



MINUTES

COUNCIL MEETING

4 MAY 2023

TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:.....	4
2.	ANNOUNCEMENTS BY THE PRESIDENT:	4
3.	ATTENDANCE:	4
4.	DECLARATIONS OF INTEREST:	5
5.	PUBLIC QUESTION TIME:.....	5
6.	PRESENTATIONS:.....	7
7.	CONFIRMATION OF MINUTES:	7
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: Nil.....	7
9.	COUNCIL OFFICERS' REPORTS:.....	7
29116	9.1.1 Proposed Review of Council Policy 2.1.3 Appointment of Acting or Temporary Chief Executive Officer and Senior Managers	9
29117	9.1.3 Review of Councillor Attendance Fees, Allowances and Expenses for 2023/24.....	12
29118	9.3.1 Council Financial Payments for March 2023	20
29119	9.5.1 Proposed Industry - Rural at Lot 111 Dixvale Road, Dixvale.....	23
29120	9.5.2 Proposed Change of Use from 'Dwelling' to 'Low Impact Tourist Accommodation - Short Stay' at Lot 5279 (26874) South Western Highway, Palgarup	31
29121	9.5.3 Delegated Planning Decisions for March 2023.....	41
29122	9.9.1 Quarterly Report January 2023 - March 2023 - Community Services Directorate	44
29123	9.12.2 Consideration of Request to Support Wetherell Street, Manjimup Being on the Restricted Access Vehicle Network Accredited Mass Management Scheme	46
29124	9.13.1 Quarterly Report January to March 2023 - Works and Services Directorate	50
29125	9.16.2 Unconfirmed Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held 22 March 2023.....	52
29126	9.16.3 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 13 April 2023	57
29127	9.16.4 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 13 April 2023.....	60
29128	9.1.2 Proposed Appointment of Temporary Chief Executive Officer	62
29129	9.12.1 Final Consideration of Public Submissions for the Naming of Laneways in Manjimup, Including Prioritisation of the Names and Locations Allocated	66
29130	9.12.3 Proposed Road Closure and Amalgamation of Unconstructed Road Reserve in the Vicinity of Barronhurst Court, Pemberton	70
29131	9.16.1 Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 4 April 2023	74
10.	LATE REPORTS:.....	78
11.	QUESTIONS FROM MEMBERS:	79

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING ..	79
13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:	79
14. APPLICATIONS FOR LEAVE OF ABSENCE:.....	79
15. CLOSURE:	80

SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,
Thursday, 4 May 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

Councillor Jenkins made the Acknowledgement to Country.

I would like to acknowledge the people who are the traditional custodians of this land. I would also like to pay my respects to Elders past and present of our region and I extend that respect to other Indigenous people who may be present.

2. ANNOUNCEMENTS BY THE PRESIDENT:

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

- Attended a Native Forest Just Transition meeting in Bunbury.
- Attended the South West Local Government Association meeting in Bridgetown.
- Attended and selected the Shire Acquisitive Sculpture prize at Pemberley. In attendance were Councillors Ventriss, Lawrence and Buegge, Acting Chief Executive Officer Brian Robinson and Director Community Services Gail Ipsen Cutts.
- Attended ANZAC services at Pemberton and Manjimup and gave the Shire's ANZAC Day address.
- Attended a Pemberton Aged Accommodation meeting.
- Chaired a CEO Recruitment meeting with Councillors, Director of Business Greg Lockwood and HR consultant Geoff Blades.
- Attended and made a speech at the launch of the Pinot Picnic at Karri Valley Resort.
- Attended a Warren Blackwood Alliance of Councils meeting with Councillors Jenkins, Buegge and Ventriss and Acting Chief Executive Officer Brian Robinson.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)
 Cr D Buegge
 Cr S Dawson Vidovich
 Cr D Jenkins
 Cr K Lawrence
 Cr K Skoss
 Cr R Taylor
 Cr M Ventriss
 Cr J Willcox

Cr C Winfield

Staff

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

Gallery

Ross Craig
 Nancy Giblett

David Giblett
 Judy Sutton

Media

Melissa Pedelty

3.1 Apologies: Nil.

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

4. DECLARATIONS OF INTEREST:

The Acting Chief Executive Officer advised that he has received an Impartiality Interest declaration from Councillor Buegge for Item 9.5.1. Councillor Buegge declared an Impartiality Interest in Item 9.5.1 as her cousin is the owner of the property.

The Acting Chief Executive Officer provided Financial Interest declarations for Items 9.1.2 and L.1. The Acting Chief Executive Officer declared a Financial Interest in Item 9.1.2 as he is the subject of the recommendation and in late Item L.1 as he is potentially applying for the position.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time

5.2.1 Judy Sutton, 35 Crowea Street, Manjimup

- I sent a letter to all of the Councillors regarding my experience of being on holidays in South Australia and what our Shire is doing to become RV friendly.
- We've travelled in WA quite significantly and this was our first time out of the state. We travelled in the Eyre and York Peninsulas and a lot of the towns over there have far less facilities than our smallest town in our Shire, but a lot

of them have either water points or RV places that you can pull up for three nights or one week. Some are free and some are paid via putting money into a box and displaying the receipt.

- So this led me to thinking about WA and how far behind South Australia it is. Our Shire is probably within the same.
- I just wanted to put it out there and I know it is a topic that has been brought up before and that if there is a free RV place it is going to go against our caravan park owners and it's probably going to be in a place that is going to upset someone that's a ratepayer. Or you run into the problem of backpackers. And if you have three RV places they would want six or ten so I understand all of that, but the amount of tourism in these towns where there is a caravan park and a general store is phenomenal and we've got that much to offer here.
- I really think that perhaps rather than people not getting overnight stays because not everyone wants to stay in a caravan park all the time, they would possibly find a gravel pit or they would drive to Greenbushes and park on that little camping area there. So I just think it is quite possibly something that we are going to miss out on because they will crucify you on Wikicamps and to my knowledge I don't think we have a water point in Manjimup. There is a dump point and there is a tap with no tap head on it. So whether that's something that we could at least start to do.
- In a couple of places you can actually either get water for free or you can use a coin donation system. So that's something that I would put out there and I think that maybe we should start looking at something like this.
- I know the issues with the backpackers that we've had and you can get people that are not self-contained being in places that they shouldn't be.
- I had a great experience in South Australia and I would like WA and Manjimup to get on board.

The Shire President responded: Thank you Mrs Sutton. Just so you are aware it is a pretty complex issue and Councillors have raised the issue of water points, both in Manjimup and in other towns. The Caravan and Camping Act allows you to stay overnight for one night, with Council's approval up to three nights and with the Minister's approval up to three months. So that's the law as it is, and please talk to people like Councillor Jennifer Willcox, you can be assured that we have RV vehicles parking outside the Visitors Centre in Walpole and likewise in Northcliffe. The very issues that you raise are complicated because there seems to be different rules within the rules. For example if you go to Kulin not only do you get free parking but you get a free shower as

well. So we're conscious of that and we would be advocating with the government that they amend the Caravans and Camping Act to make it a little bit longer. Because the most recent information I've had is only a few days ago, one of our wineries is getting caravans and they're worried that they're not getting the same throughput of visitors. So we are aware of it, the Visitors Centre has raised with me a few times the issue of RV friendly and the issue of water points.

Judy Sutton made a further statement:

- The only other thing is that with the current Manjimup dump point, if you had a water point there because of the activities that go on down there caravans would cause too much activity in that particular area.

6. PRESENTATIONS:

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

7. CONFIRMATION OF MINUTES:

MOVED: Buegge, D SECONDED: Taylor, R

29114

That the Minutes of the Ordinary Meeting of the Council held on 13 April 2023 be confirmed.

CARRIED: 10/0

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

9. COUNCIL OFFICERS' REPORTS:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29115

"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 65 of the Agenda with the exception of:

9.1.2	Proposed Appointment of Temporary Chief Executive Officer
9.12.1	Final Consideration of Public Submissions for the Naming of Laneways in Manjimup, Including Prioritisation of the Names and Locations Allocated
9.12.3	Proposed Road Closure and Amalgamation of Unconstructed Road Reserve in the Vicinity of Barronhurst Court, Pemberton
9.16.1	Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 4 April 2023

CARRIED: 10/0

Items passed by En Bloc Resolution

- 9.1.1 Proposed Review of Council Policy 2.1.3 Appointment of Acting or Temporary Chief Executive Officer and Senior Managers
- 9.1.3 Review of Councillor Attendance Fees, Allowances and Expenses for 2023/24
- 9.3.1 Council Financial Payments for March 2023
- 9.5.1 Proposed Industry - Rural at Lot 111 Dixvale Road, Dixvale
- 9.5.2 Proposed Change of Use from 'Dwelling' to 'Low Impact Tourist Accommodation - Short Stay' at Lot 5279 (26874) South Western Highway, Palgarup
- 9.5.3 Delegated Planning Decisions for March 2023
- 9.9.1 Quarterly Report January 2023 - March 2023 - Community Services Directorate
- 9.12.2 Consideration of Request to Support Wetherell Street, Manjimup Being on the Restricted Access Vehicle Network Accredited Mass Management Scheme
- 9.13.1 Quarterly Report January to March 2023 - Works and Services Directorate
- 9.16.2 Unconfirmed Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held 22 March 2023
- 9.16.3 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 13 April 2023
- 9.16.4 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 13 April 2023

ATTACHMENT APPENDIX

9.1.1 Proposed Review of Council Policy 2.1.3 Appointment of Acting or Temporary Chief Executive Officer and Senior Managers

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	19 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

As part of the Chief Executive Officer (CEO) recruitment process and the requirement to appoint a Temporary CEO (TCEO) for an extended period, policy 2.1.3 Appointment of Acting Chief Executive Officer (ACEO) and Senior Managers requires review, to include parameters around the appointment of a TCEO and to include other minor legislative requirements.

A copy of the current policy is appended.

APPENDIX: 9.1.1 (A)

A copy of the proposed policy is attached.

ATTACHMENT: 9.1.1(1)

The purpose of this agenda item is to amend the policy to include those rare occasions that a TCEO is required to be employed to carry out CEO duties on behalf of the Shire of Manjimup and Council.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In the time since this policy was reviewed in February 2020, there has been considerable legislative change with regards to the recruitment of a CEO. One of the key elements in the recruitment journey, is to appoint a TCEO to act after the current CEO has left the organisation and until the new CEO begins their first day of work. This policy, in its current form is silent on this matter.

Policy Name

The policy has been retitled to 2.1.3 Appointment of Acting and Temporary Chief Executive Officer to reflect the inclusion of the TCEO appointment process.

Background & Issues

In this section of the proposed policy, an additional issue has been included to make reference to when the “CEO’s employment with the Shire has ended” and inclusion of the term TCEO.

Seniors Managers

One of the requirements within the Act is to list the qualifications required to be considered as an Acting or Temporary CEO. Given there are very broad qualifications across any organisation and of those that may fill the position, the following inclusion is proposed; *“Given the Senior Managers substantive roles, they are considered qualified to perform the role of Acting CEO or Temporary CEO”*.

Policy Measures

This section is proposed to be split in two to cover the appointment of either an ACEO or a TCEO. The section titled ACEO contains the text from the previous policy, and is unchanged.

The second section covers the essential items to consider when appointing a Temporary CEO. The main proposed changes are:

- Provision for three options for a Temporary CEO appointment;
- Due to the appointment requiring Council direction and approval, that the Shire President will liaise with the Director of Business to produce Council Reports; and
- What remuneration will be paid during the Temporary CEO period.

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

Policies should be periodically reviewed to ensure currency and effectiveness.

ORGANISATIONAL RISK MANAGEMENT:

As described above at Policy/Strategic Implications.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Policy 2.1.3 Appointment of Acting and Temporary Chief Executive Officer as per Attachment: 9.1.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29116

That Council adopt Policy 2.1.3 Appointment of Acting and Temporary Chief Executive Officer as per Attachment: 9.1.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT APPENDIX

9.1.3 Review of Councillor Attendance Fees, Allowances and Expenses for 2023/24

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160562
LEGISLATION:	<i>Local Government (Administration) Regulations 1996</i> <i>Salaries and Allowances Act 1975</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	18 April 2023
DECLARATION OF INTEREST:	The Chief Executive Officer's Total Reward Package is calculated from the Band range provided in the Statutory Salaries and Allowances Tribunal determination however this item relates to Councillor Fees, Allowances and Expenses only.

BACKGROUND:

The *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* provide for Councillors to receive certain payments and sets minimum and maximum amounts which can be paid. Attendance Fees, Allowances and Expenses available include:

- Meeting attendance fees (or alternatively annual attendance Fees);
- Local Government allowance for the President and Deputy President;
- Information Technology and Communication allowance;
- Travel and Accommodation expense allowances;
- Travel reimbursement;
- Telecommunications reimbursement;
- Child Care reimbursement; and
- Other prescribed reimbursements approved by Council.

The Salary and Allowances Tribunal ("SAT") annually determine payments for Attendance Fees, Allowances and Expenses for Councillors plus ranges for Chief Executive Officer Total Reward Packages in Western Australia. The level of payments are based on distinct Band classifications, with the Shire of Manjimup being classified as a Band 2 Local Government since July 2019.

On 6 April 2023, SAT issued its 2023 determination, which will take effect from 1 July 2023. A copy of the SAT determination is shown attached.

ATTACHMENT: 9.1.3 (1)

Council is requested to determine the Councillor Fees, Allowances and Expenses to be paid in the 2023/24 financial year having regard to the SAT determination and Council Policy 1.1.2 - Councillor Meeting Fees and Reimbursement of Expenses (copy appended).

APPENDIX: 9.1.3(A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

By way of Summary, with respect to matters impacting on the Shire of Manjimup, SAT determined that:

- a) There would be no changes to the Band Allocation Model, or the Band Classifications;
- b) The CEO salary range has been increased by 3.5%, which SAT considered appropriate given the economic conditions, the wider public service framework and the mandatory 0.5% superannuation increase from July 2023;
- c) Allowances relating to reimbursement of motor vehicle expenses has revised, now based the 1600cc Motor Vehicle Allowance rate under the *Local Government Officers (Western Australia) Award 2021* for members using their own electric vehicle;
- d) Elected Member attendance fees, and annual allowance ranges have been increased by 1.5%, rounded to the nearest \$5;
- e) The allowances for travel and accommodation expenses has been increased to \$100. All other allowances remain unchanged; and
- f) Updated explanatory notes clarifying instances where a deputy is performing the functions of a mayor or president.

SAT have clarified that annual allowances for ICT expenses is intended to provide Council's with flexibility and recognises the varied scenarios and preferences local governments may have in providing ICT to elected members. SAT has determined that:

"If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for council members. It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware."

To assist Council in determining the Councillor Fees, Allowances and Expenses to be paid in the coming financial year, the following comments are offered:

FEES

(a) Attendance Fees

Attendance fees are an automatic right with Councillors entitled to be paid an attendance fee under Section 5.98 for each meeting. The following table outlines the maximum range permitted in Accordance with the SAT decision:

	Council Meetings		Committee & Other Prescribed Meetings	
	Minimum	Maximum	Minimum	Maximum
Councillor	\$390	\$610	\$195	\$305
President	\$400	\$815	\$195	\$305

[Note: Prescribed meetings include WALGA Zone meetings, RRG meetings, a meeting attending at the request of a Minister or a meeting where the Council member is a delegate appointed by the Local Government].

An alternative, however, is available under section 5.99 of the *Local Government Act 1995* ('LG Act'), allowing Council to determine to pay an annual attendance fee in lieu of a fee for each individual meeting attended. The permissible range of annual fees is:

	Minimum	Maximum
Councillor	\$15,470	\$24,170
President	\$15,470	\$32,410

Traditionally and in accordance with Council Policy 1.1.2, Council has elected to pay an annual attendance fee at the midpoint of the permitted SAT Band range, rather than paying individual meeting fees. If fees are set on this basis, the Shire President would receive an annual attendance fee of \$23,940 and Councillors \$19,820 in 2023/24.

It is recommended that the approach outlined in the Policy, as shown at Appendix: 9.1.3(A), be retained, or the policy adjusted accordingly. This will result in modest fee increases of \$357 for the Shire President and \$296 for other elected members.

ALLOWANCES

(b) President's and Deputy President's Local Government Allowance

Section 5.98, of the *LG Act*, entitles the President to receive an additional annual "Local Government Allowance" to compensate for the additional workload for leadership, statutory function, ceremonial and civic duties.

Section 5.98A, of the *LG Act* provides Council with discretion to pay an additional annual "Local Government Allowance" to the Deputy President of 25% of that payable to the President.

An alternative to the prescribed limits however is available under the *LG Act* allowing Council to determine to pay local government Allowances

based on the prior year's operating revenue. The maximum amount payable, for the President, shall not exceed the lesser of the maximum annual prescribed allowance, or 0.2% of the local government's operating revenue. Council Policy recommends against the use of the operating method calculation due to significant fluctuation in grant revenue. The maximum percentage payable to the Deputy President, as determined by the Salaries and Allowances Tribunal, is 25%. The permitted local government Allowances are as follows:

	SAT Minimum	SAT Maximum
Councillor	n/a	n/a
Deputy President	\$4,000	\$16,478.75
President	\$16,000	\$65,915

Consistent with Council Policy and past practices, it is recommended that the Shire President be granted an allowance of \$40,957 (being 50% of the allowable range and an increase of \$607) and the Deputy President be granted \$10,239 (being 25% of the Shire Presidents allowance and an increase of \$152).

c) Information Communication and Technology (ICT) Annual Allowance

An ICT annual allowance may be paid in lieu of reimbursement for telephone, facsimile and other communication expenses (such as call charges). SAT has not increased these allowances, which are as follows:

	Minimum	Maximum
Councillor	\$500	\$3,500
President	\$500	\$3,500

It is recommended that in accordance with Council Policy 1.1.2, payment is recommended at 50% of the range, being \$2,000. This is consistent with the 2022/23 annual budget.

d) Travel and Accommodation Annual Allowance

Regulation 34AB allows Council to determine to pay an annual travel and accommodation allowance rather than actual reimbursement as follows:

	Minimum	Maximum
Councillor	\$0	\$100
President	\$0	\$100

The travel and accommodation allowance is not realistic for large land area Local Government Authorities, with Councillors based up to 120km away from the Council Chamber and Administration Centre. Accordingly, the adoption of an allowance, in lieu of reimbursements, is not supported and it is recommended reimbursement in accordance with actual costs in the case of

approved accommodation and travel costs in line with the applicable rate in the relevant Local Government Award

REIMBURSABLE EXPENSES

(e) *Rental charges for one telephone and one facsimile machine (Regulation 31(1)(a)).*

It is recommended that an annual ICT Allowance be paid in lieu of reimbursements for telephone and facsimile (as above).

(f) *Child Care Reimbursement (Regulation 31(1)(b))*

Reimbursement of child care fees incurred is an automatic right for the actual amount paid to a maximum of \$35 per hour.

It is recommended that allowable Child Care expenses be reimbursed to the amount allowable of \$35 per hour as may be incurred during the financial year.

(g) *Travel costs for attendance at Council or committee meetings (Regulation 31(1)(b))*

Actual cost for travel from the members place of residence or work to the meeting and back is eligible for reimbursement in accordance with the relevant Local Government Award.

Council Policy 1.1.2 provides guidance for reimbursement of allowable travel. Although entitled, many Councillors do not lodge claims for reimbursement of allowable travel. It is recommended that approved travel expenses continue to be reimbursed to the amount allowable as incurred

(h) *Other prescribed costs approved by Council (Regulation 32(1))*

In addition to the above expenses for which reimbursement can apply, the Council can approve reimbursement for other specific expenses within the provisions of Regulation 32.

Summary of past and proposed fees for the 2023/24 annual budget are shown below:

	2019/20 Actual	2020/21 Actual	2021/22 Actual	2022/23 Actual	2023/24 Proposed Budget
Shire President					
Annual Attendance Fee	\$23,007	\$23,007	\$23,007	\$23,583	\$23,940
Annual Local Govt Allow	\$39,366	\$39,366	\$39,366	\$40,350	\$40,957
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$64,373	\$64,373	\$64,373	\$65,933	\$66,897
Deputy President					
Annual Attendance Fee	\$19,048	\$19,048	\$19,048	\$19,524	\$19,820
Annual Local Govt Allow	\$9,842	\$9,842	\$9,842	\$10,087	\$10,239
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$30,890	\$30,890	\$30,890	\$31,611	\$32,059

Councillor					
Annual Attendance Fee	\$19,048	\$19,048	\$19,048	\$19,524	\$19,820
Telecommunications Allow	\$0	\$0	\$0	\$0	\$0
ICT Allow	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Travelling	Actual km's	Actual km's	Actual km's	Actual km's	Actual km's
Total	\$21,048	\$21,048	\$21,048	\$21,524	\$21,820

STATUTORY ENVIRONMENT:

Part 5 Division 8 of the *Local Government Act 1995*.

Local Government (Administration) Regulations 1996.

Salaries and Allowances Act 1975.

POLICY / STRATEGIC IMPLICATIONS:

The setting of Councillor Fees and Allowances is a sensitive matter for the Council to consider and a policy position is considered beneficial in such circumstances. However, it is up to Council to make their own decision as to where they should sit within the prescribed Band and this does not necessarily mean that the policy position cannot be amended at any stage.

ORGANISATIONAL RISK MANAGEMENT:

Attendance Fees, Allowances and Expenses are always going to be potentially contentious in the community. The consistent application of Council Policy has provided strong guidance for Councillors over many years, reducing the potential for contention. It is considered that any significant deviation from Council Policy could generate external reputational risk however this should be balanced against the type, nature and complexity of the role of a Councillor elected to represent the community within the Shire district.

FINANCIAL IMPLICATIONS:

Based on the current composition of Council, being the Shire President plus 10 Councillors, increases as recommended will result in the following costs, if they were applied to the full calendar year.

	2022/23	2023/24	Increase (decrease)
Annual Attendance Fee (Councillors)	\$195,240	\$198,200	\$2,960
Annual Attendance Fee (President)	\$23,583	\$23,940	\$357
Local Government Allowance (Deputy President)	\$10,087	\$10,239	\$152
Local Government Allowance (President)	\$40,350	\$40,957	\$607
ICT Allowance (All)	\$22,000	\$22,000	\$0
Travel Allowance (All)	\$0	\$0	\$0
Total funding required	\$291,260	\$295,336	\$4,076

As elected members are aware the Minister for Local Government has approved the ward and representation review for the Shire of Manjimup which will take effect from the Local Government Elections to be held on 21 October 2023. Following the election, Councillor numbers will be reduced by two.

Although two elected member positions will only be appointed for the period from 1 July to 21 October, it is recommended that the full figures shown above

be adopted for the 2023/24 financial year. This will allow elected members to potentially consider an increase in the fees, allowances or expenses should an increased workload result following the reduction in elected member numbers.

SUSTAINABILITY:

Environmental: Nil.

Economic: The recommendation for Attendance Fees, Allowances and Expenses to Councillors have no additional cost to the organisation over the 2022/23 financial year, but will result in a budget allocation increase of \$4,076.00 in the 2023/24 financial budget.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That for the 2023/24 financial year, Council agree to:

- 1. Pay all Councillors an Annual Attendance Fee, in lieu of meeting Fees, \$19,820 for Councillors and \$23,940 for the Shire President;**
- 2. Pay the Shire President a Local Government Allowance of \$40,957;**
- 3. Pay the Deputy Shire President a Local Government Allowance of \$10,239;**
- 4. Pay all Councillors an Information Communication and Technology Allowance of \$2,000;**
- 5. Not pay Councillors an annual Travel and Accommodation Allowance;**
- 6. Require all approved claims for Child Care be paid, to the extent permissible, on a reimbursement basis as incurred;**
- 7. Require all approved claims for travel and accommodation be paid, to the extent permissible, on a reimbursement basis as incurred; and**
- 8. Require all Attendance Fees, Allowances and Expenses being paid in equal monthly instalments in arrears in accordance with Council Policy.**

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29117

That for the 2023/24 financial year, Council agree to:

- 1. Pay all Councillors an Annual Attendance Fee, in lieu of meeting Fees, \$19,820 for Councillors and \$23,940 for the Shire President;**
- 2. Pay the Shire President a Local Government Allowance of \$40,957;**

- 3. Pay the Deputy Shire President a Local Government Allowance of \$10,239;**
- 4. Pay all Councillors an Information Communication and Technology Allowance of \$2,000;**
- 5. Not pay Councillors an annual Travel and Accommodation Allowance;**
- 6. Require all approved claims for Child Care be paid, to the extent permissible, on a reimbursement basis as incurred;**
- 7. Require all approved claims for travel and accommodation be paid, to the extent permissible, on a reimbursement basis as incurred; and**
- 8. Require all Attendance Fees, Allowances and Expenses being paid in equal monthly instalments in arrears in accordance with Council Policy.**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT

9.3.1 Council Financial Payments for March 2023

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Susan Lee
DATE OF REPORT:	19 April 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 \$1,711,650.25 for the month of March 2023 are listed below and in the attachment. This figure includes \$4,364.72 Corporate Card transactions for February 2023, also detailed below.

ATTACHMENT: 9.3.1(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 04 May 2023.

Fund	Vouchers	Amount
Municipal	95250 – 95269	\$59,721.25
Trust Fund	-	\$0.00
Total Cheques for Month of March 2023		\$59,721.25

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 04 May 2023.

Fund	Batch	Amount
Municipal	250 – 253	\$1,601,568.95
Direct Debit		\$50,360.05
Total EFT for Month of March 2023		\$1,651,929.00

**Corporate Credit Card transactions 23 January 2023 – 20 February 2023
(paid 07 March 2023) – Municipal Account**

4.1221	Adobe Creative Cloud 12/02/23 - 11/03/23	\$79.99
6.1101	DoT - NDIS Worker Screening Renewal - A Campbell	\$145.00
865.1165	Magistrates Court - Lodgement Notice - De Campo	\$166.30
2168.6001	Laserman - Grader slope meter No 2 - GR6	\$484.00
953.6001	Rolan - Reversing camera for grader GR03	\$192.30
1024.6001	David Nowland Hydraulics - Air valve & coil for water truck pump	\$556.77
3.1101	Survey Monkey - Annual subscription Advantage Annual Plan HR log 27/01/23 - 26/01/24	\$395.52
680.1133	Westnet Invoice 135225520: Internet Services 01/02/23 to 01/03/23, Wallib	\$89.95
98.1410	Westnet Invoice 135225520: Internet Services 01/02/23 to 01/03/23, mipses	\$79.99
8.1101	DoT - NDIS Worker Screening Renewal - G Lockwood	\$145.00
571.1317	ACIA - ABC of Unit Costing in Community Care Course - T Williams	\$243.74
665.1101	Elson Volley - Volleyball net set	\$439.50
575.1101	Elson Volley - Volleyball net set	\$439.51
537.1035	Profile Shop - 3 x Double Balloon Catheters	\$167.50
663.1642	Snapper Display Systems - 8 x A3 Allen key display frames	\$272.00
575.1317	Regional Arts WA - Creative Leadership Masterclass - E O'Neil	\$200.00
575.1101	Conv Centre Parking - ASW Tourism WA Meeting 16/2/23 - Parking for DCS	\$24.23
570.1346	Starlink Satellite - subscription Windy Harbour 22/01/23 - 21/02/23	\$143.17
6.1101	City of Bunbury - DPLH Planning Forum 17/2/23 - Parking for CEO	\$9.00
7.1014	Westpac: Corporate Card Fee x 5 – CEO, DDR, DCS, DWS, DB	\$91.25
Total Credit Card Payments for February 2023		\$4,364.72

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 March 2023 accounts for payment totalling \$1,711,650.25 including the Corporate Credit Card transactions for February 2023 of \$4,364.72 as detailed and in the Attachment: 9.3.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29118

That Council note the March 2023 accounts for payment totalling \$1,711,650.25 including the Corporate Credit Card transactions for February 2023 of \$4,364.72 as detailed and in the Attachment: 9.3.1(1).

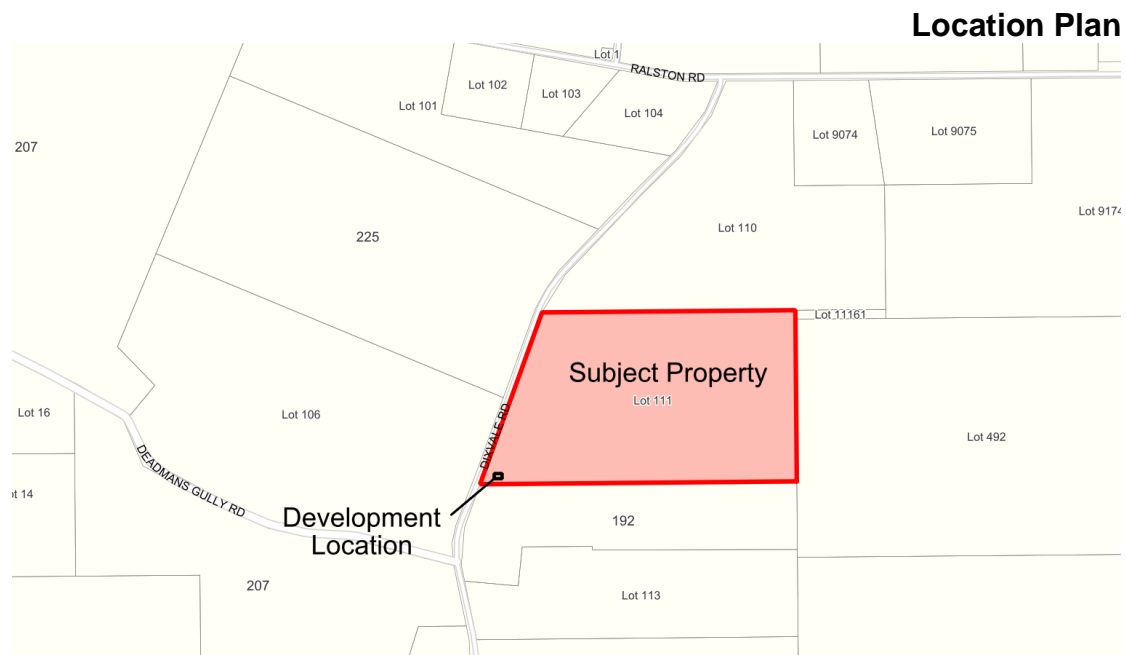
ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.5.1 Proposed Industry - Rural at Lot 111 Dixvale Road, Dixvale**

PROPONENT	All States Merchants
OWNER	GM Kilrain
LOCATION / ADDRESS:	Lot 111 Dixvale Road, Dixvale
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Statutory Planning Services
FILE REFERENCE:	DA23/23, P53675, TP43/2023
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	11 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a planning application for an Industry – Rural (Packing Shed and Cool Rooms) at Lot 111 Dixvale Road, Dixvale. A location plan depicting the location of the development is shown below.



Lot 111 is 34.9ha in area, zoned 'Priority Agriculture' under the Shire of Manjimup Local Planning Scheme No.4 (the Scheme) and is used for agricultural purposes and contains 3 small soaks scattered over the property. The development is proposed to be constructed in order to pack strawberries. Location, site and development plans are attached.

ATTACHMENT: 9.5.1 (1)

The application proposes the following:

- Construction of a 5.5m high, 12.9m wide by 11.4m long (153.6m²) packing shed, with two 28.8m² containers located either side of the packing area. One of these containers is to act as a cool room ancillary to the packing process;
- The materials used are to be zincalume Trimdek® sheeting and cool room panelling;
- Universal access ablutions, as well as a single toilet will be located within the building;
- A sealed truck load out area (105.6m²) is to be constructed;
- The hours of operation will be from 9am to 5pm, with 3-4 packers in the shed at any one time; and
- Workers will park on site.

The application which is referred to Council for determination as an Industry – Rural is an ‘A’ land use within the Priority Agriculture Zone, and therefore may only be approved at the discretion of Council after advertising in accordance with clause 9.6 of the Scheme.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Scheme for a 21-day period, concluding 19 April 2023. No submissions on the application were received.

COMMENT (Includes Options):

Land Use Definition

The proposed use is identified by the Scheme as a ‘Industry – Rural’ and is defined as follows:

- (a) an industry handling, treating, processing or packing rural products;
or
- (b) a workshop servicing plant or equipment used for rural purposes;

In this case it is intended that the strawberries produced by the landowner will be processed and packaged in an extended existing building on the property, which will undergo interior fit out works, with packing equipment and additional cool rooms installed to make them suitable for use.

Zoning Permissibility

The land on which the proposed Industry - Rural is to be developed is identified on the Scheme maps as being zoned ‘Priority Agriculture’ as stated in the Scheme ‘Priority Agriculture’ has the following purpose:

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

In the Scheme the local government's objectives in managing and guiding land use development and subdivision within the Priority Agriculture zone will be to:

- (i) require the protection of the rural infrastructure and land resource;
- (ii) require planning to avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals;
- (iii) to permit low impact tourist accommodation – short stay proposals where relevant provided that any impact from any such land uses or development is contained on-site;
- (iv) support the improvement of resource and investment security for agricultural and allied industry production;
- (vi) encourage value-adding opportunities to agricultural products at source;
- (vii) support a wide variety of productive agricultural and rural activities.

The proposed Industry – Rural meets with the objectives established within the Scheme for Priority Agricultural zones. The development will allow for rural industry to occur on the site, in conjunction with the strawberries produced by the landowner. The proposed development will allow for the packing of local produce, primarily strawberries sourced from both the landowner's properties and other local producers.

Impact of Proposal on Amenity

No impact on the visual amenity of the locality is expected by Shire officers. The development is setback appropriately from property boundaries, with the closest dwelling being located 550m to the south west of the site. It is also noted that the landowner also owns the adjacent properties on Dixvale Road.

All stormwater and runoff generated by the development is to be contained to site. A condition to this effect will be included on any approval issued by Council.

Noise impacts are expected to be minimal, as the facility will only be operated during business hours. The facility will be required to be operated in accordance with the *Environmental Protection (Noise) Regulations 1997*. An advice note enforcing this requirement will be attached to any approval granted by Council.

Site Access and Car Parking

Dixvale Road

Dixvale Road is to be used as the main thoroughfare to access the Industry-Rural. The condition and geometry of Dixvale Road is considered as currently adequate to cater for the proposed development. Upgrading or contributing to an upgrade of Dixvale Road is not considered necessary to support the application as proposed, as the activity only relates to the packing on the property.

Car Parking

The application as submitted does not indicate where any car parking is to be located near the site for the use of the workers. Advice received from the applicant has stated that the workers can park on site but gave no indication as this was to be a formalised parking area or not. Given the development is located within a rural area, the carparking is not required to be constructed to a sealed standard, but an area dedicated to carparking needs to be constructed nonetheless. Sealing of the car parking areas is not required under the Planning Policy in rural areas, except where provided for disability access. Given up to 4 workers will be working in the shed at any one time, it is recommended a condition requiring the construction of 4 car parking bays, including one bay constructed to a sealed, accessibility standard, be included on any approval issued.

Amenity

No impact on local amenity through noise or dust generated along this access road is anticipated given its rural location. The current unsealed crossover from Dixvale Road is recommended to be upgraded as a condition in the event Council grants planning approval.

Environmental Health Requirements

Environmental Health Services have advised that the ablutions on site have been constructed in accordance with the requirements of the *Health (Miscellaneous Provisions) Act 1911*.

Building Requirements

The development will need to be constructed to a Class 8. A Class 8 under the *Building Code of Australia* (the Building Code) is defined as:

“a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.”

If Council approves the establishment of the proposal over the site, the need to construct to the Building Code will be detailed as advice to the applicant.

Conclusion

The proposal is considered compliant with the Scheme. All development issues have been adequately addressed by the proponent or can be conditioned by Council to ensure compliance. Shire staff are satisfied with the level of detail provided to allow for the approval of this application.

In light of the above, it is recommended that Council grant conditional approval for this application.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

The approval of this application presents no organisational risk, as the proposed Industry - Rural can be conditioned by Council to ensure that this development is undertaken in accordance with the necessary statutory requirements.

FINANCIAL IMPLICATIONS:

Nil. The requisite development application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: The proposed development is not expected to detrimentally impact upon the surrounding environment, where carried out in accordance with standard development requirements.

Economic: Approval of this proposal is expected to create economic benefit to the Shire. Given that the Shire forecasts to double the value of its agricultural products to \$254 million AUD by 2031, this Industry - Rural will contribute towards this economic objective.

Social: The proposal if approved is not expected to disrupt the amenity of adjoining properties and land uses in the locality. In addition, the proposal will create additional employment across primary industries in the Shire of Manjimup. It is expected the creation of employment will “flow-on” in various aspects to other businesses located within the Shire.

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

That Council accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval for the extension of the existing Industry – Rural (Packing Shed and Cool Room) located at Lot 111 Dixvale Road, Dixvale (Application TP 2023/43) in accordance with the plans and specifications attached at Attachment: 9.5.1 (1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan (3 of 14)	13 March 2023
2.	Floor Plan (4 of 14)	13 March 2023
3.	Elevation Plan (10 of 14)	13 March 2023
4.	Elevation Plan (11 of 14)	13 March 2023

2. The vehicle crossover between the subject property and Dixvale Road is to be upgraded to the satisfaction of the local government prior to occupation of the development;

3. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4, including 4 parking bays for the use of workers on site with aisle widths, circulation areas, driveway/s and points of ingress and egress;
4. Further to the condition 3 above, the required accessible parking bay must be constructed to a sealed standard;
5. Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
6. The hours of operation shall comply with those hours identified by the applicant within the submitted application and shall not be varied without the prior written consent of the Shire of Manjimup being obtained.

ADVICE TO THE APPLICANT:

- a) The proponent is advised that this Development Approval is NOT a building permit. A certified 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 application for a building permit, an application to construct or install an apparatus for the treatment of sewage and other disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Services. All wastes from employee amenities (such as toilets, showers and meal rooms) must be in accordance with the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and as approved by the Environmental Health Officer. This does not include wastewater from the on-site commercial activities;
- c) The proponent is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and the National Construction Code; and
- d) The approved operation is required to comply with the *Environmental Protection (Noise) Regulations, 1997*.
- e) The proponent is required to provide and permanently maintain disabled car parking in accordance with the requirements of the 'Building Code of Australia' to the satisfaction of the Shire of Manjimup . Detailed plans and specifications illustrating the means by which compliance with this condition is to be achieved are to be submitted to and approved by the Shire of Manjimup in conjunction with the building permit application.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S **SECONDED:** Jenkins, D

29119

That Council accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval for the extension of the existing Industry – Rural (Packing Shed and Cool Room) located at Lot 111 Dixvale Road, Dixvale (Application TP 2023/43) in accordance with the plans and specifications attached at Attachment: 9.5.1 (1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan (3 of 14)	13 March 2023
2.	Floor Plan (4 of 14)	13 March 2023
3.	Elevation Plan (10 of 14)	13 March 2023
4.	Elevation Plan (11 of 14)	13 March 2023

2. The vehicle crossover between the subject property and Dixvale Road is to be upgraded to the satisfaction of the local government prior to occupation of the development;
3. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4, including 4 parking bays for the use of workers on site with aisle widths, circulation areas, driveway/s and points of ingress and egress;
4. Further to the condition 3 above, the required accessible parking bay must be constructed to a sealed standard;
5. Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff is to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
6. The hours of operation shall comply with those hours identified by the applicant within the submitted application and shall not be varied without the prior written consent of the Shire of Manjimup being obtained.

ADVICE TO THE APPLICANT:

- a) The proponent is advised that this Development Approval is NOT a building permit. A certified 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 application for a building permit, an application to construct or install an apparatus for the treatment of sewage and other disposal of effluent and liquid wastes must be submitted for

the approval of the Shire of Manjimup's Environmental Health Services. All wastes from employee amenities (such as toilets, showers and meal rooms) must be in accordance with the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and as approved by the Environmental Health Officer. This does not include wastewater from the on-site commercial activities;

- c) The proponent is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and the National Construction Code; and
- d) The approved operation is required to comply with the *Environmental Protection (Noise) Regulations, 1997*.
- e) The proponent is required to provide and permanently maintain disabled car parking in accordance with the requirements of the 'Building Code of Australia' to the satisfaction of the Shire of Manjimup . Detailed plans and specifications illustrating the means by which compliance with this condition is to be achieved are to be submitted to and approved by the Shire of Manjimup in conjunction with the building permit application.

ADOPTED BY EN BLOC RESOLUTION: 10/0

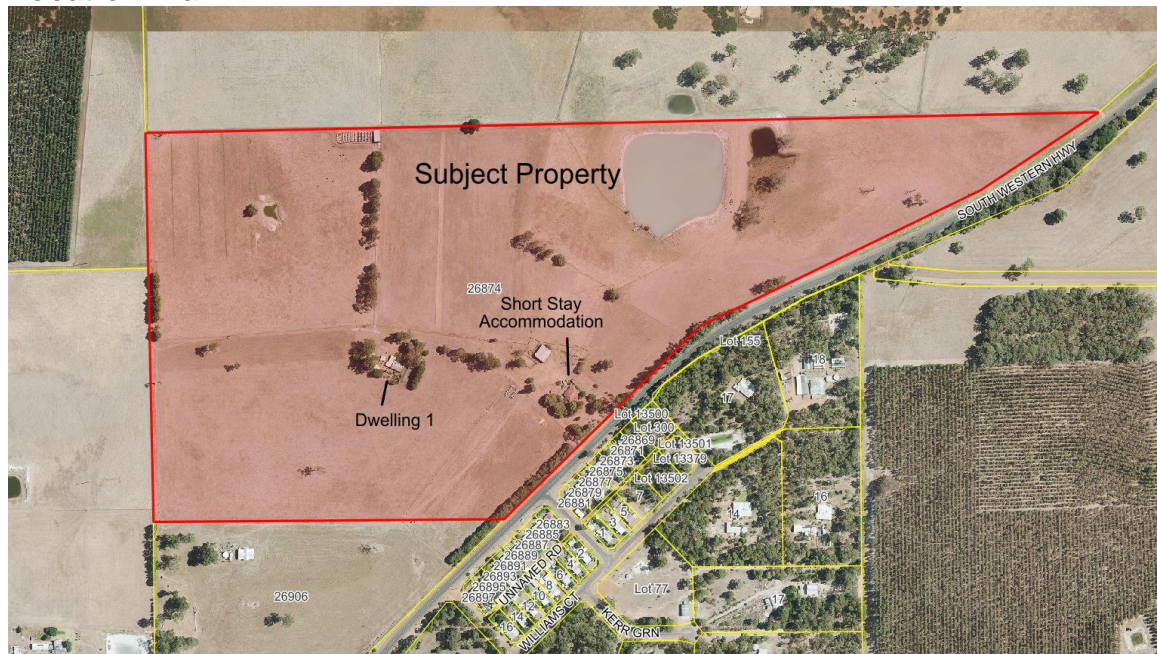
ATTACHMENT

9.5.2 Proposed Change of Use from 'Dwelling' to 'Low Impact Tourist Accommodation - Short Stay' at Lot 5279 (26874) South Western Highway, Palgarup

PROPONENT	Mrs D I Edwards
OWNER	Mr K L Edwards
LOCATION / ADDRESS:	Lot 5279 (26874) South Western Highway, Palgarup
WARD:	North
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA22/180; P56127
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	12 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for a Change of Use – Low Impact Tourist Accommodation – Short Stay at Lot 5279 (26874) South Western Highway, Palgarup. A location plan is shown below. A copy of the development application and management plan submitted is attached for Councillor reference.

ATTACHMENT: 9.5.2 (1)**Location Plan**

The subject property has an area of 43.73 hectares and currently contains two dwellings, farm sheds, stock yards, two dams, two 80,000 litre water tanks, one co-located with each dwelling, as well as a tennis court.

The farmhouse that is proposed to be used as the short stay consists of four (4) bedrooms, one (1) bathroom and one (1) toilet along with kitchen and lounge area. The farmhouse is situated at the front of the subject property while the owners dwelling is situated 300m to the rear of the property.

The key elements of the proposed Management Plan are as follows:

- The application is proposing the number of guests to be a maximum of eight (8) persons;
- Key collection will be person to person;
- The management of the property will be undertaken by the owner;
- Cleaning of the property will be managed by the owner;
- The implementation of the Emergency Evacuation Response Plan as submitted;
- Bookings for the Low Impact Tourist Development – Short Stay will be through internet booking sites;
- Parking available for 4 cars adjacent to the proposed Short Stay;
- Rubbish collection will be undertaken by the owner; and
- There is an 80,000 litre water tank that will service the property; and

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

PUBLIC CONSULTATION UNDERTAKEN:

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

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

Copies of the submissions are shown attached.

ATTACHMENT: 9.5.2 (2)

COMMENT (Includes Options):

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

Land Use Classification

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

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

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

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

The proposal is considered to meet the above requirements, given that it will be located within an existing building and will not have a detrimental impact on the surrounding amenity.

Land Use Permissibility

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

Matters to be Considered

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

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

Advice on these matters is provided below.

Consistency with Zoning

The proposed short stay accommodation is considered to meet the objective of the General Agriculture Zone, which include:

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

Impact on Amenity of Area

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

Health (Miscellaneous Provisions) Act, 1911

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

Lodging House

The applicant has stated that the Short Stay accommodation is for 8 persons. As a result, they will also need to apply for secondary approval for a “Lodging House” from the Shire in order to operate. Advice to this effect has been included in the Officer Recommendation below.

Public Liability Insurance

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

Guest Register

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

Bushfire Prone Area

The subject property is located within an area designated as Bushfire Prone by the Department of Fire and Emergency Services (DFES) and a Bushfire Attack Level (BAL) Assessment was undertaken by an accredited Assessor where the rating for the proposed development is BAL12.5. A copy of the Bushfire Management Plan (BMP) for the development is attached.

ATTACHMENT: 9.5.2(3)

Modifications to the BMP provided have been recommended by DFES in their submission, which will be addressed further into the report.

Bushfire Emergency Plan

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

ATTACHMENT: 9.5.2(4)

It is recommended a copy of the plan is to be kept on display with a common area within the proposed accommodation for access during an emergency. A condition ensuring this occurs will be recommended should Council approve the application, as included in the Officer Recommendation.

Submissions Received

MRWA Submission

MRWA have advised that they have no objection in principle to the proposed development subject to some conditions and comments.

MRWA have stated that the second driveway access has been constructed adjacent to the main property access/crossover without their approval. The second access driveway creates concerns with the ingress and egress to the property which could increase the potential for vehicle conflicts and detract from the function and safety of the highway.

MRWA have recommended that the proponent be required to remove the second access driveway, reinstate the road verge and fence the property boundary to the satisfaction of MRWA and a condition be placed on any approval granted in relation to the access/crossover.

Shire officers do not support the advice provided by MRWA, or the imposition of a condition to remove, reinstate and refence given that the removal of the secondary accessway is a compliance matter between the landowner and MRWA. The Shire has no legal ability to enforce removal of the secondary access and as such recommend that Council disregard the advice provided by MRWA.

DFES Submission

DFES have stated that there is a modification that needs to be addressed in regards to the Bushfire Management Plan (BMP), this being:

- Policy Measure 6.5 (c) Compliance with Bushfire Protection Criteria.

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

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

Conclusion

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: Nil.

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

Social: Nil.

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

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants approval for a Change of Use from a Dwelling to Low Impact Tourist Accommodation – Short Stay at Lot 5279 (26874) South Western Highway, Palgarup (TP178/2022) in accordance with the submitted plans as attached at 9.5.2 (1), and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Development Information	11 November 2022
2.	Bushfire Management Plan	25 January 2023
3.	Bushfire Emergency Plan	25 January 2023

2. Arrangements being made to the satisfaction of the Shire of Manjimup Chief Executive Officer, for guests to be made aware that the accommodation hereby approved is located in a General Agriculture Zone and that there is potential for existing rural operations in the area to impact on the amenity of the property to be affected by noise, odour and dust.

3. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup within 2 months of the date of this approval;
4. The development approval is granted for a period expiring on 30 June 2024 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of the period seeking approval for the Low Impact Tourist Accommodation – Short Stay to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup;
5. The Low Impact Tourist Accommodation – Short Stay is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup;
6. The Low Impact Tourist Accommodation – Short Stay hereby approved is limited to a maximum of eight (8) persons who are known to each other at any one time to the satisfaction of the Shire of Manjimup;
7. The submitted Bushfire Emergency Plan is to be implemented and displayed within the Low Impact Tourist Accommodation – Short Stay at all times;
8. Prior to commencing the use hereby approved, the submitted Bushfire Management Plan (BMP) to be modified as per Department of Fire and Emergency Services requirements and be implemented and maintained to the satisfaction of the Shire of Manjimup; and
9. All parking for guests is to be provided for on-site for the use of users of the Low Impact Tourist Accommodation – Short Stay.

Advice to Applicant:

- i. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;
- ii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iii. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- iv. The Low Impact Tourist Accommodation – Short Stay will require secondary approval as a "Lodging House" under the Health Local Laws 2020 from the Shire of Manjimup;

- v. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from Building Services for the reclassification of a Class 1a building to a Class 1B building at least 10 days before the proposed change;
- vi. In all buildings approved for Low Impact Tourist Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and
 - b) consist of:
 - lights incorporated into the smoke alarm itself; and
 - lighting located in the corridor, hallway or area served by the required smoke alarm(s).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29120

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants approval for a Change of Use from a Dwelling to Low Impact Tourist Accommodation – Short Stay at Lot 5279 (26874) South Western Highway, Palgarup (TP178/2022) in accordance with the submitted plans as attached at 9.5.2 (1), and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Development Information	11 November 2022
2.	Bushfire Management Plan	25 January 2023
3.	Bushfire Emergency Plan	25 January 2023

2. Arrangements being made to the satisfaction of the Shire of Manjimup Chief Executive Officer, for guests to be made aware that the accommodation hereby approved is located in a General Agriculture Zone and that there is potential for existing rural operations in the area to impact on the amenity of the property to be affected by noise, odour and dust.
3. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup within 2 months of the date of this approval;
4. The development approval is granted for a period expiring on 30

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

5. The Low Impact Tourist Accommodation – Short Stay is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup;
6. The Low Impact Tourist Accommodation – Short Stay hereby approved is limited to a maximum of eight (8) persons who are known to each other at any one time to the satisfaction of the Shire of Manjimup;
7. The submitted Bushfire Emergency Plan is to be implemented and displayed within the Low Impact Tourist Accommodation – Short Stay at all times;
8. Prior to commencing the use hereby approved, the submitted Bushfire Management Plan (BMP) to be modified as per Department of Fire and Emergency Services requirements and be implemented and maintained to the satisfaction of the Shire of Manjimup; and
9. All parking for guests is to be provided for on-site for the use of users of the Low Impact Tourist Accommodation – Short Stay.

Advice to Applicant:

- i. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;
- ii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iii. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- iv. The Low Impact Tourist Accommodation – Short Stay will require secondary approval as a "Lodging House" under the Health Local Laws 2020 from the Shire of Manjimup;
- v. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from Building Services for the reclassification of a Class 1a building to a Class 1B building at least 10 days before the proposed change;

vi. In all buildings approved for Low Impact Tourist Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-

- a) be activated by a smoke alarm(s); and**
- b) consist of:**
 - lights incorporated into the smoke alarm itself; and**
 - lighting located in the corridor, hallway or area served by the required smoke alarm(s).**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT

9.5.3 Delegated Planning Decisions for March 2023

PROPONENT:	Shire of Manjimup
OWNER:	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Kaylee Blee
DATE OF REPORT:	19 April 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 March 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 March 2023, six (6) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for March 2023 compared to March 2022:

Table 1: Planning Decisions Made March 2022 and 2023

	March 2022	March 2023
Delegated Decisions	11 (\$496,200)	6 (\$993,810)
Council Decisions	5 (\$435,000)	11 (\$4,010,000)
Total	16 (\$931,200)	17 (\$5,003,810)

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

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

	YTD 2021-22	YTD 2022-23
Delegated Decisions	75 (\$9,065,728)	93 (\$7,413,481)
Council Decisions	40 (\$10,164,738)	55 (\$9,465,375)
Total	115 (\$19,230,466)	148 (\$16,878,856)

STATUTORY ENVIRONMENT:

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

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

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for March 2023 as per ATTACHMENT: 9.5.3 (1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29121

That Council receives the report on Delegated Development Approvals for March 2023 as per ATTACHMENT: 9.5.3 (1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.9.1 Quarterly Report January 2023 - March 2023 - Community Services Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Shire of Manjimup
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F160966
LEGISLATION:	Various
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	17 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Documentation outlining activities, grants, and donations data for the January – March 2023 quarter for the Community Services Directorate is attached for Councillors information.

ATTACHMENT: 9.9.1 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Various.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

All activities were undertaken in accordance with the Shire of Manjimup's 2022/2023 Annual Budget.

SUSTAINABILITY:

Environmental: Nil.

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

Social: Community facilities, programmes and services play a significant role in delivering the lifestyle and wellness opportunities throughout the Shire and as such contribute to the attractiveness of the Shire to live, play and invest in.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Community Services Directorate Quarterly Report January – March 2023 as contained in the Attachment: 9.9.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29122

That Council receive the Community Services Directorate Quarterly Report January – March 2023 as contained in the Attachment: 9.9.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

9.12.2 Consideration of Request to Support Wetherell Street, Manjimup Being on the Restricted Access Vehicle Network Accredited Mass Management Scheme

PROPONENT OWNER	Heavy Vehicle Services, Main Roads WA Shire of Manjimup
LOCATION / ADDRESS:	Wetherell Street, Manjimup
WARD:	Central
ZONE:	Industrial
DIRECTORATE:	Works & Services
FILE REFERENCE:	F160373
LEGISLATION:	<i>Local Government Act 1995;</i> <i>Road Traffic Vehicles Act 2002;</i> <i>Road Traffic (Vehicle) Regulations 2014</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	18 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Main Roads Western Australia (MRWA) Heavy Vehicles Services (HVS) have received a request to upgrade Wetherell Street, Manjimup from South Western Highway to Margerison Street for Restricted Access Vehicles (RAV) under the Accredited Mass Management System (AMMS) Network 4 Level 3 (N4.3).

Currently Wetherell Street is RAV Network 4 with a condition stating that all RAV vehicles travel 10km/hr less than the speed limit.

The purpose of this report is for Council to determine their level of support for this section of the Shire's road network to be upgraded to AMMS Network 4 Level 3, which will result in an increased mass weight of vehicles from 87.5 Tonne to 100 Tonne.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

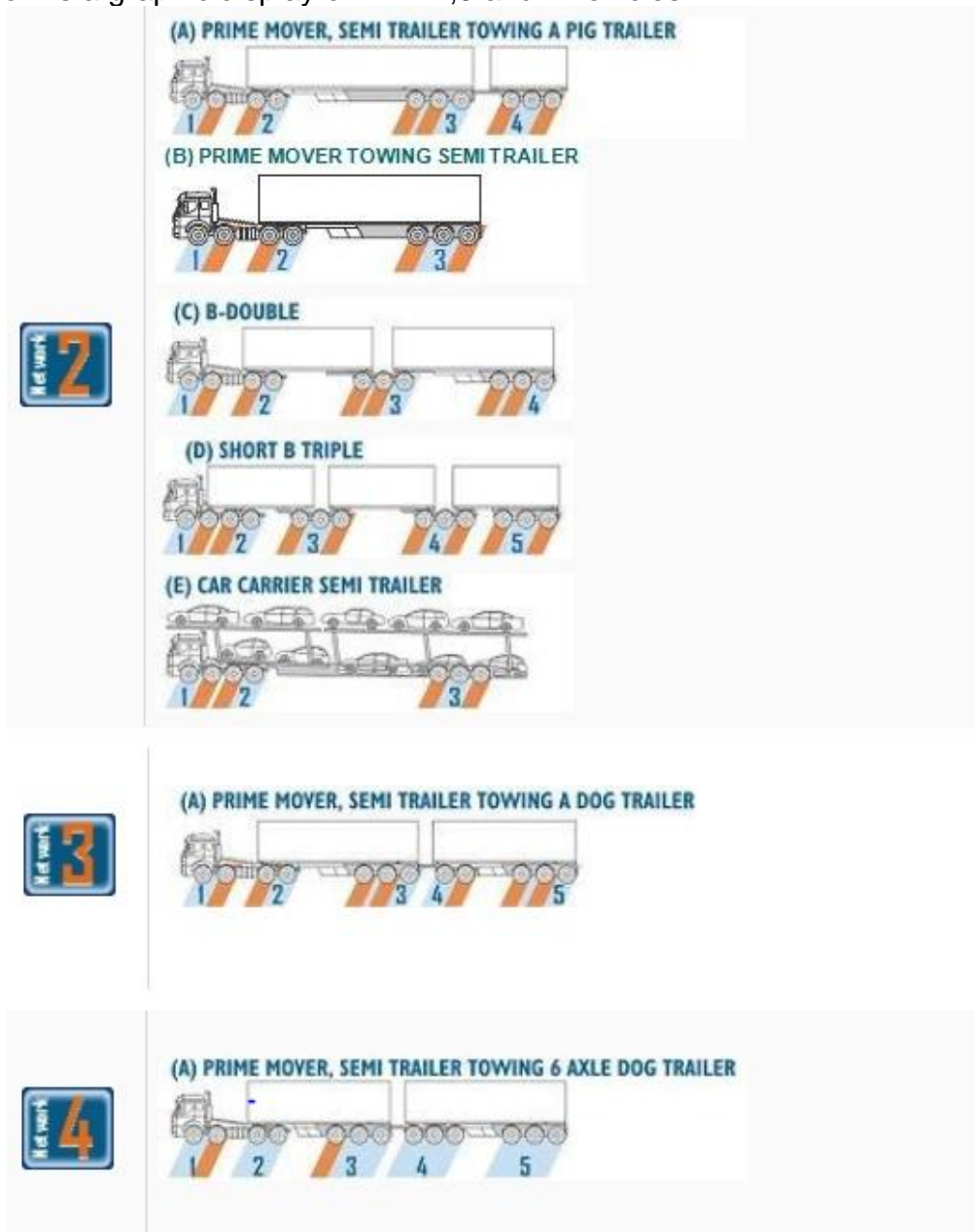
A vehicle is classed as a Restricted Access Vehicle (RAV) if that vehicle alone or together with any load, exceeds one or more of the following limits:

- mass limit prescribed in Part 3 of the *Road Traffic (Vehicle) Regulations 2014*; or
- one of the following dimension limits:
 - a width of 2.5m;
 - a height of 4.3m;
 - a length of 12.5m in the case of a motor vehicle that is not part of a combination; or

- a length of 19m in the case of a combination; and
- any other dimension specified in the Road Traffic (Vehicle) Regulations 2014.

Typically, RAV 2, 3 and 4 vehicles consist of a prime mover with a semi-trailer plus additional pig or dog trailer. RAV 2 vehicles will have 3, 4 or 5 axle groups and do not exceed 27.5metres in overall length. RAV 3 and RAV 4 vehicles will have 5 axle groups and do not exceed 27.5metres in overall length. The RAV 4 vehicles have the same configuration as RAV 2/3 vehicles, however they have an extra axle allowing for the increase in weight from 84 tonne to 87.5 tonne.

Below is a graphic display of RAV 2,3 and 4 vehicles.



Permits are required to operate certain types of RAVs in WA and are an instrument issued by the Commissioner of MRWA to grant access to these

vehicles to certain parts of the road network under specific operating conditions. All RAVs require a permit, unless they are authorised under a class of notice issued by either the Commissioner of Main Roads or the Director General of Transport.

Where AMMS is additional to RAV this needs the local Council approval also. Below is a graphic display of an AMMS N4.3

Category 4		93.5 t	96.5 t	100 t
		N4.1	N4.2	N4.3

Essentially, the vehicle looks the same and has the same turning circle, however, there is an increased weight of 12.5 tonne on the road.

This request is specifically for Wetherell Street, Manjimup.

To assist Council in making a decision, the following comments are offered:

- This will not increase the amount of RAV's on our network, but is likely to decrease the number of RAV movements due to greater quantities of material being moved at any one time, i.e a lesser number of heavy vehicles on the road over time; and
- More economical for suppliers and Heavy Haulage companies locally.

In order to improve industry efficiency, reduce the number of vehicles on the road at any one time and improve the working life of the sealed and unsealed road network, Shire Officers recommend that Council approve upgrade to the Shires RAV Network.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Road Traffic Vehicles Act 2002, Road Traffic (Vehicle) Regulations 2014, MRWA Traffic Management for Works on Roads – Code of Practice March 2023.

POLICY / STRATEGIC IMPLICATIONS:

Works and Services Policy – Technical Services – 9.1.1 Road Use Approval for Permit Type Loads, Main Roads WA Guidelines for Approving RAV Access September 2018.

ORGANISATIONAL RISK MANAGEMENT:

There is a low risk of any consequence to the organisation by implementing the change.

FINANCIAL IMPLICATIONS:

Cost impacts of additional mass freight tasks on road condition have potential to be significant if the number of heavy haulage vehicles increase. However, using a RAV Network 4 AMMS N4.3 is expected reduce the overall number of vehicles travelling on Shire roads. As such these impacts on the Shires road network can be considered cost neutral.

SUSTAINABILITY:

Environmental: Nil.

Economic: Greater savings for the majority of Heavy Haulage companies due to the reduced number of trips required.

Social: Though the community may feel impacted by larger vehicles on the road, at any one time there is expected to be a decrease in the overall number of heavy vehicles on Shire roads.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse Main Roads Western Australia Heavy Vehicles Services to upgrade Wetherell Street, Manjimup from South Western Highway to Margerison Street from Restricted Access Vehicle Network 4 to Accredited Mass Management System Network 4 Level 3.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29123

That Council endorse Main Roads Western Australia Heavy Vehicles Services to upgrade Wetherell Street, Manjimup from South Western Highway to Margerison Street from Restricted Access Vehicle Network 4 to Accredited Mass Management System Network 4 Level 3.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.13.1 Quarterly Report January to March 2023 - Works and Services Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F160966
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	4 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the quarter ending 31 March 2023 for the Works and Services Directorate is attached.

ATTACHMENT: 9.13.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The report outlines progress on key activities undertaken by the Works and Services Directorate during the reporting period. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising on those activities.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the January to March 2023 Quarterly Report – Works and Services as contained in Attachment: 9.13.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29124

That Council receive the January to March 2023 Quarterly Report – Works and Services as contained in Attachment: 9.13.1(1).

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.2 Unconfirmed Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held 22 March 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170451
LEGISLATION:	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	6 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of the Bush Fire Advisory Committee is to represent Volunteer Bush Fire Brigades within the Shire and to make recommendations to Council on various matters relating to bushfire, including, but not limited to budgets, management of the Bushfire organisations and implementation of Council's Fire Protection Strategy.

At its latest meeting the Bush Fire Advisory Committee (BFAC) passed several recommendations relating to the amalgamation of four Bush Fire Brigades and the *Shire of Manjimup Bush Fire Brigade Local Laws 2023*.

The purpose of this report is to present the unconfirmed minutes of the Bush Fire Advisory Committee (BFAC) meeting held on 22 March 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.2 (1)

Council is requested to consider those motions passed by the Committee, as detailed in the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

The proposed amalgamations of the subject brigades were advertised in the Manjimup Bridgetown Times for public comment in 8 February 2023, allowing residents in all effected Brigade areas to comment by the 1 March 2023. No comments were received from members of the public.

All Brigades involved have met on several occasions over the past 12 months and all are in favour of the amalgamations as reflected in their AGMs.

COMMENT (Includes Options):

The Bush Fire Advisory Committee resolved to support five recommendations, three requiring a formal decision of Council, with one of these presented in a separate agenda item at Council meeting on 13 April 2023. The resolutions passed at the meeting are reflected within Table 1 and detailed below:

Table 1.	
Bush Fire Advisory Committee Resolutions	Officers Comments
That the unconfirmed minutes of the Bush Fire Advisory Committee Meeting held Wednesday, 7 December 2022 be confirmed as a true and correct record.	The BFAC resolution is noted.
That Council approve the amalgamation of Linfarne and Ringbarkers Bush Fire Brigades and name that brigade Ringbarkers.	The BFAC resolution is supported. Refer to comment section below.
That Council approve the amalgamation of all remaining Northcliffe Bush Fire Brigades and name that brigade Northcliffe.	The BFAC resolution is supported. Refer to comment section below.
That Council accept the <i>Shire of Manjimup Bush Fire Brigade Local Laws 2023</i> and proceed with the legal requirements of the <i>Local Government Act 1995</i> in implementation.	The BFAC resolution is supported. A separate agenda item has been prepared and was presented at Council 13 April 2023 meeting.
That the Community Emergency Services Manager inspect all the Brigade/Shire owned Slip-on units on the Shire of Manjimup asset list and place a full report to BFAC in July.	The BFAC resolution is supported. No action required. Administration to inspect Brigade/Shire owned slip-on units and report to BFAC in July.

Amalgamation of all remaining Northcliffe Bush Fire Brigades

In 2022 the BFAC administration approached the Northcliffe Bush Fire Brigade over the potential amalgamation with the remaining non operational Northcliffe brigades. As these brigades have no members/committees or structure and are no longer operational, this is purely for administration purposes to clarify the brigade boundaries and simplify the name of all to Northcliffe Bush Fire Brigade. This was voted on at the 2022 AGM to support this.

The Northcliffe Bush Fire Brigade has been performing as the primary responders for the remaining Northcliffe brigade areas. It has also for many years supplied a Fire Control Officer for permit writing and on ground leadership in the event that a fire response is required in these areas.

As documented within Table 1, BFAC has resolved to request that Council approve the merger of all remaining brigades within the Northcliffe boundaries, with the amalgamated brigades to be named Northcliffe Bush Fire Brigade.

Given the inactive nature of the remaining Brigades, the proposed amalgamation is supported.

Amalgamation of Linfarne and Ringbarkers Bush Fire Brigades

In 2022 Linfarne and Ringbarkers Bush Fire Brigades approached the Bush Fire Advisory Committee with a formal request to commence the process of amalgamating the two Brigades. This followed after discussion and formal approval by both the Linfarne Bush Fire Brigade at their 2021 AGM and then the Ringbarkers Bush Fire Brigade at their 2022 AGM.

The Linfarne Bush Fire Brigade has relied upon Ringbarkers for suppression activities. Whilst Ringbarkers has a strong membership and leadership group, Linfarne has limited numbers to respond to an incident within the Brigade area. Linfarne has a long standing Fire Control Officer, however as stated above, a very small active Brigade membership.

As documented within Table 1, BFAC has resolved to request Council approve of the amalgamation of Linfarne and Ringbarkers Bush Fire Brigades, with the new brigade to be known as Ringbarkers Bush Fire Brigade.

Given the issues associated with the Linfarne Bush Fire Brigade having limited numbers of volunteers for many years, it is recommended that the amalgamation be supported.

Shire of Manjimup Bush Fire Brigade Local Laws 2023

As reflected above in Table 1, the *Shire of Manjimup Bush Fire Brigade Local Laws 2023* was presented to Council in a separate Agenda item on 13 April 2023.

STATUTORY ENVIRONMENT:

Local Governments are responsible for the formation, maintenance and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*. The Bush Fire Advisory Committee is established in accordance with Section 67 of the *Bush Fires Act 1954* and provisions of the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

The brigade amalgamations as proposed reflect the desires of each of the Bush Fire Brigades involved and is consistent with the following Community Goals and Strategies as contained within Shire of Manjimup Strategic Community Plan 2021 – 2031.

Community Goals

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

Strategies

C2 *Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community.*

C14 *Plan for emergency and natural disaster response, management, evacuation and recovery.*

ORGANISATIONAL RISK MANAGEMENT:

The proposed brigade amalgamations pose no risk to the organisation or the community. The newly amalgamated Brigades will operate pursuant to “Normal Brigade Activities” as stated in the *Bush Fires Act 1954* and in accordance with the *Shire of Manjimup Bush Fire Brigade Operational Procedures 2022 – 2027*.

FINANCIAL IMPLICATIONS:

The administration cost associated with maintaining Bush Fire Brigades should experience a minor decrease as the number of Brigades will reduce from twenty (20) to eighteen (18).

SUSTAINABILITY:

Environmental: Fire has the potential to decimate the natural and built environment if preventative and operational bushfire strategies are not adequate. A well organised, structured and resourced Bush Fire Brigade will have the ability to respond to wildfire incidents in a timely manner, reducing the impact on the local environment and community.

Economic: The economic consequence of fire can be devastating. Ensuring community preparedness and responding to wildfires in a timely manner will reduce the economic cost associated with response, recovery and damage created by large wildfires.

Social: The social consequence of fire can also be devastating to individuals and the community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held on the 22 March 2023 as contained in ATTACHMENT: 9.16.2:(1)**
- 2. Approve the amalgamation of Linfarne and Ringbarkers Bush Fire Brigades and name that brigade Ringbarkers Bush Fire Brigade; and**
- 3. Approve the amalgamation of all remaining Northcliffe Bush Fire Brigades and name that brigade Northcliffe Bush Fire Brigade.**

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29125

That Council:

- 1. Receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held on the 22 March 2023 as**

contained in ATTACHMENT: 9.16.2:(1)

- 2. Approve the amalgamation of Linfarne and Ringbarkers Bush Fire Brigades and name that brigade Ringbarkers Bush Fire Brigade; and**
- 3. Approve the amalgamation of all remaining Northcliffe Bush Fire Brigades and name that brigade Northcliffe Bush Fire Brigade.**

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 13 April 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F180208
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	18 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to consider the minutes of the Road Infrastructure Advisory Committee meeting held on 13 April 2023. The purpose of the Committee is to review the Shire's road infrastructure components of the 15 year Forward Capital Works Plan and to review and amend the Shire's annual Infrastructure Works budget. A copy of the minutes are attached.

ATTACHMENT: 9.16.3 (1)

The functions of the Committee are:

1. To review the Infrastructure Works components of the Shire's 15 year Forward Capital Works Plan;
2. To review the Shire's Infrastructure Works Budget;
3. Review amendments to the Shire's Infrastructure Works Budget; and
4. To meet on special occasion to investigate and/or evaluate urgent road infrastructure issues.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee considered and discussed a number of issues including progress on the Committee's intent to upgrade Old Vasse Road and Channybearup Road as well as an update on the Shire's construction and maintenance gravel sources. The Committee also made two recommendations requiring Council's consideration.

Committee Recommendation	Officer's Comment
The Committee not support the removal of Mordalup Road from the RAV network and for Mr Pape to be advised accordingly.	The Committees resolution is supported. A letter will be forwarded to Mr Pape following the Council Meeting.

The Committee recommends approving the request to install a reinforced footpath at a cost of approximately \$20,000 at United Fuels at the corner of Rose and Pritchard Street be included in the 2023/2024 budget with the condition that United Fuels upgrade the existing crossover on Pritchard Street to a reinforced crossover to comply with the Shire's Standard for the Design and Construction of Urban Crossovers.	Supported and dealt with as part of this report's recommendation to Council.
The Committee accept the proposed 2023/2024 Infrastructure Budget for Council consideration.	Supported and dealt with as part of this report's recommendation to Council.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Long Term Financial Plan and Council Policy 9.1.14 Road Hierarchy.

ORGANISATIONAL RISK MANAGEMENT:

The Road Infrastructure Advisory Committee reduces risk to the organisation by meeting to ensure effective planning, budgeting and works are undertaken for the Shire's road infrastructure

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 13 April 2023, as shown in Attachment: 9.16.3(1);
2. Subject to the 2023/24 Council Budget process, approve the request to install a reinforced footpath at a cost of approximately \$20,000 at United Fuels at the corner of Rose and Pritchard Street in the 2023/2024 budget with the condition that United Fuels upgrade the existing crossover on Pritchard Street to a reinforced

crossover to comply with the Shire's Standard for the Design and Construction of Urban Crossovers; and

3. Accept the proposed 2023/2024 Infrastructure Budget Draft as attached in the Road Infrastructure Advisory Committee Minutes as per ATTACHMENT: 9.16.3(1) and consider this as part of the 2023/2024 Budget Process.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S **SECONDED:** Jenkins, D

29126

That Council:

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 13 April 2023, as shown in Attachment: 9.16.3(1);
2. Subject to the 2023/24 Council Budget process, approve the request to install a reinforced footpath at a cost of approximately \$20,000 at United Fuels at the corner of Rose and Pritchard Street in the 2023/2024 budget with the condition that United Fuels upgrade the existing crossover on Pritchard Street to a reinforced crossover to comply with the Shire's Standard for the Design and Construction of Urban Crossovers; and
3. Accept the proposed 2023/2024 Infrastructure Budget Draft as attached in the Road Infrastructure Advisory Committee Minutes as per ATTACHMENT: 9.16.3(1) and consider this as part of the 2023/2024 Budget Process.

ADOPTED BY EN BLOC RESOLUTION: 10/0

ATTACHMENT**9.16.4 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 13 April 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170382
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	18 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to consider the unconfirmed minutes of the Plant Replacement Committee meeting held on 13 April 2023. A copy of the minutes are attached.

ATTACHMENT: 9.16.4 (1)

The functions of the Plant Replacement Committee are:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee discussed a number of items related to the 2023 to 2033 Plant Replacement Schedule, which is attached.

ATTACHMENT: 9.16.4 (2)

The Committee made one recommendation requiring Council's approval.

Committee Recommendation	Officer's Comment
The Committee adopt the 2023/24 to 2033/34 Plant Replacement Schedule.	The matter was raised by Shire Officers and supported by the Committee.

The draft 2023/24 to 2033/34 Plant Replacement Schedule was presented to the Committee with a proposed amendment for purchase of TK021 that it be changed from an end tipper to a side tipper.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Fuel efficiency technologies are continuously improving.

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

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council

1. Receive the minutes of the Plant Replacement Committee meeting held on 13 April 2023 shown in Attachment: 9.16.4(1); and
2. Consider the proposed Plant Replacement Schedule 2023/24 to 2033/34, shown in Attachment: 9.16.4(2), as part of Council's 2023/24 Annual Budget deliberations.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29127

That Council

1. Receive the minutes of the Plant Replacement Committee meeting held on 13 April 2023 shown in Attachment: 9.16.4(1); and
2. Consider the proposed Plant Replacement Schedule 2023/24 to 2033/34, shown in Attachment: 9.16.4(2), as part of Council's 2023/24 Annual Budget deliberations.

ADOPTED BY EN BLOC RESOLUTION: 10/0

The Acting Chief Executive Officer declared a Financial Interest in this Item as he is the subject of the recommendation. The Acting Chief Executive Officer did not speak on the matter and left the Chamber at 5.48pm. The Director of Business assumed the Chair and the meeting resumed at 5.48pm.

9.1.2 Proposed Appointment of Temporary Chief Executive Officer

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F170461
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	18 April 2023
DECLARATION OF INTEREST:	The current Acting Chief Executive Officer has a Financial Interest in this item and has not been involved in its preparation.

BACKGROUND:

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

As part of that item the following recommendation was endorsed by Council:

Ordinary Meeting	
COUNCIL RESOLUTION:	
MOVED: Omodei, P	SECONDED: Taylor, R
29061	
That Council:	
<ol style="list-style-type: none"> 1. Appoint Mr Brian Robinson as Acting Chief Executive Officer for the period of 20 March 2023 to 18 May 2023; 2. Convene a meeting of the Chief Executive Officer Review Committee to discuss the recruitment of a Chief Executive Officer at the earliest convenience; and 3. Appoint Mr Greg Lockwood as the administrative support to the Chief Executive Officer Review Committee. 	
CARRIED: 11/0	

The term of appointment of Mr Brian Robinson as Acting CEO ceases on the 18 May 2023 which coincides with the resigning CEO's final day. The Temporary CEO (TCEO) position was discussed at the Chief Executive Officer Review Committee meeting on the 30 March 2023 where the Shire

President was tasked with canvassing the Acting CEO for his interest in taking on the TCEO position. From those conversations the Shire President has requested this item be presented to Council for consideration.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

From the 18 May 2023 the Shire will no longer have an Officer in the position of CEO and subsequently, as there is no CEO there can be no Acting CEO. As such Council must consider the appointment of a TCEO to carry out CEO duties while the recruitment process for a new CEO is completed. It is anticipated that the TCEO appointment would be for approximately 5 months.

Council has two choices in this matter when filling the TCEO position, being:

- Appoint a Senior Officer to the position if appropriate skills have been demonstrated; or
- Appoint an external contract TCEO to fill the position.

Both types of appointments have their pros and cons. Firstly the appointment of an internal Senior Officer, offers continuity and consistency for both staff and Council. This consistency allows for the TCEO to act in a caretaker capacity with business-as-usual outcomes, and this approach would allow for a seamless transfer of management.

Alternatively, Council could choose to appoint an external CEO contractor. The pros for such an appointment would reduce the resource burden of Officers covering the loss of a Senior Officer to the TCEO position, as well as bringing external experience into the organisation. However, given that the appointment would only be for a 5-month period, the external TCEO would spend the majority of time learning new systems, Shire policies, district issues etc drastically reducing the effectiveness of the CEO position. This would also place a significant drain on the Senior Management Team and staff to get the TCEO up to speed. Another consideration with an external appointment is the expense of accommodation, if can be found for a contract TCEO.

The TCEO position was discussed at the Chief Executive Officer Review Committee meeting on the 30 March 2023 where the Shire President was tasked with canvassing the Acting CEO for his interest in taking on the TCEO position.

This agenda item is presented to Council at the request of the Shire President with the recommendation that Mr Brian Robinson be appointed as TCEO until such time as the newly appointed CEO commences employment with the Shire of Manjimup. This recommendation is based upon Mr Robinson's performance when acting in the position as CEO over multiple and extended periods of time.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

5.39C. Policy for temporary employment or appointment of CEO

(1) A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –

- a) the employment of a person in the position of CEO for a term not exceeding 1 year; or
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

POLICY / STRATEGIC IMPLICATIONS:

Policy 2.1.3 Appointment of Acting Chief Executive Officers and Senior Managers has an amendment proposed as part of this Council Meetings Agenda to include the requirements of *Local Government Act 1995 5.39C* above.

ORGANISATIONAL RISK MANAGEMENT:

To appoint an existing Senior Employee into the TCEO position offers continuity and consistency to both Council and Staff. Mr Brian Robinson has acted as ACEO for extended periods of time and has proven himself to be capable to act as TCEO for this period.

The use of an existing Senior Employee as TCEO does offer risk, primarily around the backfilling of their duties whilst holding the position. This risk has been reduced with the impending arrival of the Shire's new Principal Health Officer in mid-May, as well as the return of the Manager of Planning from maternity leave.

FINANCIAL IMPLICATIONS:

There are no financial implications to this appointment given that the proposed TCEO will receive remuneration as per the 2022/23 adopted budget for the CEO position.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council appoint Mr Brian Robinson, Director of Development and Regulation to the position of Temporary Chief Executive Officer from 18 May 2023, until such time as the Chief Executive Officer recruitment process has been completed and the newly appointed Chief Executive Officer starts in his/her official capacity with the Shire of Manjimup.

COUNCIL RESOLUTION:**MOVED: Jenkins, D SECONDED: Dawson Vidovich, S****29128**

That Council appoint Mr Brian Robinson, Director of Development and Regulation to the position of Temporary Chief Executive Officer from 18 May 2023, until such time as the Chief Executive Officer recruitment process has been completed and the newly appointed Chief Executive Officer starts in his/her official capacity with the Shire of Manjimup.

CARRIED: 10/0

The Acting Chief Executive Officer returned to the Chamber and assumed the Chair at 5.49pm.

APPENDIX

9.12.1 Final Consideration of Public Submissions for the Naming of Laneways in Manjimup, Including Prioritisation of the Names and Locations Allocated

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Laneways between Ipsen and Duffield Streets, Lock and Duffield Streets and Arnott and Somerville Streets, Manjimup
WARD:	Central
ZONE:	Road Reserve
DIRECTORATE:	Works & Services
FILE REFERENCE:	F170077
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	14 April 2023
DECLARATION OF INTEREST:	The Director of Community Services has a proximity interest given she owns a property adjacent one of the laneways and has also made a submission. The Director has had no input into the preparation of this report.

BACKGROUND:

At the Ordinary Council Meeting of 17 November 2022, Council resolved to endorse the names Luzny Lane, Koolbardi Lane, Dwanart Lane, Glennie Lane and Aiken Lane to be used for consultation purposes with a subsequent report back to Council for final consideration and prioritisation of the names to be used.

28951

That Council;

- 1. Endorse the names Luzny Lane, Koolbardi Lane, Dwanart Lane, Glennie Lane and Aiken Lane for the three un-named laneways;**
- 2. Approve the public consultation for a period of 4 weeks; and**
- 3. Request the Chief Executive Officer to prepare a report for Council's final consideration that provides the results of the consultation, along with prioritisation of names to be used.**

A copy of the Council report has been appended.

APPENDIX: 9.12.1(A)

PUBLIC CONSULTATION UNDERTAKEN:

Given Councils endorsement of the 17 November 2022 proposal, the proposed naming was advertised again in the Manjimup Bridgetown Times on 7 December 2022.

As a result of this public consultation no comments or submissions were received within the consultation timeframe December 2022 to Jan 2023.

A late submission was received on 8 March 2023. A summary of this submission is included in the comments.

COMMENT (Includes Options):

As there was no comments or submissions received after the second round of public consultation, Council are only asked to consider prioritisation of the names to be used and where these names may be used.

The comments raised in the submission are discussed below.

Late Submission

A late submission was received querying why the proposed name “Alf Fry” Lane hadn’t been endorsed as part of the 17 November 2022 Council Resolution. The name Alfred Narroway Fry and abbreviations of the name had all failed Landgate’s Geographical Naming preliminary validation.

The submitters have provided the Shire with sound reasoning for naming and honouring Mr Alfred Narroway Fry and have collated a substantial amount of data and community support for the naming. However, once again this does not meet the Geographical Naming criteria and as such failed preliminary validation.

Therefore, no public consultation has occurred regarding the name “Alf Fry” following the original submission.

Council should also be aware of an example similar in Hospital Avenue, Pemberton where it was proposed to have Doc Ryan as the new name. This also failed preliminary validation however, with further lobbying the name Doc Ryan Close was adopted for the road.

Priority & Locations

Five (5) names have passed preliminary validation however, there are only three (3) laneways that require naming.

Not all submitters have given a preference for which laneway they would like named. Therefore Shire officers have proposed the following:

- Those whom have submitted a preference of location have been allocated that preference – two (2) names;
- The remaining names have been placed in alphabetical order with one (1) name being allocated; and
- The remaining names to be kept on record and potentially proposed for the next new road naming requests received by the Shire if appropriate - two (2) names.

The following table showcases the proposed naming structure.

Laneway	Proposed Name
Between Ipsen & Duffield Streets	Aiken Lane
Between Lock and Duffield Streets	Luzny Lane
Between Arnott and Somerville Streets	Dwanart Lane

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Land Administration Act 1997.

Landgate Policies and Standards for Geographical Names in Western Australia.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

New road signs to be installed. This is a minor cost absorbed by the Shire operational budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Naming of access roads increases the ability for emergency services and visitors to find properties. The proposal also supports laneway names in the general ethos and intent of the Shire of Manjimup Reflect Reconciliation Action Plan (endorsed October 2021) Respect Action 8 "Build visible demonstration of respect to Aboriginal and Torres Strait Islander people within the Shire of Manjimup communities".

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council;

1. Accept the prioritisation and location of the named laneways as Aiken Lane, between Ipsen Street and Duffield Street, Luzney Lane between Lock Street and Duffield Street, and Dwanart Lane between Arnott Street and Somerville Street; and
2. Request the Chief Executive Officer to forward the naming proposal to Geographic Names Committee for approval.

ALTERNATE RESOLUTION:

MOVED: Jenkins, D

SECONDED: Skoss, K

29129

That Council;

- 1. Accept the prioritisation and location of the named laneways as Luzny Lane between Lock Street and Duffield Street, and Dwanart Lane between Arnott Street and Somerville Street;**
- 2. Having direct regard to the community desires expressed, approve the name Alf Fry for the laneway between Ipsen Street and Duffield Street in Manjimup and request the Acting Chief Executive Officer to lobby the State Government, Landgate and Geographical Naming Committee for the use of Alf Fry; and**
- 3. Request the Acting Chief Executive Officer to forward the naming proposal to Geographic Names Committee for approval.**

MOTION CARRIED 9/1

FOR

Cr D Buegge
 Cr D Jenkins
 Cr K Lawrence
 Cr P Omodei
 Cr K Skoss
 Cr R Taylor
 Cr M Ventris
 Cr J Willcox
 Cr C Winfield

AGAINST

Cr S Dawson Vidovich

9.12.3 Proposed Road Closure and Amalgamation of Unconstructed Road Reserve in the Vicinity of Barronhurst Court, Pemberton

PROPONENT	Mark & Donna Virgo
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Pemberton
WARD:	West
ZONE:	Road Reserve
DIRECTORATE:	Works & Services
FILE REFERENCE:	F161368
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Catherine Mills
DATE OF REPORT:	20 April 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council has received a request to close an unnamed and unconstructed road reserve in the vicinity of Barronhurst Court, Pemberton. The subject road adjoins 20 Barronhurst Court which is owned by the proponents with the intent to amalgamate the closed road reserve into the existing property. The reason for the proposed closure is the proponents wish to square off the block and use the land for hobby farm purposes including management of the existing blackberry population growing within the reserve.



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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The current application and proposed closure of the unnamed and unconstructed road reserve does not pose any land lock issues for any adjoining property owners in the area. Discussions with the Shire's Community Emergency Services Manager noted no concerns relating to the location of the Browns Road Bush Fire Brigade Shed and closure of this portion of road reserve.

It is therefore recommended that Council approve the closure of the unconstructed road reserve and subsequent amalgamation into 20 Barronhurst Court, Pemberton subject to the results of the public consultation process. The amalgamation process will require the proponent to negotiate with Department of Planning, Lands and Heritage (DPLH) regarding the cost for the purchase of the land.

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

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

STATUTORY ENVIRONMENT:

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

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

POLICY / STRATEGIC IMPLICATIONS:

Closing and amalgamating the unrequired road reserve serves to reduce the overall land management potential burden on the organisation. The road reserve area to be closed through this proposal is approximately 2000 m².

ORGANISATIONAL RISK MANAGEMENT:

Nil. Prior to Council initiating the road closure process, there is an obligation to ensure that the proposal will not result in land lock issues nor additional cost being imposed by the Shire. Both issues have been negated.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

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

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Advise the applicants that it is prepared to support the closure of unconstructed road reserve in the vicinity of Barronhurst Court, Pemberton, subject to no objections received in response to the public consultation period detailed in point 2 below;
2. Approve the undertaking of public consultation process regarding the proposed closure of the unnamed and unconstructed road reserve and subsequent amalgamation into adjacent property 20 Barronhurst Court in accordance with the requirements of the *Land Administration Act 1997*, for a period of 35 days;
3. Subject to no objections being received in response to the advertising referred to in point 2 above, grant delegated authority to the Chief Executive Officer to forward a request to the Minister of Lands for approval to close the road reserve in accordance with section 58 of the *Land Administration Act 1997*;
4. Indemnify the Minister of Lands against any claim for compensation resulting from the proposed road closure; and
5. Be provided with a new agenda report should any objection be received as a result of the public consultation.

COUNCIL RESOLUTION:**MOVED:** Lawrence, K **SECONDED:** Jenkins, D**29130****That Council:**

- 1. Advise the applicants that it is prepared to support the closure of unconstructed road reserve in the vicinity of Barronhurst Court, Pemberton, subject to no objections received in response to the public consultation period detailed in point 2 below;**
- 2. Approve the undertaking of public consultation process regarding the proposed closure of the unnamed and unconstructed road reserve and subsequent amalgamation into adjacent property 20 Barronhurst Court in accordance with the requirements of the *Land Administration Act 1997*, for a period of 35 days;**
- 3. Subject to no objections being received in response to the advertising referred to in point 2 above, grant delegated authority to the Chief Executive Officer to forward a request to the Minister of Lands for approval to close the road reserve in accordance with section 58 of the *Land Administration Act 1997*;**
- 4. Indemnify the Minister of Lands against any claim for compensation resulting from the proposed road closure; and**
- 5. Be provided with a new agenda report should any objection be received as a result of the public consultation.**

CARRIED: 10/0

**ATTACHMENT
APPENDIX**

**9.16.1 Unconfirmed Minutes of the Pemberton Community Hub
Advisory Committee Meeting 4 April 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:	Gail Ipsen Cutts
DATE OF REPORT:	18 April 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 4 April 2023 as attached and to seek Council endorsement to the proposed amendment to the Terms of Reference. The current Terms of Reference are appended.

**ATTACHMENT: 9.16.1(1)
APPENDIX: 9.16.1(A)**

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Committee Recommendation	Officer Recommendation
Accept the resignation of Suzanne Fellows as the Pemberton Arts Group Proxy representative	As per Committee Recommendation and to express appreciation for the work undertaken by Sue Fellows as a representative of the Committee.
Accept the nomination of Jill Baker as the Pemberton Arts Group Proxy representative.	As per Committee Recommendation

In addition to the above recommendations the position of proxy representative to the Director Community Services remains vacant. It is recommended that Evy Apeldoorn, Manager Community and Recreation Services be nominated as proxy representative.

To reflect the recommendations in the table above a proposed amended Terms of Reference have been attached for Council consideration and endorsement.

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 4 April 2023 as per Attachment: (1);
2. Accept the resignation of Suzanne Fellows as the Pemberton Arts Group Proxy representative and acknowledge the contribution made to the Pemberton Community Hub Advisory Committee;
3. Accept the nomination of Jill Baker as the Pemberton Arts Group Proxy representative on the Pemberton Community Hub Advisory Committee;
4. Accept the nomination of Evy Apeldoorn as Shire of Manjimup proxy representative on the Pemberton Community Hub Advisory Committee; and
5. Adopt the proposed Pemberton Community Hub Advisory Committee Terms of Reference as per Attachment: 9.16.1(2)

COUNCIL RESOLUTION:

MOVED: Ventris, M

SECONDED: Dawson Vidovich, S

29131

That Council;

1. Receive the unconfirmed minutes of the Pemberton Community Hub Advisory Committee meeting held 4 April 2023 as per Attachment: (1);
2. Accept the resignation of Suzanne Fellows as the Pemberton Arts Group Proxy representative and acknowledge the contribution made to the Pemberton Community Hub Advisory Committee;
3. Accept the nomination of Jill Baker as the Pemberton Arts Group Proxy representative on the Pemberton Community Hub Advisory Committee;
4. Accept the nomination of Evy Apeldoorn as Shire of Manjimup proxy representative on the Pemberton Community Hub Advisory

Committee; and

- 5. Adopt the proposed Pemberton Community Hub Advisory Committee Terms of Reference as per Attachment: 9.16.1(2).**

CARRIED: 10/0

10. LATE REPORTS:

The Acting Chief Executive Officer declared a Financial Interest in this Item as he is potentially applying for the position. The Acting Chief Executive Officer did not speak on the matter and left the Chamber at 5.57pm.

PROCEDURAL MOTION:

MOVED: Dawson Vidovich, S **SECONDED:** Ventris, M

29132

That Council goes behind closed doors to consider confidential late Item L.1 as under Section 5.23(2) (a) (c) it deals with a matter affecting an employee or employees AND a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED: 10/0

PROCEDURAL MOTION:

MOVED: Dawson Vidovich, S **SECONDED:** Taylor, R

29133 That Council come from behind closed doors.

CARRIED: 10/0

L.1 Proposed Provision to Purchase an Executive Residential Property

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F170461
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	28 April 2023
DECLARATION OF INTEREST:	The Acting Chief Executive Officer has not participated in the production of this agenda item.

COUNCIL RESOLUTION:

MOVED: Omodei, P **SECONDED:** Skoss, K

29134

That Council:

1. Delegate authority to the Director of Business and Shire President lease an executive quality residential property for the incoming Chief Executive Officer for a period of 12 months;
2. Should a lease not become available purchase an executive quality property for the incoming Chief Executive Officer with a maximum purchase price of \$750,000 (exc GST);
3. Delegate authority to the Director of Business and Shire President to sign an “Offer and Acceptance” with the clause “Subject to Council Approval” should an appropriate property become available;
4. Borrow \$750,000 in 2022/23 for the purposes of Staff Residential Housing;
5. Publicly advertise by way of local public notice the Shire of Manjimup’s intent to borrow for a one month period in accordance with the requirements of the *Local Government Act 1995*; and
6. Amend the 2022/23 revised budget as per the table below;

Description	Revised 2022/23 Budget	Proposed 2022/23 Budget	Variation
Interest Received	(\$143,452)	(\$146,452)	(\$3,000)
Settlement Fees	\$0	\$3,000	\$3,000
		Net rates	\$0

CARRIED: 10/0

The Acting Chief Executive Officer returned to the Chamber at 6.11pm.

11. QUESTIONS FROM MEMBERS:

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

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

15. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.12pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**