



AGENDA

COUNCIL MEETING

28 SEPTEMBER 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

28 SEPTEMBER 2023

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 28 September 2023 commencing at 5:30pm in the Council Chamber.



Brian Robinson
INTERIM CHIEF EXECUTIVE OFFICER

20 September 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 Interim 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 28 SEPTEMBER 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:

3.2 Approved Leave of Absence:

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 7 September 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.

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Absolute	9.16.1	Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 29 August 2023	56
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	9.16.3	Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 12 September 2023	62

_____ / _____

“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 64 of the Agenda with the exception of those on the board:

ATTACHMENT**9.1.1 Certification of Chief Executive Officer Recruitment Process**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F170461
LEGISLATION:	<i>Local Government Act 1995, Local Government (Administration) Regulations 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	30 August 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

On 24 February 2023 the Shire of Manjimup's then Chief Executive Officer (CEO) gave notice of their resignation, and the recruitment process for a new CEO commenced shortly thereafter.

The CEO recruitment process is required to be undertaken in accordance with the *Local Government Act 1995* (the Act), *Local Government (Administration) Regulations 1996* (the Regulations) and the Shire of Manjimup Standards for Chief Executive Officer Recruitment, Performance and Termination (the Standards).

Having now completed the recruitment process, Council is requested to pass a resolution certifying that the process was carried out in accordance with the Standards attached.

ATTACHMENT: 9.1.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Changes to the Act and Regulations in February 2021 introduced the Standards as the benchmark criteria for the employment, performance review and termination of local government CEO's. Council adopted the Standards on 4 March 2021 (Resolution 28406).

In accordance with r.18FB(3) and (4) of the Regulations, the Shire is required to provide evidence of compliance with the Standards to the Director General of the Department of Local Government, Sport and Cultural Industries (DLGSC) upon conclusion of the CEO recruitment process. This to be achieved by absolute majority decision of Council and presented to DLGSC within 14 days of determination.

Certification of the CEO recruitment process in accordance with the Standards is described after each relevant clause of Division 2 listed forthwith:

5. Determination of selection criteria and approval of job description form

- (1) *The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.*
- (2) *The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —*
 - (a) *the duties and responsibilities of the position; and*
 - (b) *the selection criteria for the position determined in accordance with subclause (1).*

Officer Comment

At the Council Meeting on 25 May 2023, Council approved by absolute majority the Job Description Form which clearly outlines the qualifications, selection criteria, duties, and responsibilities of the position (Resolution 29156).

6. Advertising requirements

- (1) *If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.*
- (2) *If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.*

Officer Comment

At the Council meeting on 25 May 2023, Council approved the manner in which the advertising of the Chief Executive Officer position would be undertaken (Resolution 29156). The position was subsequently advertised Statewide in 'The West Australian' from the 3 June 2023, with applications closing 26 June 2023. Further advertising of the position occurred from 5 June 2023, on the following platforms;

- the Shire of Manjimup website;
- the Local Government Jobs Directory,
- Seek Online;
- the Lester Blades website;
- Google Business;
- Twitter (recently rebranded as 'X'); and
- LinkedIn.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) *inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or*
- (b) *if the person advises the local government that the person is unable to access that website address —*
 - (i) *email a copy of the job description form to an email address provided by the person; or*
 - (ii) *mail a copy of the job description form to a postal address provided by the person.*

Officer Comment

The job description form was provided as part of the application pack to all applicants and was available on the Shire of Manjimup's website.

8. Establishment of selection panel for employment of CEO

- (1) *In this clause —*
independent person *means a person other than any of the following —*
 - (a) *a council member;*
 - (b) *an employee of the local government;*
 - (c) *a human resources consultant engaged by the local government.*
- (2) *The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.*
- (3) *The selection panel must comprise —*
 - (a) *council members (the number of which must be determined by the local government); and*
 - (b) *at least 1 independent person.*

Officer Comment

The Shire of Manjimup's Selection Panel were formally appointed by Council at its meeting on 13 April 2023 (Resolution 29110). The Chief Executive Officer Selection Panel consisted of:

- Shire President Paul Omodei;
- Deputy Shire President Denise Jenkins;
- Councillor Wendy Eiby;
- Councillor Robert Taylor;
- Councillor Murray Ventris;
- Councillor Cliff Winfield;

- Councillor Kim Skoss; and
- independent member, Mr Steve Miolin.

As per the Selection Panel's Terms of Reference, it was the role of the Selection Panel to make recommendation to Council on the preferred candidate for the position of CEO.

9. Recommendation by selection panel

- (1) *Each applicant's knowledge, experience, qualifications, and skills must be assessed against the selection criteria by or on behalf of the selection panel.*
- (2) *Following the assessment referred to in subclause (1), the selection panel must provide to the local government —*
 - (a) *a summary of the selection panel's assessment of each applicant; and*
 - (b) *unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.*
- (3) *If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —*
 - (a) *that a new recruitment and selection process for the position be carried out in accordance with these standards; and*
 - (b) *the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.*
- (4) *The selection panel must act under subclauses (1), (2) and (3) —*
 - (a) *in an impartial and transparent manner; and*
 - (b) *in accordance with the principles set out in section 5.40 of the Act.*
- (5) *The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —*
 - (a) *assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications, and skills meet the selection criteria; and*
 - (b) *verified any academic, or other tertiary level, qualifications the applicant claims to hold; and*
 - (c) *whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance, and any other claims made by the applicant.*

- (6) *The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.*

Officer Comment

At the Council meeting on the 13 April 2023 Council appointed Lester Blades to act as the professional recruitment consultant to assist and support the Selection Panel through the recruitment process, and the ultimate recommendation from the panel to Council on the preferred candidate (Resolution 29110).

The Selection Panel worked with Lester Blades to assess the candidates with results from the selection criteria as the primary consideration. From that process and subsequent interviews, the Selection Panel recommended the most suitable candidate. A confidential report was prepared under direction of the Selection Panel by Lester Blades and presented to Council at its Special Meeting on 24 August 2023.

That recommendation was supported with the thorough assessment of the preferred candidate and due diligence checks on the following:

- An assessment of the applicant's career history, skills, knowledge and experience to meet the requirements of the role against the selection criteria;
- Undertaking of relevant recruitment due diligence checks including reference checks; and
- Verification of professional qualifications, including any academic, or other tertiary level, qualifications the applicant holds.

10. Application of cl. 5 where new process carried out

- (1) *This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.*
- (2) *Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —*
- (a) *clause 5 does not apply to the new recruitment and selection process; and*
- (b) *the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.*

Officer Comment

This clause was not required and does not apply to this recruitment process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and*
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.*

Officer Comment

At the Council meeting on the 17 August 2023 the following was passed by Absolute Majority:

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Eiby, W

29248

That Council:

- 1. Accept the minutes of the Chief Executive Officer Recruitment Panel meeting held 14 August 2023 as per the TABLED document;**
- 2. Receive the HR Consultant's recruitment reports as detailed in the TABLED document;**
- 3. Approve the Chief Executive Officer Recruitment Panel's recommendation and the making of the offer to the preferred candidate to be employed in the position of Chief Executive Officer;**
- 4. Approve the Chief Executive Officer Contract of Employment, including the terms of the contract, as detailed in Attachment: L.1(1);**
- 5. Authorise the Shire President to execute the Chief Executive Officer Contract of Employment in accordance with the terms of the Chief Executive Officer Contract of Employment with minor amendments that do not alter the key terms agreed to by Council as outlined in Attachment: L.1(1);**
- 6. Notes that subject to the preferred candidate accepting the terms of the Chief Executive Officer employment contract, the applicant is appointed to the position of Chief Executive Officer; and**
- 7. Notes that if the preferred candidate does not agree to the Council's approved terms of the Chief Executive Officer employment contract, the amendments will be provided to Council for approval before the contract is executed.**

MOTION CARRIED 11/0

FOR: Cr Buegge; Cr Dawson Vidovich; Cr Eiby; Cr Jenkins; Cr Lawrence; Cr Omodei; Cr Skoss; Cr Taylor; Cr Ventris; Cr Willcox; Cr Winfield.

AGAINST: Nil.

12. Variations to proposed terms of contract of employment

- (1) *This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).*
- (2) *Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.*

Officer Comment

The Shire President presented Council's offer to the preferred candidate. After consideration, the preferred candidate sought to amend some terms of the contract and as per clause 12 of the Standards the amendments were presented to Council at a Special Meeting on the 24 August 2023. At that meeting, Council determined to counter offer the preferred candidate and the following motion was moved unanimously by absolute majority:

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Eiby, W

29254

That Council:

- 1. Approve the amended Chief Executive Officer Contract of Employment including terms of the contract as detailed in confidential Attachment: 14.1.1(1) with inclusion of the TABLED variations;**
- 2. Authorise the Shire President to execute the Chief Executive Officer Contract of Employment in accordance with the terms of the Chief Executive Officer Contract of Employment with minor amendments that do not alter the key terms agreed to by Council as outlined in confidential Attachment: 14.1.1(1) and the TABLED variations;**
- 3. Notes that subject to the preferred candidate accepting the terms of the Chief Executive Officer employment contract, the applicant is appointed to the position of Chief Executive Officer; and**
- 4. Notes that if the preferred candidate does not agree to the Council's approved terms of the Chief Executive Officer**

employment contract, the amendments will be provided to Council for approval before the contract is executed.

MOTION CARRIED: 11/0

FOR: Cr Buegge; Cr Dawson Vidovich; Cr Eiby; Cr Jenkins; Cr Lawrence; Cr Omodei; Cr Skoss; Cr Taylor; Cr Ventris; Cr Winfield.

AGAINST: Nil.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) *In this clause —*

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

(2) *This clause applies if —*

(a) *upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —*

(i) *the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and*

(ii) *a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;*

and

(b) *the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.*

(3) *Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.*

(4) *This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.*

Officer Comment

This clause did not apply as the recruitment process was triggered by the resignation of the previous CEO, Andrew Campbell, and not the continuation of an incumbent CEO with 10 years of service.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Officer Comment

There were no known breaches of confidentiality during the recruitment process.

STATUTORY ENVIRONMENT:

Certification of the appointment of the CEO requires consideration of the legislation listed below:

- *Local Government Act 1995.*
- *Regulation 18FB of the Local Government (Administration) Regulations 1996;*
 - *18FB Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7))*

(1) In this regulation adopted standards means –

- a) The standards adopted by a local government under 5.39B;*
or
- b) If the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.*

(2) This regulation applies if –

- a) a local government employs a person in the position of CEO of the local government; and*
- b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.*

(3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.*

** Absolute majority required.*

(4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

POLICY / STRATEGIC IMPLICATIONS:

Division 2 of the Shire of Manjimup Standards for Chief Executive Officer Recruitment, Performance and Termination provides for the process to recruit a CEO.

Recruitment of a CEO meets the following Community Goals identified under 'Local Government' in the Strategic Community Plan 2021 – 2031:

- 5.2 – The Shire's long-term planning and activities deliver on the community's goals and long-term aspirations.
- 5.8 – The Shire continuously improves organisational performance and service delivery.

ORGANISATIONAL RISK MANAGEMENT:

The CEO recruitment process has been carried out in accordance with the Shire of Manjimup Standards for Chief Executive Officer Recruitment, Performance and Termination and therefore provides a transparent process and mitigates any risk of improper process. Council's endorsement of this process by absolute majority decision is a statutory requirement.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Certifies that the Chief Executive Officer recruitment process was completed on execution of the Chief Executive Officers employment contract dated 26 August 2023 as approved by Council Resolution 29248 on 17 August 2023, and was conducted in accordance with the Shire of Manjimup's Standards for Chief Executive Officer Recruitment, Performance and Termination and Regulation 18FB(3) of the *Local Government (Administration) Regulations 1996*; and**
2. **Notes that a copy of this resolution is to be provided to the Departmental Chief Executive Officer at the Department of Local Government, Sport and Cultural Industries within 14 days.**

ATTACHMENTS

- | | |
|--|-------------|
| 1 ➡ CEO Standards for Recruitment, Performance and Termination | 10
Pages |
|--|-------------|

**ATTACHMENT
APPENDIX**

9.3.1 Proposed Allocation of Additional Financial Assistance Grant for 2023/24 Financial Year

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	As detailed in Agenda Item
WARD:	Central
ZONE:	N/A
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160191
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	28 August 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As reported within Item No 9.3.2 of the Council agenda dated 7 September 2023, the Shire of Manjimup has received an additional \$131,849 income through the Financial Assistance Grant (FAG) allocations being greater than anticipated during the budget preparation.

The purpose of this agenda item is to seek Council's endorsement to an amendment of the Shire of Manjimup's 2023/24 Annual Budget in order to allocate the funding to the following two strategic projects:

- a) To meet the costs of the Manjimup Men's Shed restoring a historic timber haulage whim; and
- b) Construction of the rear extension at No 5D Brockman Street in order to install the passenger lift and provide an associated foyer and accessible compliant toilet facility.

Further detail regarding the two projects is provided within the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining this request, the following additional information is provided:

Timber Whim Restoration

As elected members may recall, a significant/large timber haulage whim was previously located on the southern side of the Manjimup Railway Station building. The whim was previously located outside of the Bunnings Logging Division officer was donated to the Manjimup community by Austwest Timbers.

With a wheel size of 10 feet, the whim is thought to be one of the very few of such whims to exist following the January 2016 fire in Yarloop. Whilst the main body of the Whim appeared to be in reasonable condition, in early 2016 it was identified that the wheels had deteriorated significantly and the whim was no longer suitable or safe to be on display.

In November 2016, the whim was relocated to the Manjimup Men's Shed with the intention of the whim being restored as part of the Manjimup Town Centre Revitalisation Project. Since that time:

- The men's shed initially focused on other restoration works associated with the Manjimup Heritage Park during the Town Revitalisation Project;
- The State Government reduced the agreed funding amount associated with the Revitalisation Project, resulting in a need to scale back and/or defer certain elements of the original proposal; and
- The Manjimup Men's Shed has gained additional experience with the restoration of timber haulage whims, completing the restoration of a whim for the Donnybrook-Balingup Shire.

Still wishing to proceed with the restoration of the whim, the Manjimup Men's Shed has provided now a detailed a detailed quote for completion of the restoration works. A copy of the quote, totalling \$16,480 is shown attached.

ATTACHMENT: 9.3.1(1)

5D Brockman Street

Originally it was proposed to proceed with a more significant extension at the rear of the premises in order to provide a kitchen area, accessible compliant lift and ablution facilities. These works, together with structural repairs to the existing building were the subject of Tender RFT01/21.

Council resolved (Resolution 28640) not to award the tender. A relevant excerpt of the Council minutes is shown appended.

APPENDIX: 9.3.1(A)

Subsequent to this and having regard to available budget, a Request for Quote was released relating to the installation of a lift and construction of a second storey extension comprising of a foyer and accessible toilet only. Despite being referred to all local building companies, no quotes were received in response. A copy of plans detailing the rear extension are shown attached.

ATTACHMENT: 9.3.1(2)

The rear extension to 5D Brockman Street is required in order to provide accessible compliant access and ablution facilities, consistent with recommendations contained within the Shire of Manjimup's Strategic Community Plan 2021-2031 as outlined within Strategic Implications section overleaf.

Shire Officers are currently in negotiation with a builder who is willing to provide a detailed quote for the work. Should this not be successful, Shire Officers will

be pursuing other alternative methods to facilitate the development (i.e. managing the build inhouse).

Currently the adopted 2023/24 Annual Budget contains an allocation for the proposed extension, being \$185,452. It is well recognised that construction costs continue to escalate due to a number of factors including available contractors and ongoing supply issues. In order to ensure that construction of the building extension can be achieved, Council is requested to consider allocating the balance of the additional Financial Assistance Grant funds to this project. A further report will be prepared for Council consideration should the full allocation of funds not be required.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Manjimup's Strategic Community Plan 2021-2031 identifies the following strategy that is relevant to the provision of accessible compliant access and ablutions at 5D Brockman Street:

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

ORGANISATIONAL RISK MANAGEMENT:

Should Council resolve not to proceed with the allocation of funding as proposed, there is a significant potential that the projects will not be able to proceed. This could impact on the organisation as follows:

Timber Whim

In terms of the Timber Haulage Whim, the then Shire President announced the plans to have the whim restored and returned to display within the townsite. A copy of a press release from November 2016 is shown attached.

ATTACHMENT: 9.3.1(3)

5D Brockman Street

Should insufficient funds be available to complete the proposed building extension and lift installation the building, which contains one of Manjimup's premier entertainment venues will remain inaccessible for people with a disability.

FINANCIAL IMPLICATIONS:

As detailed in the background section of this agenda item.

SUSTAINABILITY:

Environmental: Nil.

Economic: Should the extension of 5D Brockman Street be successful, the level of commercial rent being charged will need to be reviewed.

Social: Allocation of the funding as proposed will ensure the completion of two outstanding projects, including ensuring that a Council owned premises is accessible to people with a disability.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council amend the Shire of Manjimup 2023/24 Annual Budget to recognise the additional \$131,849 untied grant income from the 2023/24 Financial Assistance Grant in accordance with the following table:

Description	Current Budget	Amended Budget	Variation
Additional 2023/24 Financial Assistance Grant income			(\$131,849)
Project - Refurbishment of Timber Whim	\$0	\$16,480	\$16,480
Project – 5D Brockman Street	\$184,452	\$299,821	\$115,369
Net Rate Funds			\$0

ATTACHMENTS

- 1⇒ Attachment No 1 - Quote for restoration of Timber Haulage Whim 1 Page
- 2⇒ Attachment No 2 - Copy of proposed plans 2 Pages

APPENDICES

- A⇒ Appendix A - Excerpt of Minutes from 17 December 2021 7 Pages

ATTACHMENT

9.3.2 Council Financial Payments for August 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:	Judy Sutton
DATE OF REPORT:	13 September 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 \$1,684,521.48 for the month of August 2023 are listed below and in the attachment. Corporate Card transactions for July 2023 are detailed below.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 28 September 2023.

Fund	Vouchers	Amount
Municipal	95383 – 95408	\$40,269.19
Trust Fund	-	\$0.00
Total Cheques for Month of August 2023		\$40,269.19

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 28 September 2023.

Fund	Batch	Amount
Municipal	279 – 284	\$1,610,470.00
Direct Debit		\$33,782.29
Total EFT for Month of August 2023		\$1,644,252.29

Corporate Credit Card transactions 21 June 2023 – 20 July 2023 (paid 2 August 2023) – Municipal Account

WO.46.1101	Star Link Australia Internet Subscription for Windy Harbour	\$139.00
WO.4.1221	Adobe 16 Image stock credit pack	\$167.04
WO.2423.6003	EG Group Fuel for 1006WA	\$170.84
WO.569.1340	Planning Institute 2023/2024 Annual Membership, Interim CEO	\$609.00
WO.6.1148	Litsupport – Printed version updated Local Government Act 1995	\$251.70
WO.4.1221	Adobe Creative Cloud All Apps	\$79.99
WO.102.1192	Department of Mines, Industry & Regulation High Risk Work Licence renewal - MBS	\$44.00
WO.1098.1544	PLE Computers HDMI Extender – CCTV Pemberton Co-Location	\$219.77
WO.2414.1057	Department of Water & Environmental Regulation Clearing Permit – Channybearup Rd	\$2,400.00
WO.15.1319	Mandurah Quay Accommodation CESM Forum – CESM	\$240.00
WO.2414.1057	Department of Water & Environmental Regulation Clearing Permit – Mordalup Rd Bridge	\$2,400.00
WO.687.1317	Ingot Hotel Accommodation – Introduction to Local Govt. - WAO	\$172.21
WO.677.1161	Sanity Replacement DVD's SOM Libraries	\$125.46
WO.571.1346	Zoleo Inc Monthly plan - 23/6/23 to 22/7/23	\$32.00
WO.573.1317	Lorraine Poulos 20 x Support Worker Handbooks	\$352.00
WO.575.1340	Local Government Services Professional Events Membership 7/2023 to 6/2024	\$531.00
WO.680.1133	Westnet Internet wallib@westnet.com.au	\$89.95
WO.98.1410	Westnet Internet mjpses@westnet.co.au	\$79.99
WO.2187.1544	CSR Building Product - CSR Gyprock,150 Tiles, Pemberton Sports Club Renewal	\$2,191.20
WO.13.1294	PDQ.COM PDQ connect subscription	\$154.93
Total Credit Card Payments for July 2023		\$10,450.08

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 August 2023 accounts for payment totalling \$1,684,521.48 including the Corporate Card transactions for July 2023 as detailed within Attachment: 9.3.2.(1).

ATTACHMENTS

1 ➡ Payments August 2023 42 Pages

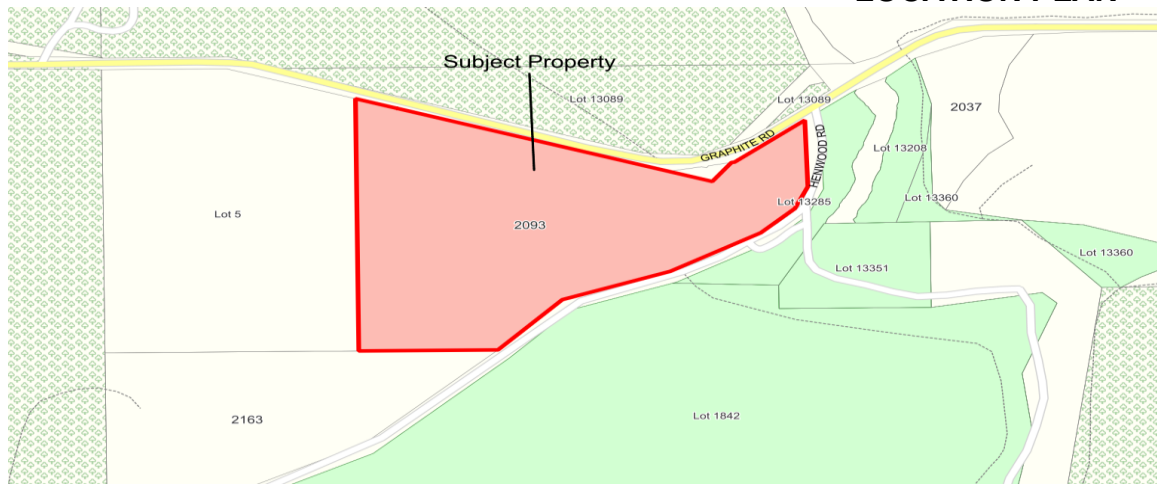
ATTACHMENT**9.5.1 Request for Support to Proposed Scheme Amendment over Lot 6 (2093) Graphite Road, Glenoran**

PROPONENT OWNER	Mr RL & Mrs A Watson
LOCATION / ADDRESS:	Lot 6 (2093) Graphite Road, Glenoran
WARD:	North
ZONE:	Tourist Enterprise
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	P52943
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	31 August 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is on a 15.4-hectare property on the southern side of Graphite Road, Glenoran, which is currently developed with a manager's residence, two chalets, two water tanks, two outbuildings, three dams and an avocado orchard.

As shown on the location plan below, the property is located adjoining two private Rural Conservation zoned properties to the east and south, being Lot 5 and RSN 2163, while the land surrounding the property is a balance of State Forest, National Park as well as Parks and Recreation.

LOCATION PLAN

Council is in receipt of a request from the landowner to consider a Scheme Amendment to rezone the subject property from "Tourist Enterprise" to "Rural Smallholdings". A copy of the request received from the landowners stating the purpose and intent of the rezoning is attached.

ATTACHMENT: 9.5.1(1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

To assist Council in considering the request for a Scheme Amendment, the following information is offered:

Zoning History

The subject property was previously zoned "Rural" under Town Planning Scheme No. 2. The zoning was changed to "Tourist Enterprise" when the current Local Planning Scheme No 4 (the Scheme) was gazetted in 2010, reflecting the approval and continued operation of two chalets.

The zoning of the land surrounding this property is mainly Rural Conservation while the remaining land is State Forest and other Forest Reserves.

Current Zoning

As identified in the background of this agenda item, the provisions of the Scheme currently include the land within the Tourist Enterprise zone.

Zone Purpose

The purpose of the Tourist Enterprise zone, as outlined in clause 4.11.1 of the Scheme is "*to encourage the development of a wide range of tourist and recreation facilities and quality tourist accommodation and activities for visitors at appropriate locations within the rural areas and townsites of the local government area.*"

Zone Objectives

Consistent with the above purpose, The Scheme identifies the following objectives of the Tourist Enterprise zone:

- (i) *encourage the development of the zone as one of the focal points for tourist/visitor related activities within the identified area or town while not compromising the visual and landscape qualities of the area;*
- (ii) *make provision for a variety of tourist related land use activities, including chalets, guesthouses, motels, lodges, caravan parks, camping areas and bed and breakfast accommodation and associated cottage industries in locations in close proximity to services and areas of tourism interest;*
- (iii) *encourage development which recognises the historic architectural style and scale of development present within the townsites and/or area including not causing unreasonable visual impact in visually prominent areas;*
- (iv) *encourage a range of recreational activities and accommodation styles within the Tourist Enterprise zone in a form, style and density which is compatible with surrounding land uses and can be adequately serviced and complements the natural and built features of the locality;*
- (v) *have regard to the Local Planning Strategy, the local government's policy on Strata Titling of Holiday Accommodation and Tourist Development and other relevant policies when considering applications for development of self-contained tourist*

- accommodation and/or strata titled accommodation within the Tourist Enterprise zone; and*
- (vi) *seek to ensure development impacts are contained within the application site.*

The current zoning allows for a range of Tourism land uses however, restricts commercial farming and using the land for private residential purposes.

Proposed Zoning

The current zoning of Tourist Enterprise prohibits a Dwelling - Single to be located on the subject property meaning that the existing manager's residence is considered to be a non-conforming use right once the tourism land use ceased, as it was approved under the previous scheme.

The purpose of the Rural Smallholdings Zone is to provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use, activity, landscape and environmental attributes of the land. The proposed rezoning will allow for a single dwelling as this is a permitted land use within the Scheme.

The size of the subject property is consistent with the land size for Rural Smallholdings of 4ha to <20ha with the size of the property being 15.4ha. Whilst the proposing zoning could potentially allow for the land to be subdivided, zoning provisions require the preparation and approval of a structure plan prior to subdivision.

The applicants have a commercial avocado orchard on the property and this is classed as Agriculture – Intensive. An Agriculture – Intensive use is permitted under the proposed zoning with the appropriate approvals in place.

Consistency with Local Planning Strategy

The proposed amendment to the zone is consistent with the 2003 Local Planning Strategy for the following reasons:

- Lot 6 (2093) has been identified as within Rural Planning Precinct MR1 – Upper Donnelly - Upper Wilgarup where the land use categories include Priority Agriculture, General Agriculture and Rural Small Holdings;
- Whilst the lot specifically has been listed as appropriate for Priority Agriculture, its size and surrounding zones are generally not compatible with intensive agricultural land uses; and
- Land uses listed that are considered appropriate for Rural Smallholdings zoned land within the MR1 precinct include Agriculture, Single Dwellings and tourism activities/accommodation.

Amendment Process

Council is being requested to initiate the Amendment. Until such time that initiation occurs the proposal remains outside of the legislative process that is dictated by the *Planning and Development Act 2005* and the *Planning and*

Development (Local Planning Schemes) Regulations 2015. There is no avenue of appeal in the event that Council does not initiate an amendment.

Should Council resolve to initiate the Amendment, it needs to be mindful that once this act occurs, the Amendment is required to be processed and determined. Therefore, it is prudent that Council is satisfied that the Amendment is sufficiently justified and contains an appropriate level of detail for it to be determined by the Western Australian Planning Commission (WAPC). This is necessary in order to provide a high degree of confidence that the resultant development will meet the objectives of orderly and proper planning.

If the amendment is not finalised prior to the adoption of a new Planning Scheme being Local Planning Scheme No 5. then the rezoning will be incorporated into that process.

Should Council support the applicant's request, Shire staff will liaise with the landowner over the preparation of suitable scheme amendment documents. Once these documents are available, a further report will be prepared for Council to consider adoption and advertising of the amendment in accordance with requirements of the *Planning and Development Act 2005*.

Conclusion

The subject property has been identified as having attributes that conflict with its current zoning and use. The proposal to rezone the property to Rural Small Holdings is consistent with the Local Planning Strategy 2003, the property's land area and the current land use.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Manjimup Local Planning Scheme No. 4.

POLICY / STRATEGIC IMPLICATIONS:

The amendment is consistent with the Council's Local Planning Strategy as discussed above.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Should Council resolve to proceed with the Scheme Amendment as requested, all costs will be borne by the proponent.

SUSTAINABILITY:

Environmental: Nil.

Economic: The development has the potential of generating economic activity in the area through lot creation and building activity.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Resolve to advise the landowner that it is prepared to consider the proposed Scheme Amendment over Lot 6 (2093) Graphite Road, Glenoran subject to the following matters being addressed:
 - a. Preparation of a standard Scheme Amendment document in accordance with the requirements of *Planning and Development Act 2005m, Planning and Development (Local Planning Schemes) Regulations 2015; and***
 - b. Payment of fees of \$316.00 for the consideration of support for the amendment.****
- 2. Defer consideration of the adoption and advertising of the Scheme Amendment referred to in point 1 above, pending a further report to Council following the receipt of amendment documentation to the satisfaction of the Chief Executive Officer; and**
- 3. Should the Amendment process not be completed prior to the advertising of Local Planning Scheme No. 5, incorporate the rezoning in that process.**

ATTACHMENTS

- 1** [!\[\]\(7a8011739ec4e250e2f89a547d75fb0a_img.jpg\)](#) Attachment No. 1 - Scheme Amendment Request 1 Page

ATTACHMENT**9.5.2 Proposed Rural Workers Accommodation at Lot 1 (696) Graphite Road, Ringbark**

PROPONENT	Planning Solutions
OWNER	Cream of The Crop Produce Pty Ltd
LOCATION / ADDRESS:	Lot 1 (696) Graphite Road, Ringbark
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/105; P56842
LEGISLATION:	<i>Planning & Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	6 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is for Council to consider an application for proposed 'Rural Workers Accommodation' at Lot 1 (696) Graphite Road, Ringbark.

Location Plan

The subject site has an area of 40.33 hectares and currently contains an orchard, a machinery shed, an all-purpose shed as well as a large dam to the front of the property and a smaller dam to the rear.

Approval is sought for four modular buildings comprising two accommodation units, a laundry unit and a kitchen unit. The proposal includes a total of 12 bedrooms with ensuites. If approved the accommodation and communal facilities will be located between the existing outbuildings and setback 347 metres to Graphite Road and 248 metres to the eastern boundary, 319 metres to the western boundary and 401 metres to the northern boundary.

The site owner/manager lives off site nearby and will be available to manage and support the workers on site. Details of the application are provided attached.

ATTACHMENT: 9.5.2 (1)

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

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) for a 21 day period, including correspondence to adjoining landowners, sign on site and notice in the local newspaper. No comments or objections were received during the comment period.

COMMENT (Includes Options):

The provisions of the Scheme include the subject site and the surrounding properties within the Priority Agriculture Zone.

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (ii) *the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submission be sought;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xv) *the preservation of the amenity of the locality.*

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

Zone Purpose and Objectives

As detailed in Clause 4.4 of the Scheme, 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, including market gardens, orchards and vineyard enterprises.

Consistent with this purpose, the objectives of the zone include a requirement to "*avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals*".

As the occupants of the accommodation will be workers employed in the horticulture industry, the proposed use is considered to be consistent with the purpose and objectives of the zone.

Land Use Classification

The Scheme defines “Rural Workers’ Accommodation” as a *“building located on a rural landholding which is used for short stay, sleeping quarters for seasonal, temporary or migratory workers working on that landholding and is to be incidental to the agricultural use of that land;”*

Amendment 29 to revise the definition and provisions of Rural Workers Accommodation has been initiated and is considered a “seriously entertained document”, which is in the final stages of approval following referral to the Minister for Planning. The new definition is stated below:

“building or building(s) located on a rural landholding, which are used for accommodating seasonal, temporary or migratory workers employed for agriculture/horticulture activities in the district and is to be incidental to the agricultural use of that land.”

The application as submitted is considered to be consistent with this amended definition.

Land Use Permissibility

‘Rural Workers’ Accommodation’ is an ‘A’ land use within the zone. An ‘A’ land use being a use, which is not permitted unless the local government has exercised its discretion by granting approval after giving special notice in accordance with Clause 9.6. As detailed in the public consultation section above, advertising of the application has been completed.

Clause 5.34.2.7 of the Scheme relating to Rural Workers Accommodation has been proposed to be amended by Council on 8 December 2022 to remove the words “short-stay purposes’ with the new wording reading as:

“where, on a property which has been developed for intensive agricultural purposes, it can be demonstrated to the satisfaction of the local government that a demand exists for the provision of rural workers’ accommodation for transitory or seasonal works on the holding, the local government may approve proposals for such accommodation on the basis that it will be used to accommodate workers employed for agriculture/horticulture activities in the district”.

Amenity

Given the setback distance to the property boundaries and adjacent dwellings on other landholdings it is considered that there will be no impacts on amenity. To ensure compliance a condition has been included in the officer recommendation.

Water Supply

In accordance with clause 5.21 of the Scheme, there is a need to ensure a suitable source of potable water is available to service the development. As a guide, clause 5.24 of the Scheme states that dwellings without reticulated water supply should be connected to a rainwater tank with a minimum capacity of 120,000 litres. Where in addition, water is required for firefighting purposes, this capacity should be increased to 135,000 litres.

Although the accommodation does not meet the definition of a dwelling in terms of its permanency, the occupiers will be residing on the property and will require access to potable water. It is recommended that the applicants be required to provide a water tank with a capacity of 135,000 litres, or other suitable arrangements (i.e. access to dam water) so as to also ensure a suitable water source for firefighting.

A condition reflecting this requirement has been included in the Officer Recommendation.

Health and Building Requirements

The proposed development will need to meet the requirements of the *Health (Miscellaneous Provisions) Act 2016* and the *Building Act 2011* to be considered compliant. An appropriate effluent disposal system is required to be installed on site for the proposed development. These aspects will be dealt with through the building permit and the Environmental Health approvals stages.

An advice note in regard to these aspects should be included on any approval granted by Council.

Bushfire Prone Area

The property is located within a 'bushfire prone' area by the Department of Fire and Emergency Services. The applicant undertook a Basic Bushfire Attack Level (BAL) Assessment and the overall BAL rating for the property is BAL-LOW. This assessment is considered to be compliant.

Management and Evacuation

As the site owner/manager is located on the adjacent property they will be available to manage and support workers on site. To ensure this occurs, a management plan will need to be developed and implemented to clearly demonstrate how the site owner intends to deal with and control the resident workers in the day-to-day manner and in the event of an emergency situation. As emergency situations need to be readily and clearly conveyed it is recommended that a separate emergency management plan is developed which includes an evacuation process. Conditions reflecting this requirement have been included in the Officer Recommendation.

Stormwater Management

Given the setback distances to property boundaries and the proximity of the development to the adjacent dam it is considered that stormwater can be managed and be retained on the subject site. A condition reflecting the requirement to retain stormwater on site has been included in the Officer's Recommendation.

Conclusion

The application for approval for 'Rural Workers Accommodation' is considered to meet the purpose and objectives of the Scheme provisions. No objections were received during the consultation period. The application is recommended for approval subject to standard conditions and advice.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposal is consistent with the following Community Goals and Strategies as contained within the Shire of Manjimup Strategic Community Plan 2021-2031 as adopted by Council:

Community Goals

- 2.2 *Existing core industries, such as agriculture and timber, are resilient, innovative and sustainable;*
- 2.4 *Industry and development is not hindered by excessive or complex compliance regulations.*

Strategies

- B5 *Collaborate with other stakeholders to develop a transient and seasonal worker strategy to balance their safety, accommodation and employment needs with the needs and aspirations of the residential community.*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The appropriate application fee has been paid by the proponent.

SUSTAINABILITY:

Environmental: Nil,

Economic: The application if approved, will allow the agricultural activity on the lot to operate in a more efficient manner.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Local Planning Scheme No. 4 grants planning approval for ‘Rural Workers Accommodation’ at Lot 1 (696) Graphite Road, Ringbark (Application TP99/2023) as shown at Attachment 9.5.2 (1) and subject to the following conditions and advice:

- 1. The development hereby approved must be carried out generally in accordance with the plans and specifications, as amended, 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.	Supporting Documentation	18 July 2023
2.	Site Plan	18 July 2023
3.	Elevations – Laundry	18 July 2023

4.	Plans – Accommodation Unit	18 July 2023
5.	Plans – Kitchen Unit	18 July 2023

2. Unless otherwise approved by the Shire of Manjimup, this approval is limited to the accommodation of a maximum of 12 persons at any one time, each being a rural worker employed in rural activities as required by the provisions of Local Planning Scheme No 4;
3. A Management Plan is to be submitted prior to the occupation of the building and shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
4. An Emergency Management Plan is to be submitted to the Shire and approved, prior to the occupation of the building. The plan as approved shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
5. The approved use shall be so conducted as not to adversely affect the amenity of the locality by reason of noise, dust, ash, soot or grit, by disturbance, or by the emission of waste water, smoke or other effluvia to the satisfaction of the Shire of Manjimup;
6. An on-site potable water supply not less than 135,000 litres storage shall be provided on the site and connected to the development prior to occupation of the building and to the satisfaction of the Shire of Manjimup;
7. The submitted Bushfire Attack Level (BAL) Assessment shall be implemented and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup; and
8. All stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- a) The proponent is advised that this development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b) Prior to the commencement of development, a waste management plan is to be submitted for the approval of the Shire's Principal Environmental Health Officer. The plan will detail how and where waste produced during the operation will be stored, handled and removed;
- c) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 2016* and the *Building Act 2011*. Further information can be obtained from the Shire of Manjimup's Environmental Health and Building teams;
- d) The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020; and

- e) **An application for a Lodging House shall be made to Shire of Manjimup's Principal Environmental Health Officer for assessment and approval prior to commencing the use.**

ATTACHMENTS

1 [⇒](#) Attachment No. 1 - Development Details 16 Pages

9.5.3 Delegated Planning Decisions for August 2023

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	6 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

ATTACHMENT: 9.5.3 (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 August 2023, thirteen (13) 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 August 2023 compared to August 2022:

Table 1: Planning Decisions Made August 2022 and 2023

	August 2022	August 2023
Delegated Decisions	13 (\$452,858)	13 (\$823,341)
Council Decisions	5 (\$504,204)	1 (\$0)
Total	18 (\$957,062)	14 (\$823,341)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2022-23 and 2023-24

	YTD 2022-23	YTD 2023-24
Delegated Decisions	21 (\$1,030,888)	17 (\$1,779,841)
Council Decisions	15 (\$1,300,742)	5 (\$1,680,000)
Total	36 (\$2,331,630)	22 (\$3,459,841)

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for August 2023 as shown at Attachment: 9.5.3 (1).

ATTACHMENTS

1 [↗](#) Attachment 1 - Delegated Decisions August 2023 1 Page

**ATTACHMENT
APPENDIX**

**9.5.4 Consideration of Submissions and Final Approval of
Amendment 26 at Lot 60 Dingup Road, Dingup**

PROPONENT	Edge Planning & Property
OWNER	BL Nicol
LOCATION / ADDRESS:	Lot 60 Dingup Road, Dingup
WARD:	East
ZONE:	Rural Residential (RR26)
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/9; P55612
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts; Jocelyn Baister
DATE OF REPORT:	11 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council initiated Amendment No. 26 to Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) at its Ordinary Meeting held 24 March 2022 in order to rezone the subject land as Priority Agriculture. An excerpt of the March meeting minutes, incorporating the officer report is appended.

APPENDIX: 9.5.4 (A)

As reflected within the Scheme Amendment documentation, the intent of the amendment is to rezone the subject land as Priority Agriculture from Rural Residential.

A copy of the amendment document, as advertised is shown attached.

ATTACHMENT: 9.5.4(1)

With the advertising now complete, the purpose of this report is to request Council to determine whether to proceed with the amendment, with or without modification, having regard to the submissions received.

This item was withdrawn from consideration at the 7 September 2023 Ordinary Council Meeting, to allow for further assessment of the proposal with respect to future annual cropping on the land.

PUBLIC CONSULTATION UNDERTAKEN:

A formal 42-day public submission period was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council's resolution of 24 March 2022. The advertising period included a public notice in the Manjimup-Bridgetown Times on 12 July 2023. The amendment was also advertised on the Shire of Manjimup Website, correspondence was forwarded to relevant government agencies and surrounding landowners and a sign was placed on site.

Comments on the proposal closed on 23 August 2023 with a total of 15 submissions being received from government agencies and members of the public. All of the public submissions were in support of the amendment with the exception of one landowner.

Whilst the majority of the government agencies that provided comments had no objections to the proposal, the Department of Health (DoH) stated that the commitment of the 300m buffer or the alternative vegetated buffer should be required to be designed and established in accordance with their adopted Guidelines.

All submissions have been summarised in the attached Schedule of Submissions and are addressed in the comment section below.

ATTACHMENT: 9.5.4 (2)

COMMENT (Includes Options):

To assist Council in considering the submissions, the following comments are offered.

Response to Submissions

Department of Health (DoH)

DoH have provided comments with regards to the impacts and public health risks arising from the proposed encroachment of incompatible land uses. DOH recommend a minimum buffer of 300m to any future intensive agriculture and existing residential land uses.

The proponent has proposed to restrict the intensive cultivation of perennial crops within 300m of all off-site residential dwellings by proposing a 300m separation buffer. Aligned with the DoH "*Guidelines for Separation of Agricultural and Residential Land Uses – Establishment of Buffer Areas*" August 2012, the proponent has also included a 10m firebreak, a 20m vegetated area and a 10m clear area for the cultivation of annual crops. This buffer is required before the establishment of annual crops. This will result in a proposed buffer of 40m for annual crops to the external boundary (70m to the nearest dwelling) once the vegetated buffer is established and 300m to perennial crops.

Conditions to this effect have been introduced into the recommended Schedule of Modifications, proposing the introduction of a Restricted Use into Schedule 18 of the Scheme.

Adjacent Landowner Submission

One submission was received from an adjoining neighbour who objected to the proposal for the following reasons:

Buffer

The neighbour has raised concerns that the recommended buffer falls short of the Environmental Protection Authority (EPA) guidelines of 100 – 500m for orchards, vineyards and market gardens to sensitive uses (such as dwellings). Whilst the neighbour is in support of the proposed list of buffer vegetation

species, they have requested a minimum buffer of 100m from the common boundary.

In accordance with the Environmental Protection Guidelines for Managing Off Site impacts, a buffer is the distance between the activity and adjacent sensitive premise such as dwellings. As mentioned above, the proponent has committed to a proposed 300m separation buffer between perennial crops and adjacent sensitive premises. Whilst the proposed location of annual crops will be setback a minimum of 40 metres from the boundary, the annual crops will be located a minimum of 104m from the objectors.

It is noted that the vegetated buffer is consistent with the an alternative method of impact mitigation as outlined within the Guidelines from the DoH provided minimum vegetation heights are be achieved prior to cultivation. Aurora Environmental Consultants, working on behalf of the landowner, have concluded that subject to the adoption of appropriate management strategies and the use of the vegetated buffer will minimise the potential for any detrimental impacts associated with the activity.

Dust, Spray Drift, Noise, Spraying Conditions, Chemicals Used

The adjacent landowner also raised concerns with regards to dealing with dust, spray drift, spraying conditions, chemicals to be used, water use, weather and buffers and queried ongoing monitoring to ensure that chemicals are only sprayed when the wind speeds are between 3 – 15kms per hour blowing away from sensitive areas or chemicals appropriate to minimise effect on frogs, bees and aquatic systems are chosen.

The environmental report submitted considered the risks/impacts associated with the intensive agricultural activities and recommended various management strategies which will address EPA requirements of land use compatibility and should satisfy the concerns raised. The report identified that odour from chemical sprays may be distributed to neighbouring properties when the wind is in a north-easterly direction. It is recommended that provisions be included to prohibit chemical sprays during this time.

On further review of the environmental report, it has been identified that the consultant has provided assessment against thresholds adopted by Queensland Department of Natural Resources, 1997. The consultant has determined that machinery used in cultivating, planting and fertiliser application emits noise at 87dB(A) at 7.5m from the machine, whilst a harvester emits 91dB(A).

The Queensland Noise Design Guidelines state that acceptable noise levels (long term) should be no greater than 60dB(A) with 75dB(A) acceptable intermittently. The Guidelines also provide a calculation that noise emissions will reduce 5dB(A) for each doubling of distance from the noise source. The consultant has stated that, based on that calculation the noise at the residential source is estimated to be in order of 65dB(A).

The Western Australian *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) sets allowable noise levels for noise in this State. The assigned levels for acceptable noise in the Noise Regulations is 45dB(A), which is the maximum level that should be measured at 10% of the assessment time period, measured 15m from the sensitive premises. As mentioned above, the consultant has estimated that the noise received at the residential source is likely to be 65dB(A), exceeding the assigned level by the Noise Regulations.

Whilst the Shire can support the rezoning, acknowledging the noise emissions are likely to exceed the assigned levels in the Noise Regulations, the landowner would be at risk of non-compliance with the Noise Regulations and likely to be investigated, should a complaint be received.

Modifications to Amendment

Should the Scheme Amendment proceed, there are a range of mitigation measures recommended to reduce the potential for land use conflict. Shire Officers have concerns that the proposed amendment, in its current form, will result in new agricultural activities being exempt from approval. This will make it impossible to ensure compliance with the buffers as proposed by the applicant.

In order to ensure that the future (permitted) land uses do not create land use conflicts, it is recommended to include a Restricted Use assignment to the land through RU3 assignment in Mapping and conditions within Schedule 18.

A recommended Schedule of Modifications to the Amendment, responding to submissions received, has been prepared and is attached. The modification proposed will require additional information to be included in Schedule 18 of the Scheme text.

ATTACHMENT: 9.5.4(3)

Only the Minister for Planning may modify a Scheme amendment after advertising. It is therefore recommended that Council request the Minister for Planning approve the amendment subject to the recommended modifications.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Amending the zoning of the subject land as proposed is consistent with the following Community Goals and Strategies as identified in the Shire of Manjimup Strategic Community Plan 2021 -2031:

Strategies

- 2.3 *The local economy is diversified and supports a range of industries and job opportunities.*
- 2.6 *The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination.*

Goals

- A10 Encourage all aspects of sustainable farming and agriculture.*
- B4 Support sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agri-tourism, land protections, and continued support for the Southern Forests Food Council.*
- C15 Manage environmental health risks in the community.*
- D7 Review or amend the Local Planning Scheme to meet the changing needs of community and industry.*

ORGANISATIONAL RISK MANAGEMENT:

Whilst separation distances to agricultural activities are outlined within external health and environmental legislation, the proposed modification to include restrictions to what may be otherwise exempt land uses should mitigate the impacts of those activities on surrounding sensitive land uses.

FINANCIAL IMPLICATIONS:

The Amendment Fees have been paid by the applicant in accordance with the Schedule of Fees and Charges, adopted by Council as part of the 2022/23 budget. Reimbursement of all advertising costs associated with the advertising will be the responsibility of the applicant.

SUSTAINABILITY:

Environmental: The amendment documentation has been reviewed by State agencies for environmental regulation which have provided no objection to the proposal. Controls are proposed to ensure risk to the health of the surrounding neighbours is reduced.

Economic: By supporting the landowner's proposal, it will provide an opportunity to consider development and use of the land in accordance with the proposed zoning of Priority Agriculture.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to Regulation 50 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* endorse the Schedule of Submissions relating to Amendment No. 26 as attached at 9.5.4 (2);**
- 2. Pursuant to Regulation 50 (3)(b) of the *Planning and Development (Local Planning Scheme) Regulations* endorses the Schedule of Modifications relating to Amendment No. 26 as attached at 9.5.4(3) and requests these be incorporated into Amendment No. 26 by the Minister for Planning; and**

3. Pursuant to section 75 of the Planning and Development Act 2005 and Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts Amendment No. 26 to Shire of Manjimup Local Planning Scheme No. 4 as attached at 9.5.4(1).

ATTACHMENTS

- 1⇒ Attachment 1 - Amendment 26 as Advertised 102 Pages
- 2⇒ Attachment 2 - Schedule of Submissions 4 Pages
- 3⇒ Attachment 3 - Schedule of Modifications 1 Page

APPENDICES

- A⇒ Appendix A - Excerpt from Council Minutes 65 Pages

ATTACHMENT**9.5.5 Proposed Budget Amendment - WALGA Local Biodiversity and Native Vegetation Management Project**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F230164
LEGISLATION:	<i>Biodiversity Conservation Act 2016, Local Government Act 1995</i>
AUTHOR:	Ann Bentley
DATE OF REPORT:	13 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Shire of Manjimup (the Shire) aims to responsibly manage its reserves by providing conservation and protection of its biodiversity assets. Of the 1,500ha the Shire manages, 1,462ha (164 reserves) are bushland reserves. Within these reserves are high conservation values such as threatened species, threatened ecological communities, significant vegetation complexes and Aboriginal cultural heritage.

The Western Australian Local Government Association (WALGA) successfully applied for funding through the State Natural Resource Management Office to support local governments in conserving and protecting biodiversity and native vegetation. This funding has been made available to local governments through the WALGA Local Biodiversity and Native Vegetation Management Project.

The Shire has been successful in two applications for the Western Australian Local Government Association (WALGA) Local Biodiversity and Native Vegetation Management Project as follows:

- Shire of Manjimup Road Reserve Conservation Values Assessment and Report; and
- Shire of Manjimup Biodiversity Assessments.

Council is being requested to adjust the 2023-2024 Annual Budget to receive the grant funding and allocate the funds towards the projects as per the attached project plans and budgets.

ATTACHMENT: 9.5.5 (1)
ATTACHMENT: 9.5.5 (2)

PUBLIC CONSULTATION UNDERTAKEN:

The Shire will consult with the community on the project. Consultation for the project has already been undertaken with Karri Karrak Aboriginal Corporation, Wagyl Kaip Southern Noongar Aboriginal Corporation, WA Landcare Network,

Warren Catchments Council (Southern Forest Community Landcare), South West Natural Resource Management (South West NRM) and the Department of Biodiversity Conservation and Attractions. The grant application was supported by letters of support from the community.

COMMENT (Includes Options):

The Shire's *Environmental Management and Sustainability Strategy 2013* outlines the goal of reducing net loss of existing natural habitat. The recommended actions include:

- Developing and implementing a plan for the protection of key remnant vegetation reserves; and
- Map reserves for the presence of natural habitat for threatened species.

Biodiversity assessments and reports help prioritise the management of bushland reserves and give information on issues that need to be considered for responsible management.

The purpose of the funding will allow additional time for the Shire's Environmental Sustainability Officer to complete the projects and undertake the necessary assessments and reports.

The proposed projects will update the Shire of Manjimup 2008 management report on *Roadside Vegetation and Conservation Values in the Shire of Manjimup* and add five bushland reserve biodiversity assessments and reports to the nineteen currently included. The projects will also increase the Shire's skills and capacity in undertaking assessments and will lead to improved practices in management and maintenance of bushland reserves.

WALGA have allocated the funding and scheduled milestones based on budgets and project plans submitted in the application shown at attachment 9.5.5 (1) and 9.5.5 (2).

STATUTORY ENVIRONMENT:

Biodiversity Conservation Act 2016, Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

This project is consistent with A1.1 of the Shire of Manjimup Corporate Business Plan 2023-2027 being:

A1.1 Implement strategies contained in the Environmental Management and Sustainability Strategy 2013.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The grant of \$20,008 requires an in-kind contribution from the Shire and community as outlined in attached plans. There is no cash contribution required for these projects. The proposed budget amendment is to enable the successful funding to the allocated in the Shire of Manjimup 2023-24 Annual Budget. The

projects will need to be completed within the budget and milestones as listed in Schedule 1 of the grant agreement (attached).

ATTACHMENT: 0.0 (3)

SUSTAINABILITY:

Environmental: Acceptance of the grant will assist in the conservation and protection of local biodiversity and native vegetation.

Economic: This grant will provide resources that will allow for more efficient management of bushland reserves and build capacity within the Shire.

Social: This project will create opportunities for the community to be involved in local conservation projects.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council amend the Shire of Manjimup 2023/24 Annual Budget to recognise grant income from the Western Australian Local Government Association and associated expenditure to deliver the Local Biodiversity and Native Vegetation Management projects in accordance with the following table:

Description	Current Budget	Amended Budget	Variation
Grant – WALGA – State NRM Office – Local Biodiversity and Native Vegetation Management Project	\$0	(\$20,008)	(\$20,008)
Project – Shire of Manjimup Road Reserve Conservation Values Assessment and Report	\$0	\$10,008	\$10,008
Project – Shire of Manjimup Biodiversity Assessments		\$10,000	\$10,000
Net Rate Funds			\$0

ATTACHMENTS

- 1⇒ Road Reserve Assessment Project Plan and Budget 3 Pages
- 2⇒ Biodiversity Assessment Project Plan and Budget 3 Pages
- 3⇒ Schedule 1 - Milestones 2 Pages

ATTACHMENT**9.9.1 Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 25 August 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:	Emily O'Neil
DATE OF REPORT:	31 August 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Reconciliation Action Plan Advisory Committee (RAPAC) 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:

- To provide guidance and support to the Shire of Manjimup for the implementation of the Reconciliation Action Plan (RAP);
- To provide advice and make recommendation to Council in regard to matters concerning the Reconciliation Action Plan and its implementation.
- To be available and to provide a focal point for connection with the Aboriginal and Torres Strait Islander community;
- 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;
- Communicate and inform represented groups and the local community regarding activities of the Committee; and
- 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 for Council to receive the unconfirmed minutes of the meeting held on 25 August 2023.

ATTACHMENT: 9.9.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Aboriginal Heritage Act 1972 and Local Government Act 1995.

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 2023-2027 includes an action being to “Implement the outcomes as identified in the Reconciliation Action Plan.”

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

The committee is an Advisory Committee only and therefore not responsible for the management of any budget. Any recommendations requiring expenditure are to be determined by the Council before implementation.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 25 August 2023 as shown at Attachment 9.9.1 (1).

ATTACHMENTS

1 ⇒ Reconciliation Action Plan Advisory Committee - Meeting Minutes 25 August 2023	3 Pages
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APPENDIX

9.9.2 Proposed Endorsement of Citizen of the Year Awards Community Exhibition

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	NA
DIRECTORATE:	Community Services
FILE REFERENCE:	F160394
LEGISLATION:	Nil.
AUTHOR:	Emily O'Neil; Evy Apeldoorn
DATE OF REPORT:	7 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following a discussion on the topic of the Citizen of the Year (CotY) Awards and Australia Day Event, held during the Information Briefing of the Ordinary Council Meeting held 18 August 2022, Council resolved the following at the Ordinary Meeting held on 8 September 2022.

MOVED: Jenkins, D	SECONDED: Skoss, K
28873	
That Council:	
<ol style="list-style-type: none"> 1. Continue as planned with the current program for Australia Day 2023; 2. Agree to give consideration to the Shire of Manjimup, beyond 2023: <ol style="list-style-type: none"> a) Hosting an annual and inclusive community event on a date to be determined and rotated between Manjimup, Pemberton, Northcliffe and Walpole; b) Continue with the Auspire Citizen of the Year Awards, with the awards presented on a date to be determined; c) Not presenting the Citizen of the Year Awards on the 26 January; d) Continue to make contribution to local communities holding an Australia Day event on the 26 January; and e) Encourage Councillors to attend local Australia Day events and activities. 	
CARRIED: 9/0	

Subsequently, a presentation outlining event options for the CotY Awards for 2024 onwards was presented to Council during the Information Briefing of the Ordinary Meeting held on 7 September 2023.

The purpose of this report is to present the officer's recommendation for future CotY Awards which have been prepared having regard to the feedback provided by Councillors at the meeting held on 7 September 2023.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Council Agenda Item of 8 September 2022 outlined in detail the background of the Auspire Citizen of the Year Awards, and the current practices by the Shire of Manjimup to present these awards as well as to support community Australia Day events. An excerpt of these minutes is appended.

APPENDIX: 9.9.2(A)Key Considerations for future proceedings for CotY Awards

In determining the most suitable event option(s), consideration needs to be given to the following:

1. The accessibility and inclusivity of the event to maximise community attendance of the event, whilst placing emphasis on the CotY nominees and their community contributions;
2. Opportunity to include Australian Citizenship Ceremonies in the proceedings.

As determined by the *Australian Citizenship Ceremonies Code 2022*, Councils are required to hold a ceremony on or within three days prior or after Australia Day (23 to 29 January) if 20 or more citizenships are conferred within the previous year. Traditionally, the Shire of Manjimup Australian Citizenship Ceremony has been held (when required) on Australia Day alongside the CotY Awards ceremony. Continuing to host the CotY Awards and the Citizenship ceremonies together provides a meaningful event that celebrates citizenship and contributions to community for both current and new residents.

3. An appropriate event date, which meets the following criteria:
 - Not to be held on Australia Day on 26 January;
 - In accordance with the Auspire timeline for the CotY Awards, which stipulate that the presentation is to be on any date from early December to May/June;
 - In accordance with date requirements of the *Australian Citizenship Ceremonies Code 2022* outlined above.
4. Compliance with the annual budget allocation.

CotY Event Options

Three event options were presented to Council for their consideration on 7 September 2023:

1. An invite-only sundowner;
2. A community afternoon lunch; and
3. A community exhibition with opening ceremony.

Option 1: Invite-Only Sundowner

This option would see a formal awards ceremony including sit-down catering, speeches, and entertainment to be held between 23 and 29 January.

Advantages:

- Such an event would place emphasis on CotY nominees and provide formal recognition of their contributions; and
- The event date would allow the Australian Citizenship Ceremony to be included in proceedings.

Disadvantages:

- To accommodate a formal awards ceremony, this option is only feasible as an 'invite-only' event. As such this option does not meet the inclusivity criterium;
- An event held at sunset or in the evening does not meet the accessibility criterium (e.g. due to travel times and suitability for certain age groups); and
- The required catering and entertainment for this option will not be able to be funded within the allocated budget.

Option 2: Community Lunch

This option would see a community lunch event with local performances and entertainment. The most suitable date for such event would be mid to late February, to avoid school holidays and first weeks return to school period with the intent to maximise community attendance.

Advantages:

- Provides an accessible and inclusive event for the community.

Disadvantages:

- With the primary drawcard of such an event being entertainment and catering, this option does not place appropriate emphasis on the CotY nominees and their community contributions;
- The proposed date excludes the event from including the Australian Citizenship Ceremony; and
- The required catering and entertainment for this option will not be able to be funded within the allocated budget.

Option 3: Exhibition & Opening Ceremony

This option would see an exhibition showcasing all CotY nominees and their community contributions to be held over an extended period late January open to all community members and visitors. The exhibition would commence with a mid-day opening ceremony for nominees and their special guests to acknowledge the nominees and announce the winners. Any Australian Citizenship Ceremonies (if required) can be delivered at this opening ceremony.

Advantages:

- Provides an event at an accessible time of day for invited attendees;
- Places emphasis on nominees and formal recognition of contributions;
- The extended timeframe of the exhibition allows community members to visit exhibition as desired;
- Allows the Australian Citizenship Ceremony to be included in the opening ceremony; and
- Event can be delivered within the existing budget allocation;

Disadvantages:

- The opening ceremony would be an invite-only event.

Recommendation

At the conclusion of the CotY presentation held on 7 September 2023, Councillors indicated their preference for Option 3, the exhibition with an opening ceremony.

As such it is recommended that Council endorse a CotY exhibition event with an opening ceremony. It is proposed the 2024 proceedings to be held in Manjimup at the Manjimup Art Gallery as a trial to ascertain community engagement and overall success of a such exhibition.

Based on the overall success of the 2024 CotY event to be held in Manjimup, it is recommended this event be rotated between the towns within the Shire of Manjimup into the future. It is acknowledged that each town has different community venues available that may be suitable for an exhibition, and that exhibition specifications will be modified to meet the venue characteristics.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

The CotY Awards relate to the following goals/strategies from the Strategic Community Plan 2021-2031:

- *Community Goal 3.8 - Diversity, inclusivity and harmony are the foundations of our strong community spirit and we celebrate and honour our diverse cultures, heritage, and lifestyles;*
- *Strategy C2 - Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community; and*
- *Strategy C18 - Create, support, and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.*

ORGANISATIONAL RISK MANAGEMENT:

There is the potential for reputational risk for the organisation relating to the choice of the CotY event. Delivering the 2024 CotY event in the form of an exhibition with an opening ceremony as a trial and gathering community feedback in response to this mitigates this risk.

FINANCIAL IMPLICATIONS:

The 2023/2024 Shire of Manjimup budget allocates \$5,500 toward Australia Day and CotY Celebrations to cover the costs of CotY administration, promotion, and event, as well as contributions to community groups holding a Australia Day event in each town.

No additional financial implications are associated with delivering the proposed recommendation to deliver an annual CotY Awards exhibition and opening ceremony.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Diversity, inclusivity and harmony are the foundations of our strong community spirit.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Support the Citizen of the Year (COTY) Awards to be presented at an annual community exhibition with an opening ceremony to announce award winners;**
- 2. Support the exhibition and opening ceremony for the 2024 Citizen of the Year Awards to be held at the Manjimup Art Gallery, with the aim of the hosting town to be rotated annually; and**
- 3. Note that the opening ceremony is to be held between 23 January and 29 January should any Australian Citizenship Ceremonies be preferred to be included.**

APPENDICES

A ⇨ Council Agenda Item 8 September 2022 - Proposed Celebrating Community, Citizen of the Year Awards and Australia Day Event Consultation	6 Pages
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**ATTACHMENT
APPENDIX**

**9.16.1 Unconfirmed Minutes of the Pemberton Community Hub
Advisory Committee Meeting 29 August 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Brockman Street, Pemberton (Reserve 19566)
WARD:	West
ZONE:	Public Purposes – Civic and Cultural
DIRECTORATE:	Community Services
FILE REFERENCE:	F210291
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Georgia Schipp
DATE OF REPORT:	7 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Pemberton Community Hub 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 ensure all facility stakeholders are working in collaboration in regard to the day-to-day management and general operations of the new Pemberton Community Hub;
2. To provide a platform for communication, troubleshooting and conflict resolution as the new co-location business model is bedded in;
3. To seek guidance from Council, on a need's basis, in regard to matters pertaining to the Hub;
4. To provide financial transparency and reporting in respect of the Hub management;
5. To address telecommunication issues as they arise;
6. To discuss facility hire and community access of the Hub;
7. To assist in identifying maintenance issues; and
8. To administer the functions and intentions of the Memorandum of Understanding (MOU).

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 29 August 2023 as attached.

ATTACHMENT: 9.16.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There are two recommendations arising from this meeting as reflected within the following table.

Committee Recommendation	Officer Recommendation
That the Minutes of the meeting held on 13 June 2023 be confirmed with an amendment to the attendance description so that it reads: "Cr Paul Omodei (Shire President)" instead of "Cr Paul Omodei"	As per Committee Recommendation and dealt with administratively.
That the Pemberton Community Resource Centre (PCRC) is responsible for the allocation and acquittal of the Lotterywest Fit Out Grant funds, with allocations to the individual groups as per attached spreadsheet.	Supported in principle. It is acknowledged that whilst the grant submission to Lotterywest for the fit-out funding was a joint effort between the Shire of Manjimup and the PCRC, the grant was awarded to the PCRC who are as such responsible for the appropriate administration and acquittal of these funds in accordance with the grant agreement.

Furthermore, it is noted that following the appointment of the Shire President to the Pemberton Community Hub Advisory Committee as a voting member at the Council meeting held 9 February 2023, the Terms of Reference were not updated to reflect this appointment. The current Terms of Reference are appended, and the updated Terms of Reference are attached.

APPENDIX: 9.16.1 (A)
ATTACHMENT: 9.16.1 (2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Manjimup Strategic Community Plan 2021-2031 contains the following relevant strategies.

- C1. Encourage co-locations, partnerships and resource sharing to deliver community services.
- C4. Maintain public libraries in all four towns and continue to expand and modernise services and activities.
- C20. Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements.
- C18. Create, support and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
- C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Business support and visitor information are key services within the Pemberton community and contributors to the local and visitor economy.

Social: The preservation and interpretation of heritage is a significant contributor to social pride and the sense of place within the community. The Hub will provide a fit for purpose sustainable community space.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive the unconfirmed minutes of the Pemberton Community Hub Advisory Committee meeting held 29 August 2023 as shown at Attachment 9.16.1(1);**
- 2. Acknowledge that whilst the grant submission to Lotterywest for the fit-out funding was a joint effort between the Shire of Manjimup and the Pemberton Community Resource Centre (PCRC), the grant was awarded to the PCRC who are as such responsible for the appropriate administration and acquittal of these funds in accordance with the grant agreement; and**
- 3. Adopt the updated Terms of Reference for the Pemberton Community Hub Advisory Committee as per Attachment 9.16.1(2).**

ATTACHMENTS

- | | | |
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| 1 ⇨ | Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee meeting held 29 August 2023 | 4
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| 2 ⇨ | Proposed Terms of Reference Pemberton Community Hub Advisory Committee | 2
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| A ⇨ | Adopted Terms of Reference Pemberton Community Hub Advisory Committee | 2
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ATTACHMENT**9.16.2 Unconfirmed Minutes of the Pemberton Town Activation Advisory Committee Meeting Held 12 September 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Pemberton Town Centre
WARD:	West
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170456
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers/Brian Robinson
DATE OF REPORT:	12 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

- Identification of opportunities for space activation within the main street or adjacent open space;
- Liaison with other relevant community groups and / or service agencies over potential art or cultural projects; and
- Assisting Shire of Manjimup Officers in drafting design guidelines to guide future developments within the Town Centre precinct.

The purpose of this report is to present the unconfirmed minutes of the Pemberton Town Activation Committee meeting held on 12 September 2023. A copy of the minutes is attached.

ATTACHMENT: 9.16.2 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

As reflected in the unconfirmed minutes, there are three committee recommendations, with no recommendations requiring a Council resolution, but are important for council to note.

Committee Recommendation	Officers Comment
That the Pemberton Town Activation Advisory Committee request the Shire not to proceed with further investigation into the possible relinquishing of one of the crossovers	Supported and dealt with administratively.

at Lot 23, the old Ampol Service Station.	
That the Pemberton Town Activation Advisory Committee request the Shire not to proceed with formal linemarking on street adjacent the mainstreet.	Supported and dealt with administratively.
That the Pemberton Town Activation Advisory Committee approve the Shire to install 'Cycla Pole-mounted retrofit' bicycle holders with a minimum of four to existing poles near the park opposite Brockman Street.	Supported and dealt with administratively as part of the Shire's normal operations.

In addition to the above resolutions, it is noted that the Advisory Committee resolved to adopt the previous minutes 4/0, with two members of the committee 'abstaining' from voting on the basis that the two members were not present at the previous meeting.

As prescribed by clause 5.21(2) of the *Local Government Act 1995*, each voting member of a committee who is present at a meeting must vote, except where they have declared an interest that makes them ineligible to vote. Given that two members abstained from voting the Advisory Committee resolution to adopt the minutes cannot be accepted. It is recommended that the Advisory Committee be advised accordingly and be required to reconsider the resolution to endorse the previous minutes at their next meeting.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with resolutions passed by the Advisory Committee at the 12 September 2023 meeting. All costs associated with the installation of the bicycle racks will be wholly contained within the approved annual budget.

SUSTAINABILITY:

Environmental: The Committee aims to assist the Shire guide future developments in the town.

Economic: By addressing opportunities for space activation within the town centre, local businesses will benefit.

Social: The Terms of Reference for this committee pay particular attention to encouraging a cohesive social fabric.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive and note the unconfirmed minutes of the Pemberton Town Activation Committee Advisory Committee meeting held on 12 September 2023 as attached at Attachment: 9.16.2(1);**
- 2. Advise the Pemberton Town Activation Advisory Committee that it cannot accept the resolution shown under point 6 of the unconfirmed minutes, relating to the acceptance of the minutes from the 7 February 2023 Meeting on the basis that in accordance with clause 5.21(2) of the *Local Government Act 1995*, all members entitled to a vote who are present at the meeting are required to vote;**
- 3. Advise the Pemberton Town Activation Advisory Committee that it is required to reconsider the adoption of the minutes of the 7 February 2023 meeting in compliance with clause 5.21(2) of the *Local Government Act 1995*;**
- 4. Note that the Shire is not to proceed with further investigation into the possible relinquishing of one of the cross overs at Lot 23, the old Ampol Service Station;**
- 5. Note that the Shire is not to proceed with formal linemarking on street adjacent the mainstreet; and**
- 6. Note that the Shire is to install 'Cycla Pole-mounted retrofit' bicycle holders with a minimum of four to existing poles near the park opposite Brockman Street.**

ATTACHMENTS

- 1**  Pemberton TAAC Meeting Minutes 12 September 2023 3 Pages

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 12 September 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F210096
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	13 September 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Rea Park and Collier Street Redevelopment (MRCR) Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

The purpose of the Committee is:

- *“To provide advice to Council on the Manjimup Rea Park & Collier Street Redevelopment Project for the duration of the Project, including the Planning & Design and Construction & Implementation stages;*
- *To make recommendations to Council in regard to matters that will improve the planning, design, construction, and future use and sustainability of the sport and recreation facilities at the Rea Park & Collier Street Precinct for the benefit of the broader community;*
- *To provide input into and feedback on design, research sport specific needs, and contribute to ideas for the Project;*
- *To provide advice on trends in sport and recreation (e.g. participation rates, regulations, facilities) where relevant to the Project;*
- *Representative Members acknowledge and accept their role as a representative of their sport (rather than a particular club) and to act as a key liaison for that sport; and*
- *Communicate and inform represented groups and the local community regarding activities of the Committee”.*

The purpose of this report is to present the unconfirmed minutes of the MRCR Advisory Committee meeting held on 12 September 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The focus of this meeting of the MRCR Advisory Committee was to determine the preferred location and design of the proposed amenities block, which is a key component of Stage 2 of the MRCR project.

The committee discussed potential locations for the proposed standalone amenities building, based on the services that are currently available on the Reserve. As reflected within the Table below, the committee reached a consensus a location that is central to the Collier Street fields is preferred.

Committee Recommendation	Officer Comment
That Council support the proposed amenities building being located on the eastern side of the cricket nets.	Supported as outlined below.

The proposed amenities building will predominantly service the sports played on the Collier Street fields, however this proposed centralised location will allow for flexibility of use by sports played at the Rea Park oval, as well as servicing events and overflow camping undertaken at Rea Park. It is recommended that the concept plan for the redevelopment of Rea Park/Collier Street be amended accordingly.

Implications for Master Planning

The Master Plan for the Rea Park/Collier Street redevelopment reflected a pavilion incorporating four change rooms on the western side of the Collier Street playing fields. As the revised location on the eastern side of the Collier Street fields is now proposed, future versions of the Master Plan will be modified should Council support the Advisory Committee recommendation.

The viewing part of the proposed Pavilion will remain on the western side as shown on the Master Plan.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The purpose of the Committee supports the following strategies within the Shire of Manjimup Strategic Community Plan 2021-2031:

- *Strategy C1 - Encourage co-locations, partnerships and resource sharing to deliver community services.*
- *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 D5 - Develop and maintain community infrastructure to a service-level that meets the community's needs.*

- *Strategy D12 - Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible.*
- *Strategy D13 - Support the development of a state-level sporting facility in the township of Manjimup.*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Given that the proposed amenity building was already included in the proposed Stage 2 of the MRCR project, there are no financial implications associated with the amended location.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Collaboration between sporting clubs and community members is important in the sustainable development of community sport and recreation facilities.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive the unconfirmed meeting minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 12 September 2023 as per Attachment 9.16.3(1); and**
2. **Support the proposed amenities building being located on the eastern side of the cricket nets and note that the Master Plan will be modified as required.**

ATTACHMENTS

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| 1 ⇨ | Unconfirmed minutes of the Manjimup Rea Park and Collier Street Advisory Committee Meeting held 12 September 2023 | 7
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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. APPLICATIONS FOR LEAVE OF ABSENCE:

15. CLOSURE:

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

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