline that development applications for plantations will be assessed in terms of their visual impacts where the

plantation is near a townsite, adjoining or are near a designated regional road. Given the location of the proposed plantation will not be visible from a townsite or regional road, no further assessment of the visual impact is required.

Natural Resource Management

The applicant is proposing a 15 metre setback to the existing wetland area, DWER has provided advice on this matter and it is discussed below.

Submissions

The content of submissions received from DWER and DFES are detailed and assessed below.

DFES

DFES has advised that compliance with the Guidelines for Plantation Fire Protection 2011 (Guidelines) has not been demonstrated. The proponent has since provided an updated Plantation Management Plan in response to DFES comments. An email by the applicant in response to DFES comments is provided attached.

ATTACHMENT: 9.5.3(3)

DWER

DWER has identified that the proposal has the potential to impact on the environment and water resource and has provided advice on the key issues as follows:

- a) No details have been provided in the referral with regards to water supply requirements to support the plantation activity, the proponent should be requested to quantify their water requirements for all aspects of the plantation and provide evidence of a secure water source, to the satisfaction of the Shire.
- b) Although there are no waterways on the subject lot, there is a Palusplain wetland located in the south western portion of Lot 8895. Ground disturbing works and use of heavy machinery have the potential to mobilise sediments into the wetland and waterways. The use of herbicides and pesticides can adversely affect water quality and as such the proponent should be advised of the risks.

It is recommended that the applicant be provided with a copy of the advice received from DWER.

Conclusion

The proposed plantation is a use that can be approved within the General Agriculture Zone. Given that the application is generally consistent with the provisions and considerations outlined by the Shire's LPP 6.1.11 and appears to be consistent with the Industry Code of Practice. Conditional approval is recommended subject to the submission of a revised Plantation Management Plan to the satisfaction of the Shire of Manjimup.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Timber Plantations within the rural areas of the Shire are guided by the provisions of the *Shire of Manjimup Local Planning Policy 6.1.11 - Rural Land Uses*. The application's compliance with this policy is addressed within the comment section of this agenda item.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Provided the matters relating to vegetation, as highlighted by DWER are addressed and proposed use is managed appropriately, no detrimental environmental impacts are anticipated.

Economic: The application if approved will contribute to the area's timber products industry and will continue to diversify the economy by providing employment opportunities within the Shire.

Social: It is considered that the proposal is compatible with the rural nature of the area and existing land uses abutting the site.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for a Plantation (*Pinus radiata*) at Lot 8894 and 8895 Tattenham Road, Meerup (TP31/2023) in accordance with the submitted plans and specifications and subject to the following conditions:

- a) **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.	Plantation Management Plan	9 May 2023
2.	Planned Plantation: Smeathers	23 February 2023

- b) Prior to the commencement of the use hereby approved, the applicant shall submit a revised Plantation Management Plan addressing fire management measures to the satisfaction the Shire of Manjimup;**
- c) In conducting the activity hereby approved the plantation Operator/Manager is required to comply with all relevant legislation, and to have particular regard to the general and reasonable amenity expectations of those who may be resident in the vicinity;**
- d) A separate 'Harvesting Plan' is to be submitted to the Shire of Manjimup a minimum of 24 months prior to the anticipated commencement of the harvesting of the subject Plantation and not less than 12 months prior to the commencement of harvesting operations formal notification of the intention to harvest shall be given to Shire of Manjimup. The 'Harvesting Plan' is to be prepared in accordance with the latest "Code of Practice for Timber Plantations" (or equivalent) that is applicable at that time;**
- e) Prior to the commencement of harvesting, a Transport Management Plan identifying heavy vehicle movement network shall be prepared, approved and implemented to the satisfaction of the Shire of Manjimup;**
- f) Fire management measures outlined in the approved Plantation Management Plan are to be implemented so as to meet the performance standards outlined in the Department of Fire and Emergency Services *Guidelines for Plantation Fire Protection* to the satisfaction of the Shire of Manjimup;**
- g) At the completion of any harvesting, the area which has been harvested shall be reinstated to the requirements and satisfaction of the responsible authority. In particular:
 - i. all waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;**
 - ii. any surplus tree branches shall be adequately disposed and shall not be left on site if they constitute a fire hazard; and**
 - iii. all temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.****
- h) Any proven damage to the local road network caused by vehicles associated with the Plantation is to be repaired at the applicant's cost to the satisfaction of the Shire of Manjimup.**

Advice to Applicant:

- (i) With regards to condition b) the applicant is to contact the Shire of Manjimup to finalise the fire management measures within the Plantation Management Plan.
- (ii) The Department of Water and Environmental Regulation has advised to refer to the Code of Practices for Timber Plantations in Western Australia (FIFWA 2014) to with operations, as practical and appropriate to the site situation, in particular ensuring:
 - Machinery should not enter the wetland or its buffer; and
 - Use of chemicals, such as herbicides and pesticides, and other pest control methods in plantation operations will be in accordance with State policies, procedures and approved usage
- (iii) That the operation of the Plantation including its harvest is required to comply with the *Environmental Protection (Noise) Regulations, 1997*; and
- (iv) The attention of the Plantation Operator / Manager is drawn to the need to comply with the requirements of any 'Firebreak Notice' issued by the Shire of Manjimup under the provisions of the "*Bush Fires Act 1954*". Furthermore, the Plantation Operator / Manager is required to advise Shire of Manjimup of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.

ATTACHMENTS

1 ⇨	Attachment 1 - Proposed Plantation Concept Plan and Management Plan	30 Pages
2 ⇨	Attachment 2- Submissions Received	8 Pages
3 ⇨	Attachment 3 - Applicants Response to DFES Comments	2 Pages

ATTACHMENT

9.5.4 Delegated Planning Decisions for March & April 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:	1 May 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. Due to a spreadsheet error, 6 (six) development applications that were approved under delegated authority were missed in the statistics and the report to Council for March 2023. The updated statistics are shown below.

A register of Delegated Development Approvals, detailing those decisions made under delegated authority in April 2023 and March 2023 (Corrected) is attached.

ATTACHMENT: 9.5.4(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 March 2023, twelve (12) 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 March 2023 compared to March 2022:

Table 1: Planning Decisions Made March 2022 and 2023

	March 2022	March 2023
Delegated Decisions	11 (\$496,200)	12 (\$2,420,810)
Council Decisions	5 (\$435,000)	11 (\$4,010,000)
Total	16 (\$931,200)	23 (\$6,430,810)

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	75 (\$9,065,728)	99 (\$8,840,481)
Council Decisions	40 (\$10,164,738)	55 (\$9,465,375)
Total	115 (\$19,230,466)	154 (\$18,305,856)

During April 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 April 2023 compared to April 2022:

Table 1: Planning Decisions Made April 2022 and 2023

	April 2022	April 2023
Delegated Decisions	18 (\$982,328)	10 (\$655,300)
Council Decisions	5 (\$156,950)	5 (\$236,000)
Total	23 (\$1,139,278)	15 (\$891,300)

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	93 (\$10,048,056)	109 (\$9,495,781)
Council Decisions	45 (\$10,321,688)	60 (\$9,701,375)
Total	138 (\$20,369,744)	169 (\$19,197,156)

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 April and March (Corrected) 2023 as detailed in Attachment: 9.5.4(1).

ATTACHMENTS

1 ➡ Delegated Planning Decisions March & April 2023 1 Page

ATTACHMENT

9.5.5 Proposed Boundary Realignment for Lots 1806 and 1804 Graphite Road, Glenoran

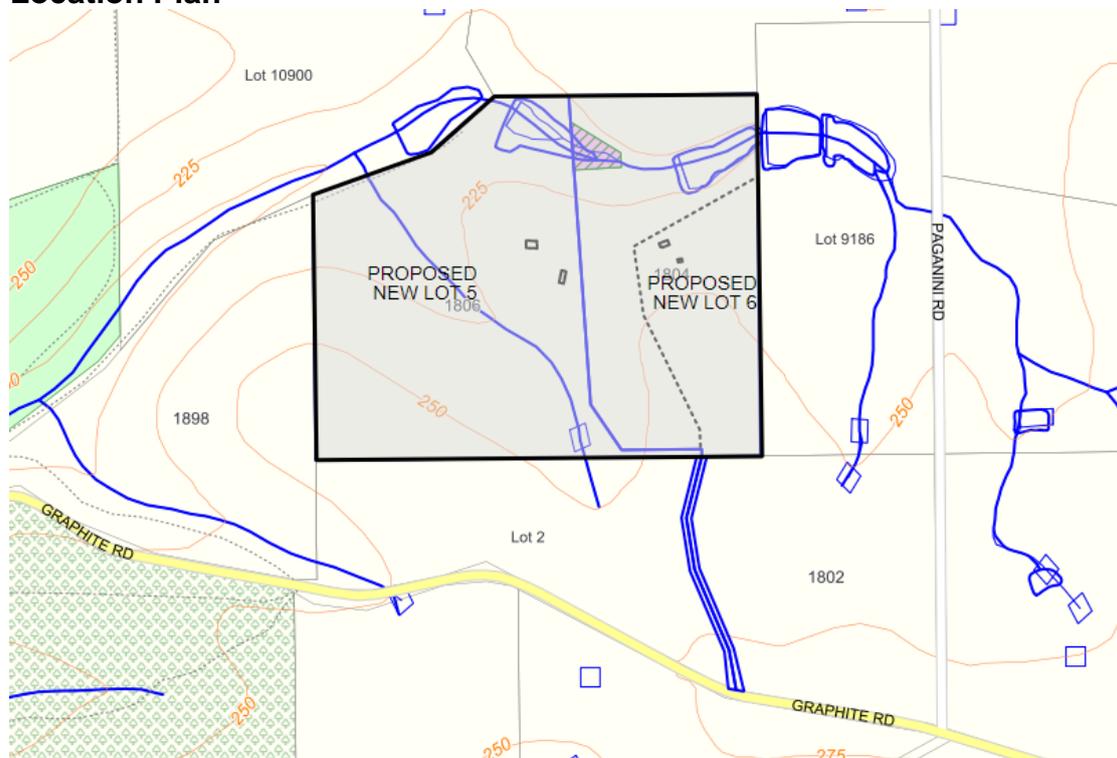
PROPONENT OWNER	LPD Surveys
LOCATION / ADDRESS:	Mr K & C Skoss
WARD:	Lots 1806 & 1804 Graphite Road, Glenoran
ZONE:	North
DIRECTORATE:	Priority Agriculture
FILE REFERENCE:	Statutory Planning
LEGISLATION:	DA23/48 P53102 & P55271
AUTHOR:	<i>Planning and Development Act 2005</i>
DATE OF REPORT:	Karleha Brown
DECLARATION OF INTEREST:	2 May 2023
	Nil

BACKGROUND:

The Western Australian Planning Commission (WAPC) is seeking comment on a proposed boundary realignment relating to Lots 1806 & 1804 Graphite Road, Glenoran. A copy of the subdivision plan is attached.

ATTACHMENT: 9.5.5(1)

Location Plan



The subject properties which are located 14 kilometres from the Manjimup townsite have a combined area of 65.82 hectares. Lot 1806 is 38.28 hectares in size and is predominantly pasture with approximately 10 hectares of native vegetation in the southwest corner of subject lot. The subject property

comprises of 5 hectares of Avocado orchard, 1 hectare of truffles and broadacre farming. The property contains a large dam to the north of the existing lot, a newly constructed dam near the existing orchard a dwelling with associated outbuildings.

Lot 1804 is predominantly pasture with a pocket of native vegetation to the south of the subject property. There is one dwelling with a small fruit orchard and a large dam north of the existing property and some smaller associated dams.

The subdivision application proposes the realignment of the common boundary between the two lots, moving the boundary approximately 120 metres to the east to follow the existing internal driveway and to excise the rear portion of the Lot 6 that comprising of established dams. The realignment will create:

- Lot 5 – a 53.2869 hectare lot that will continue to comprise all the intensive agricultural operations and engulf all of the existing dams; and
- Lot 6 – a 12.14 hectare lot containing an existing dwelling and small fruit orchard.

Access to both lots will be taken from Graphite Road through a 600 metres reciprocal accessway.

Council is requested to determine the response to the WAPC as support to the application involves the use of discretion not delegated to Shire Officers.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Local Planning Scheme No. 4 (the Scheme) Compliance

As stated above, the subject property is zoned Priority Agriculture by the Scheme. Under this zone a minimum lot size of 80 hectares will only be supported. A reduced lot size of 40 hectares or less may be supported, subject to the meeting the capability requirements clause 5.34.2 *Subdivision and Development Standards* of the Scheme and clause 5.34.5 *Farm Restructuring*.

The application is considered to have the potential to comply with clause 5.34.2 of the Scheme but proposes a variation to clause 5.34.4 as discussed below.

Farm Restructuring

In the case of farm restructuring or boundary adjustment in the Priority Agriculture Zone, where no additional lots are created, the principal issue of consideration in assessment will be improving the sustainability and viability of the farm operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land. Where a farm consists of multiple titles and the proposal is to consolidate the main operation into a single title, consideration will be given to the creation of lots smaller than the outlined criteria or in other parts of the Scheme. Variations to this theme may be considered on their individual merits in line with these basic principles. These basic principles are:

- (i) The smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties;
- (ii) The smaller lots are located so as to have minimal adverse impact on the viability and sustainability of the main farming property;
- (iii) The total number of resulting lots is not greater than the original number of lots;
- (iv) The local government being satisfied with the proposed method of access; and
- (v) In the case of lifestyle lots, the land is located within the 10km of a major townsite.

The subdivision as proposed is considered to meet point (iv) of the Farm Restructuring provisions, however the application proposes a variation to provision (v), as the subject land is not within 10 kilometres of a townsite. The closest major townsite is Manjimup, which is located 14 kilometres of the proposed site.

In the opinion of Shire Officers, the variation to the distance from the Manjimup townsite is relatively minor, being 4 kilometres. Despite the non-compliance, Shire Officers supports the variation of provision (v) given it is minor in nature.

Agricultural Viability

Clause 5.34.2 of the Scheme outlines the provisions to guide subdivision within a Priority Agricultural Zone. Generally, these provisions relate to the creation of new or additional lots within the Priority Agricultural Zone. The main objectives of these provisions are to ensure that the proposal is in keeping with the objectives of the Scheme and that the agricultural viability of the land is not compromised.

In this instance, due to proposed Lot 6 only being 12.14 hectares in size and having no viable water source, the ability for intensive agricultural pursuits to be carried out on the subject property in accordance with the zoning may be hindered.

Development Standards

Setback distances of existing infrastructure on Lot 6 to the proposed boundary line is reduced to 50 metres at the shortest distance. The setback distance in a Priority Agricultural Zone is 10 metres to side boundaries and 30 metres to front and rear boundaries. The realignment allows setback distances for the existing development to be met and there is sufficient space for more development on the subject properties.

However, to ensure land use conflicts are minimised, the Scheme requires a minimum setback of 100 metres from existing agricultural activities to a dwelling unless otherwise demonstrated by an Agricultural Impact Assessment. The preparation of the impact assessment will, in turn demonstrate compliance with points (i) and (ii) above.

Potential Land Use Conflict

Given that Lot 6 is located within a rural locality with considerable agricultural activity taking place on nearby properties, Shire Officers recommend a condition to be included on the referral response to the WAPC that a notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate of title of the proposed Lot 6 advising of the existence of the hazard or other factor. The notice is to notify any prospective purchaser of Lot 6 of the potential for the property to be affected by odour, spray drift, noise and dust generated by nearby agricultural activities.

State Planning Policy 2.5 Rural Planning (SPP 2.5) and Development Control Policy 3.4 Subdivision of Rural Land (DC3.4)

There is the potential for rural subdivision to result in the creation of rural lots which are similar to the size found in a Rural Residential zone, where residential use is the likely or intended long-term purpose. In this case, it is the WAPC policy position that where the resultant lot/s will not interfere with primary production, will have legal access and achieve sound environmental outcomes, subdivision is capable of approval under DC 3.4.

DC3.4 states that multiple lots in one ownership may be rationalised provided that:

- a) There is no increase in the number of lots;
- b) The new boundaries achieve improved environmental and land management practises and minimise adverse impact on rural land use;
- c) No new roads are created, unless supported by the local government;
- d) New vehicle access on State roads are minimised; and
- e) Rural living sized lots (1-40 hectares), created as a result of the rationalisation, have appropriate buffer from adjoining farming uses and water resources, and may have notifications placed on title.

As mentioned above, the existing dwelling on proposed Lot 6, does not achieve a separation distance to provide an appropriate buffer to the adjoining agricultural activities. A notification on title is therefore recommended to be included in the advice to WAPC.

Precedence

As discussed above, the subject application complies with the provisions of State planning instruments and the Scheme. However, it is considered that the creation of Priority Agriculture lots which have not been demonstrated to support agricultural activities is contrary to the objectives of the zone. Shire Officers intend to raise the matter with the Department of Planning Lands and Heritage with the aim of introducing revised provision under future Local Planning Scheme No 5.

Conclusion

On balance, Shire Officers consider that the proposed boundary realignment meets the farm restructuring provisions of the Scheme and DC 3.4, allowing Council to conditionally support the subdivision.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 (as amended) and Shire of Manjimup Local Planning Scheme No 4.

POLICY / STRATEGIC IMPLICATIONS:

It is noted that the proposal seeks to subdivide land in a manner not consistent with the base Priority Agricultural zoning of the land. However, it does so on the grounds that the land is subject of a farm restructure as defined by the provisions of the Scheme.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The adoption of the proposed plan does not, of itself, hold any environmental implications. It is noted that the proposed subdivision plan reflects the topography and existing capability of the land, in particular relation to the existing remnant vegetation, accessways and water courses on the land.
Economic: Support for the proposal has the potential create a loss of suitable land for agricultural activities.

Social: The nature of the proposed subdivision is not considered to cause any negative implication to the future development of the locality or generate a precedent for the subdivision of Priority Agricultural zoned land under the Scheme.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lots 1898 and 1804 Graphite Road, Glenoran in accordance with the Plan of Subdivision shown at Attachment 9.5.5(1) and subject to compliance with the following condition:

- 1. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate of title of proposed Lot 6 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

“This lot is located within an agricultural area and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation of adjoining agricultural land uses.”

ATTACHMENTS

1 [↔](#) Plan of Subdivision 1 Page

**ATTACHMENT
APPENDIX**

9.5.6 Department of Planning, Lands and Heritage Stakeholder Engagement on Consistent Local Planning Schemes

PROPONENT	Department of Planning Lands and Heritage
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	Central, West, Coastal, South
ZONE:	Town Centre and Industry Zones
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160613
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	4 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In May 2018 the Government of Western Australian (the Government) released for public comment a Green Paper that outlined five (5) key proposals for planning reform seeking feedback from the community. The intent was that following consultation the proposals would be reviewed and a White Paper developed that was to set out the Government's agenda for a modern planning system.

Council considered the Green Paper at its meeting 26 July 2018 and resolved (27478) in accordance with the following resolution:

That Council:

- 1. Note the Government of Western Australia's Modernising Western Australia's Planning System – Green Paper concepts for a Strategically-led System as shown Attachment: 9.5.2(1);**
- 2. Endorse the attached completed Green Paper Response Template as submitted by Shire Officers and shown Attachment: 9.5.2(2); and**
- 3. Await a further report on the White Paper when released by the Government of Western Australia for public comment.**

A copy of the previous agenda item is appended.

APPENDIX: 9.5.6 (A)

In place of the White Paper the Government prepared an Action Plan for Planning Reform. Council considered the Action Plan for Planning Reform at its meeting 3 October 2019 and resolved (27947) in accordance with the following resolution:

That Council:

1. **Note the Government of Western Australia's Action Plan for Planning Reform and Background Paper as shown in Attachment 9.5.1(1); and**
2. **Endorse the Director of Development and Regulation (or nominated representative) to represent the Council and Shire as a stakeholder for the development of implementation initiatives.**

A copy of the previous agenda item is appended.

APPENDIX: 9.5.6 (B)

Shire Officers have attended a number of workshops with regards to the proposed actions for planning reform. The Department of Planning Lands and Heritage (DPLH) is now consulting with key stakeholders, prior to formal public consultation on Action C1 – Local Planning Schemes are more consistent and B5 – Clear and concise guidance is readily available.

Council is now requested to note the proposed actions for making local planning schemes more consistent and legible and to endorse the Shire of Manjimup's draft submission on the proposals.

Documents related to the consultation are provided attached. It should be noted that Appendix D of the Consultation Report has only been attached electronically due to its size, however can be made available to elected members on request.

ATTACHMENT: 9.5.6 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

Initiative C1 of the Action Plan for Planning Reform seeks to achieve a *'standardised approach to zones, land use, permissibility and development control to increase consistency, while retaining the ability for local governments and their communities to respond to local circumstances, such as heritage and character.'*

To achieve the objectives above, DPLH has worked to improve the consistency of the use of land use terms (and associated definitions), zones and reserves in local planning schemes across the State, and land use permissibility and development requirements in commercial and industrial type zones in the Perth and Peel region scheme areas.

To implement this, the following is proposed, which will be discussed in the remainder of the report:

- Changes to land use terms (and definitions) to apply to all local planning schemes State-wide;
- Changes to zones and reserves (and objectives) to apply to all local planning schemes State-wide;

- Standardised land use permissibility for commercial and industrial type zones, to apply to local planning schemes within the Perth and Peel region areas only; and
- An approach for development requirements for commercial and industrial type zones, to apply to local governments within the Perth and Peel region areas only.

The proposed changes will be implemented both through regulatory change and preparation of guidance documents. The changes detailed in Attachment 9.5.6 (1) outline the principles for the proposed changes rather than draft proposals, which will be developed as a result of this consultation.

Changes to Land Use Terms

The DPLH workshop review process identified that the more specific or prescriptive land uses and definitions become, the more likely it is that more land uses and definitions would be needed to be added to a scheme/regulations. The principle of the proposed change is to have land uses and definitions less prescriptive.

DPLH are proposing to modify, delete, replace and add land uses and definitions. For example it is proposed that a Brewery, Distillery and Winery which are all premises which produce alcoholic beverages, could be grouped under the land use term 'liquor production facility'.

With the example above, Council has previously approved a 'Brewery' for non-alcoholic beverage production, which was aligned with the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) definition of:

means land and buildings used for the brewing of alcoholic and non-alcoholic beverages and the associated bottling, packaging and distribution of the goods produced.

Should Council endorse the submission attached, it is proposed to recommend to DPLH that the definition refer to beverages including non-alcoholic, which would also ensure the production of zero alcohol beverages is also captured.

An example of the proposal to modify the land use definition, is that proposal to improve clarity regarding the nature of each land use approval being dependant on a liquor license being granted, it is proposed to delete references to a type of liquor licence and replace with being capable of being granted a licence. This change impacts such land use terms as liquor store, small bar, tavern, hotel, motel, restaurant etc.

Whilst Shire Officers support the simplification of the land use definitions, it is recommended that the final definition adequately represent the proposed land use.

It is proposed that a Family Day Care should be replaced by the term Home Business. Whilst Shire Officers can see the similarities in land use, it is recommended that DPLH consider the additional vulnerability of the family day care when located within a bush fire prone area.

An example of an additional Land Use term proposed, is the independent living complex as a result of the recent Ministerial approvals for its inclusion in local planning schemes and the Position Statement – residential accommodation for aging persons (December 2021).

As part of the review of this definition, it is recommended that the Shire's submission refer to a definition or land use which covers temporary accommodation for respite and that the age be removed from the definition of independent living, recognising that the need for independent living is not restricted to aged persons.

Changes to zones and reserves

The primary objectives behind the changes to the zones and reserves is that zone names and associated objectives be less prescriptive.

Shire Officers are generally supportive of the simplification of the zones and reserves, however have recommended in the submission attached some comments to ensure the objectives of certain zones are protected through the changes.

For example Shire Officers consider that the objectives for the rural zone should ensure that agricultural activities are protected by restricting sensitive land uses on priority agriculture land and for the objectives for rural residential to remove expectations around future densification and subdivision, should the lot sizes be omitted from the objectives.

Land Use Permissibility for commercial and industrial type zones (Perth and Peel)

In preparing the recommended zoning table DPLH used the following assumptions:

- The objectives of each zone and ensuring that the level of permissibility of land use reflects the desired intent for the zone;
- The potential changes to land uses and zones;
- An incidental use is not a separate and distinct use in its own right but is rather a related component of the predominant land use.

In support of the recommended zoning table it is recommended that the permissibility definitions contained in the model (clause 18(2)) and deemed (clause 1) provisions of the *Planning and Development (Local Planning Scheme Regulations 2015* (Regulations) be updated to align with the importance of the objectives of the zone.

Whilst the proposed land use permissibility's only relate to the Perth and Peel regions, Shire Officers consider that land use permissibility's form the basis of orderly and proper planning to reduce land use conflicts and should not be excluded from the regions. Although there may not be the same development pressures in regions compared to Perth and Peel, where land uses are permitted is considered by Shire Officers to be a State-wide planning principle.

With the above comment in mind, the recommended submission on the proposed change has been prepared considering the implications for the Shire of Manjimup.

Development requirements for commercial and industrial type zones (Perth and Peel)

DPLH has undertaken an audit of the general development requirements for industrial type zones in the Perth and Peel region and found significant variations with some being located in Scheme text and others in policy or guidelines.

Ultimately what is being proposed is a design code for industrial and commercial type zones in the Perth and Peel areas, similar to the Residential Design Code. In the interim a combination of provisions in the local planning scheme and planning policy can be used.

The Shire of Manjimup has prescriptive design standards in relation to development within the Industry Zone which outlines carpark and landscaping standards only. The Scheme also has character statements for Manjimup and Pemberton Town Centre Zone which assists in guiding development standards. It is considered by Shire Officers that a design code for the industrial and commercial developments would be beneficial to the community to ensure the character and amenity of the town sites are maintained.

Administrative Changes

It is proposed to introduce requirements within the Regulations for the decision maker to include the land use and its current definition for all approved land use/s as an advice note on a decision. Shire officers are supportive of this change, as it would save time researching previous approvals after legislation or zoning changes.

In the short term it is proposed that DPLH would investigate elements of the Model Provisions that could be included in the Deemed Provisions and also the appropriateness of a 'Deemed Local Planning Scheme'. Shire Officers have concerns relating to this, however can see the benefit where there are State-wide provisions applicable to all Local Governments.

A detailed submission as recommended by the Shire of Manjimup is provided attached.

ATTACHMENT: 9.5.6 (2)

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY / STRATEGIC IMPLICATIONS:

The proposed changes for consistent local planning schemes aligns with the following strategies of Strategic Community Plan 2021-31:

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

- B12. Provide development opportunities and support local small businesses to thrive.
- D7. Review or amend the Local Planning Scheme to meet the changing needs of community and industry.
- D8. Develop town centres to showcase their unique characters and encourage vibrant, mixed-use commercial and public spaces.

ORGANISATIONAL RISK MANAGEMENT:

Through standardisation of requirements State-wide there is a risk that regional variations will not be considered. By participating in the process as a stakeholder, Shire Officers will be seeking to minimise such risks.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Increased consistency in local planning scheme provisions, definitions and land use permissibility's is intended to ensure landowners and developers can work within multiple local government areas with ease.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Note the Department of Planning Lands and Heritage's Consistent Local Planning Schemes report as shown in Attachment 9.5.6 (1); and**
- 2. Endorse Shire of Manjimup's draft submission on the proposed changes as shown in Attachment 9.5.6 (2).**

ATTACHMENTS

- 1** ⇨ Attachment 1 - Consultation Documentation 68 Pages
- 2** ⇨ Attachment 2 - Draft Submission on consultation 16 Pages

APPENDICES

- A** ⇨ Appendix A - 26 July 2018 Green Paper Council Item 7 Pages
- B** ⇨ Appendix B - 3 October 2019 Action Plan for Planning Reform 48 Pages

ATTACHMENT

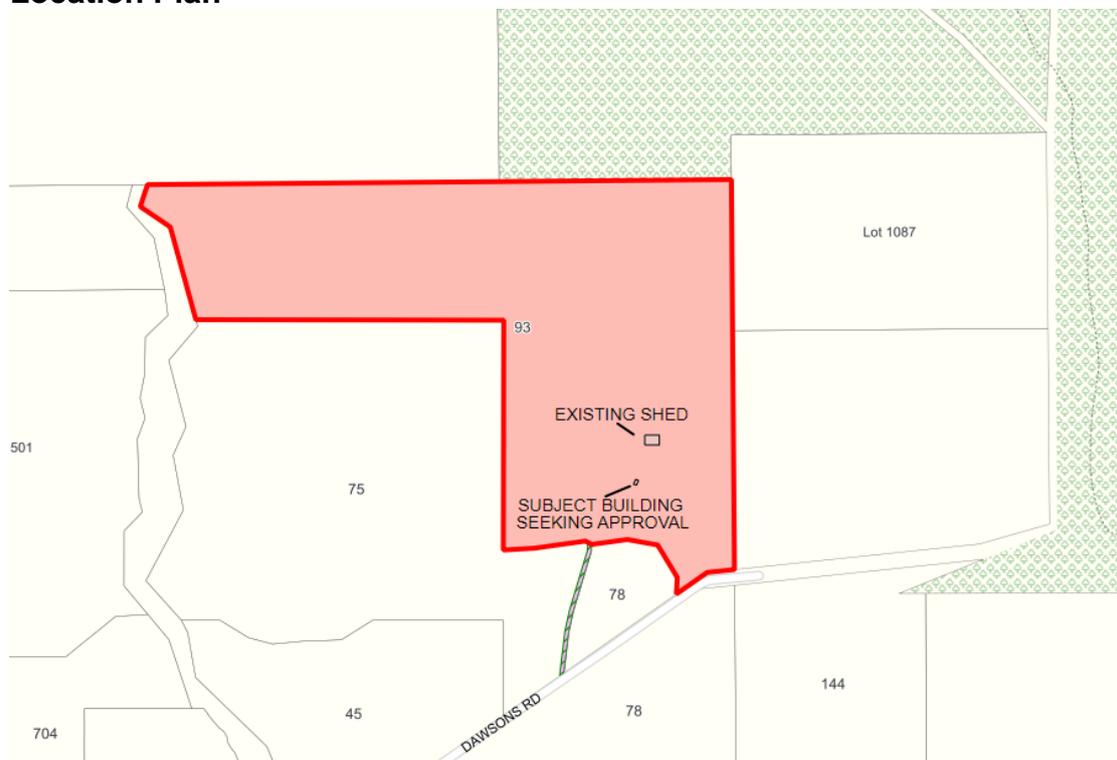
9.5.7 Retrospective Application for a Change of Use of an Outbuilding to a Dwelling at Lot 100 (93) Dawsons Road, Balbarrup

PROPONENT	Mr W E Edwards
OWNER	Mr D A Edwards
LOCATION / ADDRESS:	Lot 100 (93) Dawsons Road, BALBARRUP
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Statutory Planning
FILE REFERENCE:	P58174 DA23/31
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	9 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

An application has been received for Retrospective Approval for a Change of Use of an Outbuilding to a Dwelling with proposed alterations at Lot 100 (93) Dawsons Road, Balbarrup. The subject property is 85.81 hectares and is located to the south of State Forest, 6.5 kilometres from the Manjimup townsite. The land is predominantly pasture, with a 25 hectare parcel of native vegetation to the north of the property. A location plan is shown below.

Location Plan



The applicant is seeking retrospective approval for the Change of Use of an existing Outbuilding to a Dwelling. The applicant is also seeking approval for a 13.29 metre x 4.00 metre roofed deck to the southern side of the existing building and a 4.4 metre by 13.29 metre carport to the north of the building.

The building is setback approximately 190 metres to the eastern boundary, 330 metres to the western boundary, 768 metres to the rear boundary and 280 metres to the road boundary.

A copy of the application is attached.

ATTACHMENT: 9.5.7 (1)

Council is requested to determine the application as it involves retrospective approval for the Change of Use of an Outbuilding and Shire Officers do not have the authority to determine retrospective applications.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was advertised in accordance with clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) to the adjoining landowners for a period of 21 days and to the Department of Biodiversity Conservation and Attractions (DBCA) for a 42 day period.

One submission was received from DBCA stating that they had no objection to the application.

COMMENT (Includes Options):

The subject land is zoned Priority Agriculture by the provisions of the Scheme.

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.*

Zoning Purpose

The purpose of the zone is to provide for the sustainable use of intensive agricultural and horticultural productions.

Consistent with the purpose, the applicant seeks approval to legally reside on the subject property to continue maintaining the agricultural viability of the subject property.

Land Use Permissibility

A Dwelling – Single is a 'D' land use in a Priority Agricultural Zone, that is a use that is not permitted unless the local government has exercised its discretion by granting planning approval. The establishment of a dwelling on a Priority Agricultural property, to provide accommodation to the landowner or manager of the property, is considered acceptable development.

Setbacks

The subject building is located outside of the required setback distances for a Priority Agricultural Zone, the setback requirements:

- 30 metres to the front and rear boundaries;
- 10 metres to the side boundaries; and
- 100 metres to the boundary adjoining State Forest, National Park, Conservation Reserve or other timbered Crown or local government-controlled land.

In this instance the dwelling is located approximately 190 metres to the closest boundary, therefore meeting all required setback distance.

Other Legislative Requirements

The applicant will be required to ensure that the dwelling complies with the requirements of the Building Code of Australia and the *Health (Miscellaneous Provisions) Act 1911*. An advice note in this regard is recommended to be included on any approval issued by Council.

Conclusion

Given the proposed development meets the required setback distances and no objections were received as a result of the advertising period. Conditional planning approval is recommended.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee for retrospective approval has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Approval to the application will result in an additional dwelling within the Manjimup Area.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 8 and 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant retrospective planning approval to the dwelling and proposed extensions at Lot 100, 93 Dawsons Road, Balbarrup (Application TP34/2023) in accordance with the plans and specifications shown at Attachment 9.5.7(1) subject to the following conditions and advice:

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

Plan Ref	Title	Received
1	Site Plan	27 February 2023
2	Elevations	27 February 2023
3	Floor Plan	27 February 2023

- 2) An on-site potable water supply not less than 135,000 litres storage capacity shall be provided on the site and connected to the development and to the satisfaction of the Shire of Manjimup.

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.
- ii. With respect to condition 3), access shall be permitted to domestic water supplies for emergency fire fighting purposes and to facilitate this, the tank is to be fitted with standard fire fighting couplings (50mm or 100mm male camlock coupling with full flow valve) in accordance with Department of Fire and Emergency Services requirements, to enable fire fighting appliances to draw water. The valve shall be fitted so as to leave 15,000 litres capacity of water in the tank.
- iii. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and the Shire of Manjimup's Health Local Laws 2020.

ATTACHMENTS

- 1 ➡ Site and conceptual elevations Lot 100, 90 Dawsons Road, Balbarrup 2 Pages

ATTACHMENT

9.5.8 Proposed Rural Pursuit and Wayside Stall at Lot 5 (26) Longo Court, Dingup

PROPONENT	Ms M L Dare
OWNER	Mr M J & Mrs H E Blechynden
LOCATION / ADDRESS:	Lot 5 (26) Longo Court, Dingup
WARD:	East
ZONE:	Rural Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/27; P51176
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	9 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for a proposed Rural Pursuit and Wayside Stall on Lot 5 (26) Longo Court, Dingup. Plans and supporting information relating to the proposal are attached.

ATTACHMENT: 9.5.8 (1)

Location Plan



The property has an area of 1.96 hectares and currently contains a dwelling, outbuilding, water tank, small dam and a small vegetable/orchard.

The applicant is proposing to use a small van located on the property as a Wayside Stall for the sale and display of produce. The applicant is proposing to have a secured timbered tiered stand at the front of the van with a covered awning over the front. The public will access the property via Longo Court.

The application is referred to Council for determination as Shire officers do not have the delegated authority to approve development applications for a Wayside Stall.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with clause 9.6 of the Scheme for a 21-day period to the adjoining landowners and 42 days to Main Roads WA (MRWA). Council records indicate that the letters were sent from the Shire office on 9 March 2023 with the submission period closing 20 April 2023. During this time no comments or objections were received.

COMMENT (Includes Options):

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 are not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Planning Scheme operating within the Scheme area;*
- (xi) *any social issues that have an effect on the amenity of the locality;*
- (xv) *the preservation of the amenity of the locality;*
- (xviii) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and*
- (xxvi) *any relevant submissions received on the application.*

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

The provisions of the Scheme include the subject land within the Rural Residential zone.

Within the Scheme, the definition of a “Wayside Stall” is as follows:

“... a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.”

Zoning Purpose

The objectives of the Scheme relating to this zone is in managing and guiding land use, development, and subdivision within zone.

The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land uses activity, landscape and environmental attributes of the land.

The proposed Wayside Stall is to be for the sale and display of produce from the subject property.

Land Use Permissibility

The application also involves the establishment of a 'Rural Pursuit' as they are intending to sell the produce that is produced on the subject property. A 'Rural Pursuit' means any premises used for:-

- a) *the rearing or agistment of animals;*
- b) *the stabling, agistment or training of horses;*
- c) *the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or*
- d) *the sale of produce grown solely on the lot;*

In the Scheme a 'Rural Pursuit' is a 'D' land use which is permitted within the Rural Residential zoning means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

As previously noted in the Background section, the Wayside stall is an 'A' use within the Rural Residential Zone that is, a use which is *"is not permitted unless the local government has exercised its discretion by grant planning approval after giving special notice in accordance with clause 9.6."*

The use of the van on site for the wayside stall is considered consistent with the Scheme requirements. No further assessment of that aspect of the development is required.

Impact on Amenity

The proposed wayside stall is not expected to have any impact on the amenity or environmental attributes of the surrounding area. No new construction will be taking place, the proposal is to be located within an open area with plenty of trees around the property boundary to screen from the adjoining landowners. No impacts on adjacent properties are expected.

Car Parking

All parking will be contained to site. The applicant is not proposing any formal car parking as the wayside stall is in a ring road at the front of the dwelling. There is sufficient space for vehicles including caravans to drive around plus there is a large area that could be used for parking.

Signage

For a wayside stall, there is a limit of three temporary signs – two double sided portable signs that are to be located approximately 500m from the stall in each direction and one on the structure with the sign structure not being no greater than 0.5m² and to be erected parallel with the road. The portable sign is not to be no greater than 1.0m in height and 800mm wide per side and placed so as not present a safety hazard to motorists.

The applicant has included location for three signs as part of this application but has stated that once approval has been granted, then they will apply for the appropriate signage as per the Shire's requirements. A condition to be added to any approval advising signage approval is required from both the Shire and Main Roads WA (MRWA).

Public Liability Insurance

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

Conclusion

The Wayside Stall and Rural Pursuit are considered to be 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:

Nil.

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: The proposed wayside stall will generate income from the produce grown on the subject lot.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No.4 grants approval for Rural Pursuit and a Wayside Stall at Lot 5 (26) Longo Court, Dingup (TP30/2023) in accordance with the submitted plans as attached at 9.5.8 (1), and subject to the following conditions:

- 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.	Development Information	16 February 2023

2. 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 within 2 months of the date of this approval.
3. The produce sold shall be restrict to that grown or made from items grown on the subject lot.
4. Prior to the occupation or commencement of the use, a sign application will need to be submitted to the Shire as a separate application for planning approval.

Advice to the Applicant:

- i. The development is defined as a “Food Business” under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Manjimup’s Environmental Health Team.

ATTACHMENTS

- 1 [⇒](#) Attachment No.1 - Development Information 4 Pages

9.9.1 Request for Consideration of Supplementary Payment to Walpole-Nornalup and Northcliffe Visitor Centres

PROPONENT	Walpole Nornalup Visitor Centre & Northcliffe Visitor Centre
OWNER	Walpole Nornalup Visitor Centre & Northcliffe Visitor Centre
LOCATION / ADDRESS:	Walpole and Northcliffe
WARD:	Coastal and South
ZONE:	Townsite
DIRECTORATE:	Community Services
FILE REFERENCE:	F160244
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	28 March 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Shire Officers have been made aware of financial concerns being faced by the Walpole-Nornalup Visitor Centre (WVC) and the Northcliffe Visitor Centre (NVC). Both Centres have struggled to recover post pandemic.

The Shire of Manjimup is home to 4 visitor centres located in Manjimup, Pemberton, Northcliffe, and Walpole with each being incorporated and not-for-profit. Council has had a long-standing financial arrangement with the visitor centres whereby an annual 'fee for service' is paid to each, and in return the visitor centres provide a quality service to visitors to the Shire and agree to partner with the Shire of Manjimup to promote and market the region. In 2022/23 this fee was approximately \$164,000 (\$41,000 each).

Both the WVC and NVC have requested additional financial support. The purpose of this report is to seek Council consideration as to the provision of supplementary payments to the WVC and NVC.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Historically the Shire used a formula, based on visitor traffic, to determine the payment amount to each centre. This formula resulted in the bigger operations getting higher funds than the smaller struggling centres such as Northcliffe. About 10 years ago the Southern Forests visitor centre managers and chairs agreed to split the available funds equally between the 4 centres.

Whilst the above decision provided some relief to the NVC the challenge of delivering a sustainable visitor service to Northcliffe and surrounds has continued to escalate.

Northcliffe Visitor Centre

The NVC Board and management have continuously streamlined services and undertaken extensive fundraising and promotional activities simply to remain viable. The NVC has experienced further financial pressures due to the pandemic and reduced visitor numbers, as well as being the most geographically isolated of the Shire based visitor centres. In general, it has a lower value visitor traffic than the other 3 centres but a high enquiry level due to its location and proximity to the D'Entrecasteaux and Shannon National Parks, Bibbulmun and Mundi Biddi Tracks.

For the year ending June 2022 the NVC recorded a deficit of \$36,295. Current estimates for this financial year remain challenging and, to its credit, the NVC have already streamlined operations further. The NVC run the historic Karri Cup as a major fundraiser and coordinate the Blooming Wild Festival as wildflowers and nature-based tourism are the heart of the Northcliffe visitor economy. In addition, the Shire of Manjimup have partnered with the NVC, for a small service fee, to operate the public library.

It is recommended that that NVC be allocated a supplementary payment from the Shire of Manjimup in 2022/23 and 2023/24. The allocation being from the Promotional budget which complements the purpose of the funds. Supplementary payment proposed is \$15,000 and \$10,000.

Walpole Nornalup Visitor Centre

The WVC has experienced financial pressures due to the pandemic, 6-month closure of the Tree Top Walk and the loss of several significant accommodation options. Ironically the pressures are also derived from an increase in visitor traffic demands and an inability to adequately staff the facility. For the year ending June 2022 the WVC recorded a deficit of \$6,872. Whilst financials are improving, the current financial year is expected to remain in deficit.

Further to the above the operations of the WVC have had an overhaul over the past 18 months and a new focus on additional revenue activities put in place. Whilst the WVC is experiencing current financial challenges, it is anticipated that the visitor economy will get a significant boost once the Valley of the Giants trail network and Pioneer Park trails head is completed over the next 1 to 3 years. The WVC should be well positioned to benefit from these developments in the future, in the interim however they have requested additional financial assistance.

It is recommended that that WVC be allocated a supplementary payment of \$10,000 from the Shire of Manjimup in 2022/23. The allocation being from the Promotional budget which complements the purpose of the funds.

Copies of both the end of year financials for NVC and WVC can be made available on request.

Neither the Manjimup or Pemberton Visitor Centres have indicated current financial hardship and as such are not considered within this report.

Conclusion

Without any doubt all visitor centres play a key role in servicing visitors to the region and optimising the visitor experience. The visitor centres within the Shire of Manjimup have provided a professional and valued service to the region for decades and should be commended. In saying this, as independent incorporated bodies visitor centres also have a responsibility to continuously evolve in a sustainable way and not look to the local government for increasing financial support. Notwithstanding this there are genuine circumstances, such as the pandemic and associated impacts, that have financially challenged the smallest of the Shires visitor centres.

Visitor Centres across Australia are facing challenges as more visitor traffic is being directed on-line. As the population ages and more visitors become 'tech savvy' this issue (and opportunity) is expected to increase. In many cases visitor centres are embracing the digital age and opting for more sustainable visit servicing models. It is perhaps timely that these models and their potential application within the Shire of Manjimup are further examined.

In conclusion whilst it is recommended that Council approve the expenditure of \$25,000 in the 2022-23 and \$10,000 in the 2023/24 from the Promotional Plan budget, it is important that the funding is conditional to the visitor centres looking to deliver more sustainable servicing options.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Manjimup Corporate Business Plan B14.2 allocates annual funding support to Local Visitor Centres.

Further, the Shire of Manjimup Strategic Community Plan recognises the importance of tourism and servicing across various actions including, but not limited to:

1. Our Natural Environment
 - 1.3 Our region is recognised for its iconic, world-class natural environment that can be enjoyed by all.
2. Our Prosperity
 - B.9. Encourage and support initiatives to encourage extended service provision and activate town centres.
 - B15. Further develop the 'Trails Hub' tourism destination concept and facilitate the implementation of a range of trail options connecting to and linking key destinations.
 - B16. Support services and infrastructure to encourage caravan and RV tourism.

ORGANISATIONAL RISK MANAGEMENT:

The Shire of Manjimup recognises the importance of attracting and servicing visitors to the region as well as growing the tourism offer and visitor centres play a key role in achieving this. Should a visitor close, it may fall to the Shire of Manjimup to implement alternative visitor servicing options.

FINANCIAL IMPLICATIONS:

The recommendations as contained within this report will have no additional funding implications. The proposal is for a fixed period only. The key implication to the budget is that it will allocate funds from the Promotional Plan towards the two visitor centres in question. The purpose of the Promotional Plan is to attract and promote visitors to the region and to market the destination opportunities within the Shire of Manjimup. The aim being to give the Centres an opportunity to further examine sustainable visitor servicing models.

The Promotional Plan budget held carry forward funds for the purpose of post pandemic recovery. Due to the saturation of the tourism market and limited accommodation availability, marketing and promotion has been moderated throughout the year. As such there are adequate funds remaining should Council move to support the NVC and WVC request for assistance.

SUSTAINABILITY:

Environmental: Environmental tourism and information pertaining to use of the natural environment are significant growth areas within the tourism economy.

Economic: Tourism is becoming increasingly key to the economic growth of the region. Nature based, cultural and agritourism offer significant growth opportunities.

Social: Visitor Centres located in each town ensure visitor receive up to date information on the town, activities and opportunities and support expenditure and participation within the community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

- 1. Approve a supplementary payment of \$10,000 in the 2022/2023 Financial Year to the Walpole Nornalup Visitor Centre from the Promotional Budget allocation;**
- 2. Approve a supplementary payment of \$15,000 in the 2022/2023 Financial Year and \$10,000 in the 2023/2034 Financial year to the Northcliffe Visitor Centre from the Promotional Budget allocation; and**
- 3. Advise the Walpole - Nornalup and Northcliffe Visitor Centres that further investigation is required to ensure a more sustainable model of visitor servicing prior to seeking further supplementary funding from the Shire.**

**ATTACHMENT
APPENDIX**

9.9.2 Pemberton Bowls Club Inc - Request for Financial Contribution Towards Bowling Green Replacement Project

PROPONENT	Pemberton Bowls Club Inc
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	1 Club Road, Pemberton
WARD:	West
ZONE:	Parks & Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F170109
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	4 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Council Information Briefing held 23 March 2023, Pemberton Bowls Club Inc (the Club) representatives presented a request to Council to consider providing a financial contribution towards the Club's proposed bowling green replacement project. The project would include replacing the existing synthetic green as well as the gutters and surrounds and is valued at \$240,000. The total amount requested from the Shire is \$100,000 with the Club intending to contribute \$100,000 themselves and to seek Department of Local Government, Sport and Cultural Industries (DLGSC) funding for the remaining \$40,000 through the Community Sporting and Recreation Facilities Fund (CSRFF). A copy of the written request from the Club is attached.

ATTACHMENT: 9.9.2(1)

Resurfacing of existing sports surfaces is considered a low priority for CSRFF funding as it is expected that facility managers will budget for these items as part of the ongoing operation of a facility. As a result, resurfacing projects such as this are likely to attract reduced funding of 16.66% (a one-sixth contribution) of the total project cost from the CSRFF fund.

The Club wishes to submit a CSRFF application for consideration by Council prior to final submission to DLGSC in July 2023. CSRFF small grant rounds (for projects up to a total cost of \$300,000) are made available twice a year with a requirement that applications be assessed by Council on merit and listed in order of priority prior to submission to DLGSC by the end of August.

DLGSC assess the applications in conjunction with relevant sporting bodies. Applicants are notified of their application outcome by November and successful projects must be completed in the financial year following the date of approval.

The purpose of this report is to seek Council's determination on whether it is prepared to make a forward financial commitment of \$100,000 (ex GST) as requested by Pemberton Bowls Club Inc in the 2023/24 budget.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Club

The Pemberton Bowls Club is located at the Pemberton Sports Centre (Lot 181 and Reserve 22663, Club Road, Pemberton). The Pemberton Sports Centre consists of;

- Pemberton Sports Complex (leased and managed by the Pemberton Sports Club Inc);
- Pemberton Oval and smaller playing field;
- Cricket training nets;
- Pemberton Skate Park; and
- Pemberton Bowls Club bowling green.

The bowling green itself is located on land vested in the Shire, extending over both Lot 181 and Reserve 22663, and is outside of the lease area held by the Pemberton Sports Club Inc.

The Club has been operating for more than 70 years. It currently consists of approximately 30 full members and 8 social members. Members participate in both the men's and women's Blackwood Bowling League. The Club also runs one of the most successful corporate bowls programs in the southwest with approximately 60 bowlers attending their 14 week season.

The club regularly undertakes fundraising activities in order to put away funds for the replacement of the bowling green surface.

The Project

The bowling surface at the Pemberton Bowls Club is now 15 years old and is coming close to the end of its effective life. The surface has several damaged areas and some small holes appearing. In the winter months moss grows through the surface which requires multiple treatments each year to keep under control.

The proposed project (total cost \$240,000) includes;

- Replacement of the bowling surface;
- Levelling of the base under the bowling surface; and
- Replacement of the timber edges, gutter covers and the matting covering the bowling green surrounds.

Benefits of Project

Lawn bowls is an inclusive sport that is enjoyed by people of all ages and abilities. The condition and playability of the bowling green surface is integral to the success of any lawn bowls competition.

Carnivals held at the Pemberton Bowls Club, such as the King Karri Carnival and the WA Chip Day Carnival, are very well supported by many clubs in the south west. The replacement of the bowling green will allow these events to continue for many years to come.

The social corporate bowls program has many benefits to the Pemberton community, including physical activity (particularly for a typically older demographic), social interaction, inclusivity and community building. Again, the replacement of the bowling green will ensure the continuity of this important community program.

Activities conducted by the Pemberton Bowls Club also provide complementary benefits to the greater Pemberton Sports Club, including increased memberships and usage of facilities.

Previous Decisions by Council

Whilst Council's priority is to invest in infrastructure that is Council owned and managed, it has traditionally given recognition to local sport and recreation clubs and groups within the Shire that are deemed to fill a significant gap in local sport and recreation infrastructure. Requests for funding assistance are considered on a case-by-case basis and are subject to Council's financial capacity at the time of the request.

The following funding assistance has been provided to clubs over the past 10 years:

- \$60,000 to the Manjimup Country Club for the installation of a synthetic bowls green in 2012/13;
- \$30,000 to the Manjimup Pistol Club for the replacement of the club building due to its near destruction by termites in 2014/15;
- \$107,720 to the Walpole Country Club for its synthetic greens project spread over the 2014/15 and 2015/16 financial years;
- \$32,500 to the Warren Equestrian Centre for the establishment of a multipurpose equestrian arena in 2016/17;
- \$60,000 to the Pemberton Golf Club for new clubrooms in 2017/2018;
- \$88,636 to the Manjimup Imperials Recreation Club for the construction of a new amenities building in 2020/21; and
- \$810,430 to the Manjimup Tennis Club for its new club facilities located at the Manjimup Recreation Grounds in 2022/23.

Evaluation against Shire of Manjimup Sport and Recreation Strategic Priorities

Shire Policy 3.1.2 Financial Assistance towards Sport and Recreation Capital Projects including CSRFF, guides Council in its decision making to ensure funds are allocated in a transparent and equitable manner. The policy applies to the whole of the Shire of Manjimup for capital projects driven by community organisations such as sporting clubs and recreation/community groups. A copy of the Policy is appended.

APPENDIX: 9.9.2(A)

There is no obligation, unless previously committed, on the local government authority to make a financial contribution to applicant projects. Clubs are not to

expect as a right any financial assistance from Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance. Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and will exclude projects on the basis that they cannot be accommodated in the budget.

The Policy states that Council reserves the right to refuse, or to support, an application (or defer support to a later date) under a number of circumstances, including;

- When the proposed project is not prioritised in the Shire of Manjimup Corporate Business Plan or informing strategic documents; and
- Where the application is not consistent with the recommendations of the Shire of Manjimup's adopted Strategic Community Plan or Sport and Recreation Strategic Plan.

The Corporate Business Plan clearly defines the Shire's current priority projects as;

- The implementation of the Manjimup Community Recreation Hub Master Plan;
- The Manjimup Tennis Club project; and
- Future development of the Southern Forests and Valleys local tourism organisation.

Furthermore, Strategy C18 from the Corporate Business Plan states that the Shire will create, support and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities. This shall be achieved through the implementation of strategies contained in the Sport and Recreation Strategic Plan 2014 – 2024 in regard to community and club development and support.

The proposed bowling green replacement project is not identified as a priority project within the Corporate Business Plan and is not a defined strategy within the Sport and Recreation Strategic Plan. It should be noted that a major review of the Corporate Business Plan is to be undertaken over the next 12 months. This review provides an opportunity for Council to consider the priority level of this project and its potential inclusion in the Plan going forward.

Current Financial Environment

With an increasing financial pull on limited resources, Council will be required to balance the established needs versus wants of the community. Council has many competing funding priorities and endeavours to allocate funding in a strategic manner. Strategic planning documents are commissioned to audit, capture and prioritise community needs and aim to guide Council and State agencies in the allocation of financial resources. Council is currently facing an increased demand for financial assistance from community groups and clubs.

Whilst this proposal has merit, it is not currently identified within the Shire's strategic documents as a priority project. It is important that these types of capital infrastructure projects are identified and ratified by Council well before

they are to be undertaken, so that they can be included in strategic documents thus allowing Council to make informed and timely decisions on the implementation and financial implications of priority projects. A contribution of \$100,000 towards a project that has not been identified as a priority within the Council adopted Corporate Business Plan or Strategic Community Plan is therefore a big challenge under the current economic funding climate.

Options

1. *Advise the Pemberton Bowls Club that whilst Council supports the project, it is not in a position to make a forward financial commitment of \$100,000 in the 2023/24 financial year as the project is not considered a priority in the Shire's strategic plans.*

This option is made in response to the identified priorities and competing needs in the Corporate Business Plan and Sport and Recreation Strategic Plan. Until such time as the project is prioritised in these plans it is deemed inappropriate to commit capital funds.

2. *Advise the Pemberton Bowls Club that Council supports the project and agrees to make a forward financial commitment of \$100,000 for the project in the 2023/24 financial year.*

This option recognises the shovel ready status of the project (pending grant funds). It also acknowledges that the project has merit, and the Club is in a position to make a significant capital contribution. To achieve this Council may choose to allocate funding from Local Roads and Community Infrastructure (LRCI) funding.

3. *Advise the Pemberton Bowls Club that Council supports consideration of the inclusion of the Club's request in the forthcoming major review of the Corporate Business Plan.*

This option recognises the importance of the Club's request however gives priority to ensuring all significant funding requests are openly and transparently assessed as part of the Corporate Business Plan Review.

Conclusion

Based on the full weight of discussion it is recommended that Council not approve a forward financial commitment of \$100,000 in the 2023/24 financial year. It is also recommended that the Club be advised that further consideration of the request for financial assistance may be revisited after the review of the Shire's Corporate Business Plan in 2023/2024.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

- Shire of Manjimup Corporate Business Plan 2022 – 2026.
 - 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.

- Strategy D13 Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible.
- Shire of Manjimup Sport and Recreation Strategic Plan 2014 – 2024.
- Policy 3.1.2 Financial Assistance towards Sport and Recreation Capital Projects incl. CSRFF.

ORGANISATIONAL RISK MANAGEMENT:

Supporting requests for financial assistance from clubs that are not identified as a priority within Shire strategic documents will set a precedent, and likely lead to requests from other clubs to fund their infrastructure without appropriate strategic alignment. If supported, other projects identified in the Corporate Business Plan may require to be deferred to achieve this.

FINANCIAL IMPLICATIONS:

The Officer recommendation is that Council not support the request to make a forward financial commitment of \$100,000 in 2023/24 and as such there are no financial implications.

However, should Council elect to accede to the request of the Club and agree to a forward financial commitment of \$100,000 in the 2023/24 financial year then the matter of financial implications will need to be determined during the 2023/24 budget deliberations.

SUSTAINABILITY:

Environmental: Nil.

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

Social: The bowling green is located at the Pemberton Sports Centre which is an important community hub for the Pemberton community. The Centre's facilities are shared by a number of clubs, which will benefit from the proposed project (particularly the Pemberton Sports Club).

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Advise the Pemberton Bowls Club that whilst Council supports the project, it is not in a position to make a forward financial commitment of \$100,000 in the 2023/24 financial year due to existing financial commitments and the project not being reflected as a priority in the Shire's strategic plans; and**
- 2. Encourage the Pemberton Bowls Club to provide a submission regarding the project during the upcoming review of the Shire of Manjimup Corporate Business Plan.**

ATTACHMENTS

1⇒ Pemberton Bowls Club Inc - Request for Financial Contribution	1 Page
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APPENDICES

A⇒ Council Policy 3.1.2 Financial Assistance Towards Sport and Recreation Capital Projects incl. CSRFF	12 Pages
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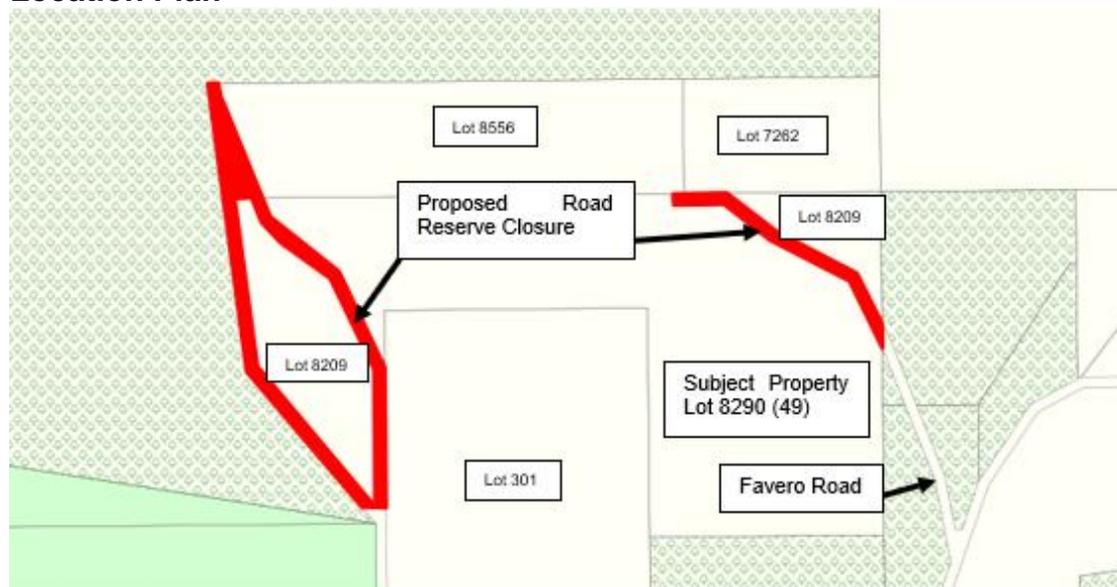
9.12.1 Proposed Road Closure and Amalgamation of a Portion of Favero Road Reserve and a Portion of Unnamed/Unconstructed Road Reserve in the Vicinity of Favero Road, Yeagarup

PROPONENT	Papillon Holdings Pty Ltd
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Yeagarup
WARD:	West
ZONE:	Road Reserve
DIRECTORATE:	Works & Services
FILE REFERENCE:	F230054
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	5 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council has received a request to close two unnamed and unconstructed road reserves in the vicinity of Favero Road, Yeagarup. The subject road reserves adjoin Lots 8209, 8556, 301 and 7262 which are owned by the proponents with the intent to amalgamate the closed road reserves into the existing adjacent properties. The reason for the proposed closures is the proponents wish to construct a dam over one of the reserve.

Location Plan



The purpose of this agenda item is to determine Council support for the closure and amalgamation of the unconstructed road reserve and authorisation to initiate a public consultation process in accordance with the *Land Administration Act 1997*.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

At present the closure of these portions of road reserve would result in land lock issues for a number of aforementioned lots. However, it is the proponent's intent to build a dam over existing lots in the future, which would result in the conditional amalgamation of lots.

Therefore, it is recommended that Council resolve to approve closure of a portion of Favero Road reserve and a portion of unconstructed/unnamed road reserve in the vicinity of Favero Road Yeagarup, subject to all approvals being in place with Department of Water Environmental Regulation (DWER) for construction of a dam, and subject to amalgamation of the lots to ensure no landlock issues arise from the closure of these road reserves.

If supported, in accordance with the *Land Administration Act 1997* and the *Local Government Act 1995*, public notice advertising the proposed closure will be required. Additionally, direct consultation with neighbouring property owners and government agencies will also be undertaken.

Should Council not receive any objection to the proposal during the public consultation period, this proposed disposal of road reserve will be forwarded to the Department of Planning, Lands and Heritage (DPLH) for finalisation. Hence, one of the recommendations to Council indemnifies the Minister for Lands against any claim of compensation resulting from the proposed road closure.

STATUTORY ENVIRONMENT:

To enable the closure of a public road, the *Land Administration Act 1997* prescribes a public consultation period of 35 days followed by a resolution of Council after which, the proposal is submitted to the DPLH.

The *Local Government Act 1995* requires public notice for partial or whole road closure.

POLICY / STRATEGIC IMPLICATIONS:

Closing and amalgamating the unrequired road reserve serves to reduce the overall land management potential burden on the organisation. The road reserve area to be closed through this proposal is approximately 49,000 m².

ORGANISATIONAL RISK MANAGEMENT:

Prior to Council initiating the road closure process, there is an obligation to ensure that the proposal will not result in land lock issues nor additional cost being imposed by the Shire. This has been dealt with in the recommendations.

FINANCIAL IMPLICATIONS:

Nil. The progression of the road closure is on the basis that the proponent pays all fees and assumes all associated costs including survey fees. The Shire's fee for the process is \$990 and the invoice has been paid by the proponent.

SUSTAINABILITY:

Environmental: Nil.

Economic: Reducing the number of unconstructed road reserves within the Shire that provide no strategic importance reduces unnecessary land administration activities by the Shire.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Advise the applicants that it is prepared to support the closure of a Portion of Favero Road Reserve and a Portion of unnamed/unconstructed road reserve in the vicinity of Favero Road, Yeagarup subject to:
 - a. no objections received in response to the public consultation period detailed in point 2 below;
 - b. subject to all approvals being in place with Department of Water Environmental Regulation prior to road closure; and
 - c. subject to amalgamation of Lots 8209, 8556, and 7262 prior to road closure;**
- 2. Approve the undertaking of public consultation process regarding the proposed closure of a portion of Favero Road and a portion of the unnamed/unconstructed road reserve and subsequent amalgamation into adjacent property Lot 8209 Favero Road in accordance with the requirements of the *Land Administration Act 1997*, for a period of 35 days;**
- 3. Subject to no objections being received in response to the advertising referred to in point 2 above, grant delegated authority to the Temporary Chief Executive Officer to forward a request to the Minister of Lands for approval to close the road reserve in accordance with section 58 of the *Land Administration Act 1997*;**
- 4. Indemnify the Minister of Lands against any claim for compensation resulting from the proposed road closure; and**
- 5. Request the Temporary Chief Executive Officer to arrange for an agenda item be prepared for Council consideration should any objection be received as a result of the public consultation.**

APPENDIX

9.12.2 Proposed Options for the Ongoing Management of Camper and Highway Traveller Waste During Peak Periods Following the Completion of a Twelve Month Trial.

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Works and Services
FILE REFERENCE:	F180162
LEGISLATION:	<i>Western Australia Litter Regulations 1981</i>
AUTHOR:	Mark Sewell; Michael Leers
DATE OF REPORT:	12 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its 5 May 2022 Ordinary Meeting Council resolved to:

- 1. Approve the discontinuation of the current holiday skip bins service;**
- 2. Approve a 12 month trial period to 30 June 2023 that increases local street bin services by increasing the number of bins and by having them emptied more frequently as well as increasing local Waste Transfer Station operating hours during holiday and peak periods; and**
- 3. Seek additional funds for the management of holiday and tourist roadside waste from Department of Biodiversity, Conservation and attractions and Main Roads Western Australia.**

The full report is appended.

APPENDIX: 9.12.2(A)

Accordingly, the provision of the 'holiday skips' program was discontinued from 1 July 2022. In support of Condition 1 of Council's resolution, 3 cubic metre bins were not provided at the intersection of the South Western and Vasse Highways ('Pemberton Crossroads'), the car park opposite the Pemberton Hotel, or the car park in front of the Northcliffe General Store during school holidays and other peak periods. Nor was the 'rubbish trailer' deployed in the Walpole long vehicle car park.

To support the requirements of Condition 2 of Council's resolution, the contracts for the servicing of street and public bins in each of Northcliffe, Pemberton and Walpole were varied for the twelve months from 1 July 2022 to 30 June 2023 so as to provide for additional bins to be deployed and emptied, and for this to be done on more days than previously.

Further supporting Condition 2, the contracts for the operation of waste transfer stations at each of Northcliffe, Pemberton and Walpole were varied for the twelve months from 1 July 2022 to 30 June 2023 so as to provide for additional days when the sites were open to the public for the disposal of waste.

The purpose of this report are to present the outcomes of the twelve-month trial to date and to present various suitable options for Council to consider in determining how best to provide appropriate and effective waste services for campers and highway travellers in the future, in light of the findings of the trial.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Following the end of the 'holiday skip bins' program there was a significant reduction in excessive or illegal dumping of waste which had previously occurred at the three sites where bulk bins were deployed and at the Walpole long vehicle car park (where the rubbish trailer was previously deployed).

Bagged waste was illegally dumped and recovered from the Pemberton Crossroads on two occasions during the trial period. In one of these instances the owners of the material could be identified from items in their waste. A letter of warning was sent and the persons responsible contacted the Shire promptly to offer their apology and their assurances that they would not repeat their action. No further action was taken by the Shire and no further instances of waste dumping have occurred at that site.

No illegal dumping of waste was detected at either the car park opposite the Pemberton Hotel or the car park outside the Northcliffe General Store during the trial period, nor at the long vehicle car park in Walpole.

During the trial, the reduction in illegally dumped waste at the three sites which were previously used as 'holiday skip bin' sites is estimated to have been approximately 145 cubic metres or a 97% reduction.

However, during the trial period there was a slight increase in illegally dumped waste at other locations within the vicinity of each of the old sites.

On at least one occasion, the Southern Entry Information Bay and the Northern Arch pull-in bay (both Manjimup), two (2) of the public street bins in Brockman Street, Pemberton, the public toilets in Northcliffe and the gates of the Northcliffe Waste Transfer Station were each used for the illegal dumping of bagged or boxed waste. These sites have in the past been subject to illegal dumping. However, during the trial they experienced the dumping at a greater frequency than detected in previous years. The amounts of waste were easily managed and were removed by Shire contractors while carrying out their normal duties.

On one occasion the owners of material illegally dumped adjacent to the public bin at Manjimup's Southern Entry Information Bay public bin could be identified

from items in their waste. A letter of warning was sent and the person responsible contacted the Shire promptly to offer their apology and their assurances that they would not repeat their action. No further action was taken by the Shire and to date no further instances of waste dumping have occurred at that site.

The total volume of dumped waste at all of the previously discussed locations during the year-long trial period is estimated at no more than 10 cubic metres (or approximately 7% of the amount previously illegally dumped at the holiday skip bins).

The Shire's contractors servicing street and public bins in Northcliffe, Pemberton and Walpole during the trial period reported only a small increase in the volume of waste being disposed of in the bins they serviced. The contractors reported that the added volumes were manageable. Their shared view was that the total street and public bin capacity in each town was adequate, particularly so given the 20% increase in the frequency of servicing. Accurate quantification of the volume of waste collected in street and public bins is not available. The contractors' observations were relayed to Shire officers anecdotally.

During the trial, the three waste transfer stations at Northcliffe, Pemberton and Walpole were opened to the public between 9 am and 1 pm on 16 Mondays. All of these hours were additional to each transfer station's usual opening hours. None of the Shire's contractors operating these waste transfer stations reported any person, local or visitor, bringing in any waste for disposal on any of these Mondays through the duration of the one-year trial period.

No evidence has been presented to suggest that illegal dumping of waste has simply been shifted to other locations (other than the approximately 7% described above), either to Shire infrastructure or to the natural environment.

The results of the year-long trial indicate that in approximately 93% of instances, persons previously illegally dumping waste at the skip bins and the rubbish trailer have demonstrated both an ability and a willingness to take their waste materials to another acceptable waste destination. However, these destinations were not the three waste transfer stations of Northcliffe, Pemberton and Walpole on Mondays.

Summary

Provision of 'holiday skips' over the seven years 2014/15 to 2021/22 was from the outset closely associated with the illegal dumping of waste at the sites used. The volume of waste illegally dumped adjacent to the bulk bins increased over the seven years to become at least equal to the amount of waste being put in the bins.

In 2021/22 the 'holiday skips' program cost approximately \$21,900. Once the 'holiday skips' program was withdrawn, illegally dumped waste at the same sites reduced to approximately 3% of previous totals. The effect was almost immediate. Very little waste (approximately 7% of previous totals) has been

illegally dumped at other sites. All of the newer illegal dumping target sites are at locations which have potential to be monitored by Shire officers in order to combat the activity, should resources (funding support) be made available. There is no evidence to suggest that the problem of illegally dumped waste has grown elsewhere in direct response to its reduction at the holiday skip locations.

The cost of provision of bins, to be deployed in holidays and other peak periods as additional street bins at Northcliffe, Pemberton and Walpole has been very small to date (\$436). Providing permanent extra bins would require further budgetary support. The 31 day increase in servicing of the street bins, focussing on holidays and peak periods, incurred a total additional cost of \$7,210 (a 20% increase in expenditure.)

Reports from contractors and a general decline in frequency of complaints (about over-full bins or townscape aesthetics) suggest that the added bin volume and added servicing during holidays is an effective way to manage the added volume of waste brought by travellers and visitors during holidays. Continuing monitoring and fine-tuning would further improve street bin management in holiday and peak periods in the three smaller towns.

The added 16 half days of opening at the three waste transfer stations incurred a total additional cost of \$9,272 (a 10% increase in expenditure). During the one-year trial period, this additional expenditure resulted in no increased disposal of waste of any type at any of the three waste transfer stations.

Conclusion

Results of the 12 month trial of not having skip bins and waste trailers located at roadsides and other public places in the Shire has shown a dramatic 93% reduction in illegally dumped waste and saving some \$20,000 per year. Further to this, by increasing the servicing of the Shire's public street bins in its four towns, waste from visitors and travellers is efficiently and cost effectively managed.

Therefore, Council is recommended to continue as the ongoing waste management practice, not having skip bins at roadsides and other public places, not opening waste transfer stations and to continue with the extra servicing of street bins at an estimated cost of \$7,600 per year.

Should Council decide that the skip bins and waste trailer should be reinstated at the various roadside and public locations, this will have the direct cost of some \$22,000, plus any ongoing further waste management costs that may be incurred due to illegally dumped waste. If Council decides to reinstate the skip bins and waste trailer, it should expect to see a return of illegally dumped waste at these locations.

STATUTORY ENVIRONMENT:

The *Litter Regulations 1981* say that "a person shall not deposit any domestic or commercial waste in a public litter receptacle." The *Regulations* define domestic waste as "waste material of any kind generated by private dwellings, and includes garbage, lawn clippings and old furnishings."

The *Litter Regulations 1981* recommend that litter receptacles have “a capacity of not less than 60 and not more than 200 litres”. Many (perhaps 45 bins out of around 150) of the Shire’s street bins are 240 litres. Almost all illegal waste dumped adjacent to street and public bins in the Shire of Manjimup is dumped at 240 litre bins.

POLICY / STRATEGIC IMPLICATIONS:

Providing best practice waste collection services supports the Shire of Manjimup Strategic Community Plan 2021 – 2031, Theme 1 Our Natural Environment, Community Goal 1.5: “*Waste management strategies are expanded and a greater range of options provided to ensure we minimise the negative impacts on our environment*”, Strategy A15 (“*Continue to diversify waste management options and encourage waste avoidance, reduction, reuse and recycling*”), Strategy A16 (“*Provide and maintain public rubbish bins to minimise overflow and littering*”), and the Community Indicator “*Number of waste management streams available to the community.*”

ORGANISATIONAL RISK MANAGEMENT:

Risks to the Shire of Manjimup include:

- the risk that the cost of providing additional waste transfer station opening hours such as those implemented for the trial period may far outweigh any corresponding increase in tipping fee revenue and that the service hours provided may far outweigh any additional volume of waste brought for disposal;
- the risk that the provision of numerous street and public bins in locations more remote from constant view may lead to an increase in the dumping of waste by persons not wanting to be seen; and
- the risk that provision of bins larger than that recommended in the *Litter Regulations 1981* will be more attractive than are smaller bins to persons wishing to illegally dump waste.

FINANCIAL IMPLICATIONS:

Costs associated with the extra servicing of the street bins can be offset using the \$4,000 provided annually by DBCA under the current MOU, which is active until 30 June 2027.

SUSTAINABILITY:

Environmental: The one-year trial suggests that the services provided will serve the needs of campers and highway travellers in reducing the likelihood of such visitors disposing of their waste material illegally by dumping it in natural places or other public spaces.

Economic: The costs incurred in collecting and managing waste can only be offset if that same waste generates some revenue at the point of disposal.

Social: Campers and highway travellers are likely to enjoy their time in the Shire of Manjimup more if they usually have convenient access to facilities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Approves the cessation of the previous 'holiday skip bins' service (including the 'rubbish trailer' at Walpole; and**
- 2. Approves the increase of street and public bin capacity and contractor servicing frequency in the three smaller towns, focused on holiday and peak periods.**

APPENDICES

A⇒ Ordinary Meeting 5 May 2022 Waste 6 Pages

ATTACHMENT**9.16.1 Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 28 April 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Community Services
FILE REFERENCE:	F210319
LEGISLATION:	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
AUTHOR:	Kelsie Brown
DATE OF REPORT:	9 May 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 28 April 2023 as attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Aboriginal Heritage Act 1972 and;

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

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

- Implement the outcomes as identified in the RAP.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 28 April 2023 as per Attachment: 9.16.1(1)

ATTACHMENTS

1 	Reconciliation Action Plan Advisory Committee Meeting Minutes - 28 April 2023	4 Pages
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10. LATE REPORTS:**11. QUESTIONS FROM MEMBERS:**

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

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:****14. MEETING CLOSED TO THE PUBLIC**

- 14.1 Matters for which the meeting may be closed

14.1.1 Unconfirmed Minutes of the Chief Executive Officer Recruitment Panel Meetings held 27 April 2023, 4 May 2023 and 16 May 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:	17 May 2023
DECLARATION OF INTEREST:	The Temporary Chief Executive Officer has not participated in the Committee processes or minute production.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

**That Council goes behind closed doors to consider:
Item 14.1.1 being considered confidential under Section 5.23(2) (a) of the Local Government Act, as it deals with a matter affecting an employee or employees (Job description and selection criteria if released early would give advantage to prospective applicants).**

- 14.2 Public reading of resolutions that may be made public.

15. APPLICATIONS FOR LEAVE OF ABSENCE:

16. CLOSURE:

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

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