



MINUTES

COUNCIL MEETING

15 JUNE 2023

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Thursday, 15 June 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

Councillor Jenkins made the following Acknowledgement to Country.

The Shire of Manjimup respect and honour Aboriginal and Torres Strait Islander elders past and present. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander people on this land and commit to building and inclusive future together.

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President made the following announcements:

- I attended a Warren Blackwood Alliance of Councils meeting in Bridgetown with Councillor Jenkins and Interim Chief Executive Officer Brian Robinson.
- I attended a Pemberton Co-location Advisory Committee Meeting with Councillor Ventris, chaired by the Director of Community Development and attended by Councillor Buegge.
- I met with the Member for Warren Jane Kelsbie MLA with Interim Chief Executive Officer Brian Robinson and discussed the following matters:
 - Regional library services
 - Rea Park and Collier Street redevelopment (lights, grounds, pavilion and access road)
 - Pemberton Mill demolition and contamination
 - Aboriginal Cultural and Heritage Act
 - Old Pemberton school
 - Development WA and the old primary school site development
 - Cherry Glades Department of Housing
 - Main Roads regarding funding and passing lanes
 - Talison mining impact on surrounding communities
 - Cherry Festival
 - Airport
 - Paramedics

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)
 Cr D Buegge
 Cr S Dawson Vidovich
 Cr W Eiby
 Cr D Jenkins
 Cr K Lawrence
 Cr K Skoss
 Cr R Taylor
 Cr M Ventris
 Cr J Willcox
 Cr C Winfield

Staff

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

Gallery

Ross Craig
 Joanne Tatarynowicz
 Ken Gwynne
 Anne O'Donnell

3.1 Apologies: Nil.

3.2 Leave Of Absence: Nil.

4. DECLARATIONS OF INTEREST:

The Acting Chief Executive Officer advised that he has received Financial Interests from Councillor Eiby and Councillor Buegge and Proximity Interests from Councillor Buegge and Councillor Jenkins.

Councillor Eiby declared a Financial Interest in Item 14.1.1 as she is the manager of the Northcliffe Visitor Centre which has applied for some community grants.

Councillor Buegge declared a Financial Interest in Item 14.1.1 as, as of today's date, her child is a student of a grant applicant.

Councillor Buegge declared a Proximity Interest in Item 9.5.4 as she owns the property directly across the road on Graphite Road.

Councillor Jenkins declared a Proximity Interest in Item 9.5.4 as she is a neighbour of that property.

5. PUBLIC QUESTION TIME:

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

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: Dawson Vidovich, S SECONDED: Eiby, W

29156

That the Minutes of the Ordinary Meeting of the Council held on 25 May 2023 be confirmed.

CARRIED: 11/0

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

APPENDIX

8.1 Notice of Motion (Cr Eiby) - Pioneer Museum Carpark, Northcliffe

| | |
|---------------------------------|--|
| PROPONENT | Cr Wendy Eiby |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Reserve 22973 (No 1) Windy Harbour Road, Northcliffe |
| WARD: | Coastal |
| ZONE: | Public Purpose Reserve |
| DIRECTORATE: | Office of CEO |
| FILE REFERENCE: | F210271 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 31 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

At its Ordinary Meeting held on 25 May 2023, Cr Wendy Eiby advised of the following Notice of Motion for consideration of Council at the meeting to be held on 15 June 2023:

“That Council:

- 1. Carry forward the 2022/23 Annual Budget Allocation of \$150,000 for Mainstreet Upgrade works and allocate these funds to the final stage of the Northcliffe Mainstreet Revitalisation Project, being the sealing of the Northcliffe Pioneer Museum Carpark located on Reserve 22973 Wheatley Coast Road, Northcliffe;**
- 2. With respect to the Annual Budget for the 2023/24 financial year, not allocate funds to Mainstreet Renewal works and increase the budget allocation for Mainstreet Upgrade works from \$150,000 to \$250,000; and**
- 3. Allocate \$100,000 of the Mainstreet Upgrade budget allocation for the 2023/24 financial year to the sealing of the Northcliffe Pioneer Museum Carpark as referred to in point 1 above, in order to ensure that the museum carpark is finalised before Northcliffe’s 100th Anniversary celebrations.”**

By way of further background on this matter, for many years the Shire of Manjimup allocated funding of \$250,000 per annum to fund Mainstreet upgrades within the Shire. As part of the annual budget process for the 2018/2019 Annual Budget, Council, on the recommendation of Shire Officers reduced the annual funding from \$250,000 to \$150,000 and allocated \$100,000 towards renewal of mainstreet assets. The intent being to ensure that funding was available to maintain newly established or upgraded assets associated with the Mainstreet/Central Business District (CBD) work programs.

With the reduction in funding available for capital works, at its meeting held on 21 May 2019 the Northcliffe Town Centre Revitalisation Advisory Committee resolved, amongst other things:

- 1. That the Committee recommend that Stage 2 of the of the Town Centre Revitalisation works be separated into Stage 2a – Boronia Street to Richards Street and 2b – Windy Harbour Road given available funding will not be sufficient to complete Stage 2 as a single phase of works; and***
- 2. That the Committee recommend that the Pioneer Museum car park to be treated as Stage 3 of the Town Centre Revitalisation Works with any works to be undertaken when funds are available.***

Council considered the minutes of the Advisory Committee meeting held on 21 May 2019 at its Ordinary Meeting held on 13 June 2019, resolving as follows:

MOVED: Eiby, W

SECONDED: Salomone, J

27850

That Council:

1. receives and notes the unconfirmed Minutes of the Northcliffe Town Centre Revitalisation Committee meeting held on 21 May 2019 as attached at 9.16.1(1); and
2. Supports the committee recommendation for the prioritisation of the remaining Town Centre Revitalisation Works within the Northcliffe Townsite as follows:
 - a) Stage 2a – Boronia Street to Richards Street;
 - b) Stage 2b – Windy Harbour Road; and
 - c) Stage 3 – Northcliffe Pioneer Museum Carpark.

CARRIED: 9/0

An excerpt of the relevant minutes is appended.

APPENDIX: 8.1(A)

Council is now requested to consider the Notice of Motion having regard to Shire Officers comments and advice provided in the Comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In considering the Notice of Motion, there are a number of factors that must be taken into account, including but not limited to the:

- Shire's Strategic Community Plan 2021-2031;
- Corporate Business Plan 2022-2026;
- capacity of Shire Officers to complete the work;
- financial implications; and
- ability to fund/complete any essential maintenance.

To assist Council in considering these matters, the following comments are offered:

Strategic Community Plan

The creation and maintenance of vibrant, accessible attractive town centres are key aims for the town centres within the Shire of Manjimup as outlined within the Shire's Strategic Community Plan 2021-2031. Community Goals and Strategies relating to these aims are as follows:

Community Goals

- 4.2 *Community Infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future.*
- 4.4 *Town Centres are accessible, attractive and inviting whilst maintaining their unique characters.*

- 4.7 Community infrastructure planning responds to an ageing demographic and is also inherently dementia and disability friendly.*
- 4.9 Transport infrastructure and networks provide for the safe movement all users.*

Strategies

- D5. Develop and maintain community infrastructure to a service level that meets community needs.*
- D8. Develop town centres to showcase their unique characters and encourage vibrant, mixed-use commercial and public spaces.*
- D16. Provide adequate and safe parking facilities in town sites and enforce compliance with ACROD regulations and local laws.*

With four primary towns and seven settlements within the Shire, Town revitalisation works have, to date been focused on the primary towns being Manjimup, Pemberton, Northcliffe and Walpole. Construction of the Pioneer Museum car parking area remains the only identified stage of Town Revitalisation works outstanding for the Northcliffe town centre.

Corporate Business Plan

The Shire's Corporate Business Plan 2022-2026 identifies those actions and budget allocations that are proposed in order to implement the recommendations of the Strategic Community Plan. In terms of Mainstreet renewal projects, the Corporate Business Plan identifies the following action items:

Action Items

- D8.1 Undertake town centre revitalisations and main street upgrades in towns and communities.*
- D8.2 Facilitate local involvement in Town Centre Revitalisation Committees to determine priorities and endorse revitalisation plans.*
- D16.1 Implement the 15 year Forward Capital Works Program 2021-2036 in relation to road and parking planning.*

A four-year budget allocating \$150,000 per year is identified for achieving Action Item D8.1, whilst other recommendations are identified as operational.

The Corporate Business Plan also contains a statement on page 18 "*Main-street infrastructure renewal projects in Manjimup, Northcliffe, Palgarup, Pemberton, Quinninup and Walpole*" are "*Significant projects underway and progressing towards completion.*"

An agenda item relating to the Minor Review of the Shire's Corporate Business Plan is contained within this agenda at Item No 9.1.2.

Forward Capital Works Program (2021-2036)

The Shire's adopted Forward Capital Works program sets out the intended programming of capital works expenditure with respect to infrastructure such as Bridges/Roads/Footpaths/Playgrounds and Town Centres. In terms of

Mainstreet Upgrade Works, the Program identifies that projects were “yet to be determined”.

Road Infrastructure Advisory Committee

The Road Infrastructure Advisory Committee is an Advisory Committee formed under the *Local Government Act 1995* with the primary functions of the committee including the review of the Infrastructure Works components of the Shire’s forward capital works program and the Shire’s infrastructure Works Budget.

The Director of Works and Services presented a proposed Infrastructure Budget (Draft) to the Shire’s Road Infrastructure Advisory Committee at its meeting held on 13 April 2023. The Draft Budget, as endorsed by the Committee, recommended that the 2023/24 Mainstreet Upgrade funds be allocated to Quinninup.

Council considered the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting at the Ordinary Meeting of Council held on 4 May 2023. As part of the resolution of Council (29126), Council resolved to:

“Accept the proposed 2023/24 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 2023/24 Budget Process.”

The Draft Infrastructure Budget, as endorsed by the Advisory Committee, therefore forms part of the Council’s deliberations on the Draft 2023/24 Annual Budget.

Mainstreet Funding

The 2022/23 annual budget allocation of \$150,000 for Mainstreet Upgrade Works remains unallocated and unspent. It is therefore open to Council to resolve to carry forward the funds either in full or in part. In terms of the 2022/23 annual budget allocation for Mainstreet Renewal Works, the majority of the \$100,000 has been spent on projects to maintain the current infrastructure (i.e. treatment to remove the previous footpath sealing and bin maintenance etc within the Manjimup CBD).

To date, the draft budget for the 2023/24 financial has been prepared on the basis that allocations will be consistent with past budgets. That is an allocation of \$150,000 for upgrade works and \$100,000 for renewal or maintenance type works. Should Council resolve to carry forward the current budget and adopt the Draft 2023/24 Annual Budget as recommended, a total of \$300,000 will be available for Mainstreet Upgrades and \$100,000 for renewal/maintenance works.

Whilst Council may resolve to allocate a total of \$400,000 as reflected within the Notice of Motion, it must be noted no funding would be available to complete any significant maintenance work that may be required. As result, some deterioration of assets may occur during the financial year.

Shire Officer Capacity

As elected members would appreciate the Shire's Works and Services Directorate's workload is going to be substantial during the 2023/24 financial year. In addition to the normal capital works and maintenance programs, that portion of Phase 4 of the Local Roads and Community Infrastructure (LRCI) Fund identified for road works will result in a significant increase to the years usual workload.

Whilst the majority of the works to be undertaken under the LRCI funding will be completed by contractors, Officer time is still required to design/scope the works, to appoint the contractors, co-ordinate, supervise and acquit the funding.

Through discussion with the Director of Works and Services it has been identified that there are substantial concerns over the ability for their Directorate to accommodate more than one program of Mainstreet Upgrade works given the projected workload and time limits on construction times due to weather considerations.

Pioneer Museum Carpark

The carpark, which is utilised for parking associated with the Pioneer Museum, Trans WA and School Bus services and as a parking area for the general and travelling public, is currently of gravel construction which:

- a) As the surface is not sealed, is subject to issues associated with drainage which impact on the stability of the surface;
- b) At times is not suitable for bus services using the site: and
- c) Is not compliant with applicable accessibility standards including the need for compliant ACROD parking bays and associated pedestrian access.

Addressing the above matters prior to the Northcliffe 100th Anniversary Celebrations would be appropriate.

Options Available to Council

Council may resolve to:

1. Endorse the Notice of Motion as proposed by Cr Wendy Eiby;
2. Prioritise the sealing of the Pioneer Museum Carpark as Stage 3 of the Northcliffe Mainstreet Upgrade, being the final stage of the planned upgrades in Northcliffe and defer works within Quinninup until the 2024/25 financial year; or
3. Proceed with Mainstreet Upgrade Works in Quinninup as recommended by the Road Infrastructure Advisory Committee.

In any event, it is recommended that it recommended that the 2022/23 budget allocation for Mainstreet Upgrades be carried forward.

Conclusion

Completion of Mainstreet Upgrade works within either the Northcliffe townsite or Quinninup would be consistent with the Shire's Strategic Community Plan 2021-2031 and the Corporate Business Plan 2022-2026. However, given the substantial additional workload in 2023/24 as a result of works to be funded by the LRCI grant funds, it is recommended that Council endorse only one Mainstreet Upgrade project to be completed in the coming financial year.

It is considered that out of the two potential Mainstreet Projects, there is greater merit in completing Stage 3 Mainstreet works in Northcliffe given that the works:

- a) Were previously deferred pending the relocation of Munro House to the site, which has now been completed;
- b) Will ensure accessible compliant parking and pedestrian access associated with the Pioneer Museum and Bus Services utilising the site;
- c) Will maximise the number of carparking bays through efficient design and line marking; and
- d) Increase the level of available, suitably constructed parking associated with the Northcliffe 100th Anniversary Celebrations.

It is also recommended that the \$100,000 budget allocation for Mainstreet Renewal Works is retained within the 2023/24 annual budget.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The completion of Mainstreet Upgrade works in either the Northcliffe townsite or Quinninup would be consistent with the Shire's Strategic Community Plan 2021-2031 and the Corporate Business Plan 2022-2026.

ORGANISATIONAL RISK MANAGEMENT:

Works in either Northcliffe or Quinninup will improve accessibility in those locations.

Although a detailed risk analysis has not been undertaken, it is noted that current carpark surface at the Pioneer Museum is not suitable to service the on-site facilities or bus services. The need for this upgrade has been known by the Shire for many years, initially planned in 2018.

FINANCIAL IMPLICATIONS:

The Director of Works and Services has advised that more than a single year's allocation to Mainstreet funding is required to complete the works associated with the Northcliffe Pioneer Museum carpark. With the 2022/23 allocation being unspent, carrying these funds forward into the 2023/24 year will ensure that more than adequate funds are available.

As detailed above, it is recommended that the annual allocation for Mainstreet Renewal works be retained in the 2023/24 Annual Budget to ensure ongoing maintenance of past Mainstreet Upgrades occurs.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per Comment Section.

Social: As per Comment Section.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

That Council:

1. **Carry forward the 2022/23 Annual Budget Allocation of \$150,000 for Mainstreet Upgrade works and allocate these funds to the final stage of the Northcliffe Mainstreet Revitalisation Project, being the sealing of the Northcliffe Pioneer Museum Carpark located on Reserve 22973 Windy Harbour Road, Northcliffe;**
2. **With respect to the Annual Budget for the 2023/24 financial year, not allocate funds to Mainstreet Renewal works and increase the budget allocation for Mainstreet Upgrade works from \$150,000 to \$250,000; and**
3. **Allocate \$100,000 of the Mainstreet Upgrade budget allocation for the 2023/24 financial year to the sealing of the Northcliffe Pioneer Museum Carpark as referred to in point 1 above, in order to ensure that the museum carpark is finalised before Northcliffe's 100th Anniversary celebrations.**

AMENDED RESOLUTION:

MOVED: Winfield, C

SECONDED: Skoss, K

29157

That Council:

1. **Carry forward the 2022/23 Annual Budget Allocation of \$150,000 for Mainstreet Upgrade works and allocate these funds to the final stage of the Northcliffe Mainstreet Revitalisation Project, being the sealing of the Northcliffe Pioneer Museum Carpark located on Reserve 22973 Windy Harbour Road, Northcliffe;**
2. **With respect to the Annual Budget for the 2023/24 financial year, not allocate funds to Mainstreet Renewal works and increase the budget allocation for Mainstreet Upgrade works from \$150,000 to \$250,000;**
3. **Allocate \$100,000 of the Mainstreet Upgrade budget allocation for the 2023/24 financial year to the sealing of the Northcliffe Pioneer Museum Carpark as referred to in point 1 above, in order to ensure that the museum carpark is finalised before Northcliffe's**

100th Anniversary celebrations; and

- 4. Request Officers to contract works as necessary to complete both Quinninup Mainstreet upgrade and Northcliffe Mainstreet Revitalisation projects in 2023/24 financial year.**

CARRIED: 11/0

9. COUNCIL OFFICERS' REPORTS:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29158

"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 77 of the Agenda with the exception of:

CARRIED: 11/0

| | |
|--------|---|
| 9.1.2 | Integrated Planning Framework - Minor Review and Proposed Adoption of Corporate Business Plan 2023 - 2027 |
| 9.3.1 | Adoption of Proposed 2023/24 Fees & Charges |
| 9.3.3 | Request to Write Off Bad Debt for Libraries |
| 9.3.5 | Request to Write Off Sundry Bad Debts |
| 9.5.1 | Proposed Industry - Rural at Lot 10911 (322) Franklin Road, Smith Brook |
| 9.5.2 | Proposed Plantation at Lot 2765 Corbalup Road, Perup |
| 9.5.3 | Proposed Overheight Outbuilding on a Vacant Lot at Lot 341 (85-89) Blackbutt Drive, Manjimup |
| 9.5.4 | Proposed Extractive Industry and Land Clearing at Lot 9185 (1728) Graphite Road, Yanmah |
| 9.5.5 | Request to Utilise Completed Units for On-Site Worker Accommodation at Lot 156 Rose Street, Manjimup |
| 9.16.1 | Community Nominations for Sustainability Advisory Committee |
| 9.16.4 | Unconfirmed Minutes of the Access and Inclusion Advisory Committee Meeting held on 18 May 2023 |

Items passed by En Bloc Resolution

- 9.1.1 Review of Council Policy 2.6.1 Work Health and Safety
- 9.3.2 Council Financial Payments for May 2023
- 9.3.4 Monthly Financial Activity Statement - April 2023
- 9.16.2 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 23 May 2023
- 9.16.3 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 25 May 2023

ATTACHMENT APPENDIX

9.1.1 Review of Council Policy 2.6.1 Work Health and Safety

| | |
|---------------------------------|--|
| 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, Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022</i> |
| AUTHOR: | Jason Giadresco |
| DATE OF REPORT: | 19 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Council policies require regular review to ensure the contents remain relevant and appropriate. Council Policy 2.6.1 Work Health and Safety is now due for its annual review. A copy of the current policy is appended.

APPENDIX: 9.1.1 (A)

The policy underwent substantial review in 2022 with the introduction of new Work Health and Safety legislation. Given this, no further changes to the content of the Policy are proposed. A copy of the Policy with the administrative section updated is attached for readoption.

ATTACHMENT: 9.1.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

This policy is required to be reviewed annually. Its intent is to highlight Council's commitment to providing a safe working environment at the Shire of Manjimup. No changes to policy beyond the administrative update to the due for review date are required.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Work Health and Safety Act 2020 and Work Health and Safety (General) Regulations 2022.

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 readopt Policy 2.6.1 Work Health and Safety as attached at 9.1.1(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29159

That Council readopt Policy 2.6.1 Work Health and Safety as attached at 9.1.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT

9.3.2 Council Financial Payments for May 2023

| | |
|---------------------------------|---|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | ALL |
| ZONE: | Whole of Shire |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160967 |
| LEGISLATION: | <i>Local Government (Financial Management) Regulations 1996</i> |
| AUTHOR: | Craig Martyn |
| DATE OF REPORT: | 1 June 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 \$2,321,669.21 for the month of May 2023 are listed below and in the attachment. Corporate Card transactions for April 2023 were unavailable at the time of writing this report and will be presented at a future meeting.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 15 June 2023.

| Fund | Vouchers | Amount |
|--|-----------------|--------------------|
| Municipal | 95297 – 95320 | \$61,650.72 |
| Trust Fund | - | \$0.00 |
| Total Cheques for Month of May 2023 | | \$61,650.72 |

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 15 June 2023.

| Fund | Batch | Amount |
|--|--------------|-----------------------|
| Municipal | 261 – 267 | \$2,238,091.10 |
| Direct Debit | | \$21,927.39 |
| Total EFT for Month of May 2023 | | \$2,260,018.49 |

Corporate Credit Card transactions 21 March 2023 – 20 April 2023 (paid 3 May 2023) – Municipal Account were unavailable at the time of this report.

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 May 2023 accounts for payment totalling \$2,321,669.21 as detailed and in the Attachment: 9.3.2.(1)

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29160

That Council note the May 2023 accounts for payment totalling \$2,321,669.21 as detailed and in the Attachment: 9.3.2.(1)

ADOPTED BY EN BLOC RESOLUTION: 11/0

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

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | Whole Shire |
| LOCATION / ADDRESS: | Whole Shire |
| WARD: | Whole Shire |
| ZONE: | N/A |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160188 |
| LEGISLATION: | <i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i> |
| AUTHOR: | Greg Lockwood |
| DATE OF REPORT: | 30 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

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

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

The Financial Activity Statement report for the period to 30 April 2023 is attached. The report is summarised by Function/Activity with operating comments via department. The report also provides a Rate Setting Statement and Statement of Comprehensive Income in the Type format in anticipation of changes to monthly reporting requirements proposed by the Department of Local Government.

ATTACHMENT: 9.3.4 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 30 April 2023 is a projected profit of \$53,997. The projected profit is based on a conservative approach, however monitoring for any possible issues will continue as the Shire progresses through the financial year.

To date there have been some moderate issues both in the positive and in the negative influencing the Shire's end of year position. Listed below are those

items, with explanation of the variance within the Operating comments of this report.

Positive

- Planning Fees (gain \$30,000) – to the end of April \$80,479 has been received for Planning Fees with a budget of only \$55,000; and
- Interest Received on Bank Accounts (gain \$160,000) – to the end of April \$269,075 has been received from a budget of \$143,542; and
- Manjimup Home & Community Care, Home Care Package Income \$150,000 – This growing area has seen more requests for services, however the gain is offset by additional staff costs associated with providing the service.

Negative

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

Monitoring

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

- Storm Damage – at the end of April 2023 storm damage actuals were \$98,871 from an overall \$127,185 budget. As we enter the change in season this account can be heavily affected by multiple storm events; and
- Road Maintenance – at the end of April 2023 road maintenance categories are 87% expended with 16% of the year remaining. Whilst slightly ahead of budget, with weather permitting works will see timesheet employees allocate time to capital jobs improving the road maintenance position.

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29161

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

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.16.2 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 23 May 2023**

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Manjimup |
| WARD: | Central |
| ZONE: | Parks and Recreation |
| DIRECTORATE: | Community Services |
| FILE REFERENCE: | F210096 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Shammara Markotis |
| DATE OF REPORT: | 24 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

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

The purpose of the Committee is:

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

The purpose of this report is to present the unconfirmed minutes of the MRCR Advisory Committee meeting held on 23 May 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There are no recommendations made by the MRCR Advisory Committee requiring a Council decision.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

- Strategy C1 - Encourage co-locations, partnerships and resource sharing to deliver community services.
- Strategy C18 - Create, support and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
- Strategy D5 - Develop and maintain community infrastructure to a service-level that meets the community's needs.
- Strategy D12 - Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible.
- Strategy D13 - Support the development of a state-level sporting facility in the township of Manjimup.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed meeting minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 23 May 2023 as per Attachment: 9.16.2(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29162

That Council receive the unconfirmed meeting minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 23 May 2023 as per Attachment: 9.16.2(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 25 May 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: | 26 May 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 25 May 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

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 made one recommendation requiring Council's consideration.

| Committee Recommendation | Officer's Comment |
|--|--|
| The Committee endorse the roads listed for works as presented in the attached Local Roads Community Infrastructure Program Phase 4 schedule. | The Committee's resolution is supported. |

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: Extending the useable life of its constructed sealed roads by applying bitumen reseal at appropriate time intervals greatly reduces the overall asset management costs of the Shire's road network.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council;

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 25 May 2023, as shown in Attachment: 9.16.3(1); and
2. Endorse for Council's consideration the roads listed for works as presented in the Local Roads Community Infrastructure Program Phase 4 schedule attached: 9.16.3(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29163

That Council;

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 25 May 2023, as shown in Attachment: 9.16.3(1); and
2. Endorse for Council's consideration the roads listed for works as presented in the Local Roads Community Infrastructure Program Phase 4 schedule attached: 9.16.3(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.1.2 Integrated Planning Framework - Minor Review and Proposed Adoption of Corporate Business Plan 2023 - 2027**

| | |
|---------------------------------|--|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | All of Shire |
| WARD: | All Wards |
| ZONE: | All Zones |
| DIRECTORATE: | Office of CEO |
| FILE REFERENCE: | F160052 |
| LEGISLATION: | <i>Local Government Act 1995, Local Government (Administration) Regulations 1996</i> |
| AUTHOR: | Jason Giadresco |
| DATE OF REPORT: | 29 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

All local governments in Western Australia are required to plan for the future of their district under the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The Department of Local Government and Communities' Integrated Strategic Planning and Reporting Framework (the Framework) provides the basis for improving the practice of strategic planning in local government. In accordance with the Framework, Council is to adopt a Strategic Community Plan that outlines strategic priorities to address the community's long-term vision. The priorities and goals of the Strategic Community Plan are driven by community engagement and takes a 'whole of Shire' approach.

The draft *Corporate Business Plan 2023-2027*, also required under the Framework, defines the actions that the Shire will undertake over the next four (4) years to contribute to the achievement of the community goals and strategies outlined in the Strategic Community Plan. This draft plan is the result of a minor review undertaken by Council and Shire staff over the preceding months of the *Corporate Business Plan 2022-2026*.

This agenda item is to seek Council's formal adoption of the attached draft *Corporate Business Plan 2023-2027*.

ATTACHMENT: 9.1.2 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Public consultation is not required for a minor review of the Corporate Business Plan. Public consultation was undertaken to develop the Strategic Community Plan which identifies the community's goals and priorities. The Corporate Business Plan, whilst responding to the Strategic Community Plan, is to be determined by Council alone given the resource and financial implications associated with implementation.

COMMENT (Includes Options):

The content of the attached draft *Corporate Business Plan 2023 - 2027* captures both the community's goals and the Shire of Manjimup's resource priorities for the next four (4) years. Council should note that this is only a minor yearly review which is largely desktop based.

A major review of the *Corporate Business Plan 2023 - 2027* will occur alongside the major review of the Shire's *Strategic Community Plan 2021 - 2031*, in which wider community consultation is actioned to review and define the Plans' content. This is undertaken to ensure the Plans are kept current, meets community expectations and to comprehensively reassess both Plans projections.

Given that this is only a minor review of the current Corporate Business Plan, the introduction of new projects should be avoided. New projects should be considered at the time of the major review of the Shire's Strategic Community Plan, and aligned with the Shire's other plans, such as the Capital Works Plan and Long-Term Financial Plan.

Further discussion on the future review of the Plans is provided below.

Modifications

The modifications proposed are largely minor textual and data changes. An update of the Action Plan tables, and Statement of Financial Activity located on pages 52-53 capturing the financial years leading into 2027 has been completed. No new items have been added to the *Corporate Business Plan 2023-2027*. A table noting general changes and the Action Items that have been removed or amended is attached.

ATTACHMENT: 9.1.2 (2)Minor Review of Strategic Community Plan

The Shire's *Strategic Community Plan 2021 – 2031* is also currently due for minor review. However, in light of the major legislative reforms filtering through local government at the present time, the reduction of Elected Members from 11 to 9 after the 2023 Local Government Elections, it is considered advisable to delay consultation and review of the *Strategic Community Plan 2021 – 2031* until such time after a new Council is elected and ready to undertake a major review of the *Strategic Community Plan 2021 – 2031*.

The post-election review of the *Strategic Community Plan 2021 – 2031* will allow the new Council to collectively set its strategic priorities after public consultation across the Shire, rather than utilise an inherited plan that may no longer be fit to deliver Council's strategic objectives into the future. Given the current legislative landscape, and the changes to Council's operation after the 2023 Local Government Elections it is recommended that Council agree to delay minor review of the *Strategic Community Plan 2021 – 2031*, with the intent to undertake a major review in late 2023 - early 2024.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* provides the statutory framework for strategic planning in local government.

POLICY / STRATEGIC IMPLICATIONS:

All local governments are required to plan for the future of their district under *Local Government Act 1995*. The *Local Government (Administration) Regulations 1996* outline the minimum requirements to achieve this.

This 2023 - 2027 Plan, once finalised and adopted by Council, will replace the *Corporate Business Plan 2022 – 2026* as one of the Shire's key integrated-planning documents.

ORGANISATIONAL RISK MANAGEMENT:

Failure to adopt an updated Corporate Business Plan will result in the Shire being in breach of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS:

All costs associated with the minor review of the Plan have been contained within the Shire's operational budget. There are no additional financial implications from adopting this Plan. The *Corporate Business Plan 2023 - 2027*, once adopted by Council, will provide guidance on the priorities for resource allocations for the next four (4) years.

The financial projections contained in the Plan are not binding on Council but should be reflected upon when Council determines its annual budget. It's anticipated that community involvement, partnerships, external grants and alternative funding sources will play a significant role in the continued delivery of a number of strategies contained in the Plan.

SUSTAINABILITY:

Environmental: Strategies and Actions detailed under the community theme, "Our Natural Environment" will make a direct contribution to environmental sustainability.

Economic: Strategies and Actions detailed under the community theme, "Our Prosperity" will make a direct contribution to the economic sustainability of the region.

Social: Strategies and Actions detailed under the community theme, "Our Community" will make a direct contribution to social development and resilience.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Adopt the Shire of Manjimup Corporate Business Plan 2023-2027 as attached at 9.1.2 (1); and

2. Note that commencement of the review of the Strategic Community Plan by Council will be undertaken as soon as practicable after the 2023 Local Government Elections.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Taylor, R

29164

That Council:

1. Adopt the Shire of Manjimup Corporate Business Plan 2023-2027 as attached at 9.1.2 (1); and
2. Note that commencement of the review of the Strategic Community Plan by Council will be undertaken as soon as practicable after the 2023 Local Government Elections.

CARRIED: 11/0

ATTACHMENT**9.3.1 Adoption of Proposed 2023/24 Fees & Charges**

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Whole Of Shire |
| WARD: | Whole Of Shire |
| ZONE: | N/A |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F161100 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Craig Martyn |
| DATE OF REPORT: | 29 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

A review of fees and charges is an annual practice within the normal budget process.

Proposed fees and charges were presented to Councillors as part of the Councillor Budget meeting on 4 May 2023. As discussed at that budget session statutory fees have been amended where required, and other Shire of Manjimup fees and charges increased by 3% or more where appropriate to cover increasing costs, particularly in those circumstances of a direct fee for service charge.

The purpose of this agenda item is to adopt the proposed 2023/24 fees and charges, effective from the 1 July 2023.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Minor amendments have been made to the proposed fees since the workshop on the 4 May 2023. These changes include the introduction of 3 monthly memberships at the Manjimup Regional Aquatic Centre for swimming, fitness and a combination of both at the facility.

Landgate has announced an increase to fees charged. This increase has a direct effect on costs recovered for registration of documents associated with land titles.

The Rubbish Collection Service fees for the Shire are yet to be determined. These fees will be calculated and proposed to Council with the 2023/24 Annual Financial Budget later in the year.

A copy of the proposed 2023/24 Shire of Manjimup Fees and Charges is attached.

ATTACHMENT: 9.3.1(1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 (Part 6, Division 5, s.6.17 and s.6.19) states in part:

6.17 Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.

6.19 Local Government to give notice of fees and charges

If a Local Government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees and charges, give local public notice of –

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees and charges will be imposed.

POLICY / STRATEGIC IMPLICATIONS:

The Shire's business performance is about seeking continuous improvement in delivering quality services, ensuring that they are appropriate, responsive, and cost effective and meet community needs.

ORGANISATIONAL RISK MANAGEMENT:

The risk to the organisation is that without regular review of fee and charges the cost of the services provided will outweigh the recoup obtained. This will put pressure onto other income sources to increase to maintain service levels.

FINANCIAL IMPLICATIONS:

Fees and charges in general have been increased by 3%. This should see a minor increase in Councils fees and charges revenue to cover increasing costs to provide the service.

SUSTAINABILITY:

Environmental: Nil.

Economic: The annual review of fees and charges allows for annual cost rises to be reflected within the setting of fees and charges.

Social: The review of fees and charges seeks to recognise the challenging economic times being experienced by many groups and individuals within the region.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Adopts the 2023/24 Fees and Charges Schedule as per Attachment: 9.3.10 (1); and**
- 2. Endorse the statutory advertising of the 2023/24 Fees and Charges for the Shire of Manjimup effective 1 July 2023.**

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Taylor, R

29165

That Council:

- 1. Adopts the 2023/24 Fees and Charges Schedule as per Attachment: 9.3.10 (1); and**
- 2. Endorse the statutory advertising of the 2023/24 Fees and Charges for the Shire of Manjimup effective 1 July 2023.**

CARRIED: 11/0

ATTACHMENT

9.3.3 Request to Write Off Bad Debt for Libraries

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | N/A |
| WARD: | Whole of Shire |
| ZONE: | Whole of Shire |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160196 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Michelle Ellis |
| DATE OF REPORT: | 30 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Over the course of the last five years, a number of people have borrowed books, CD's, DVD's, audio books or videos from the Shire of Manjimup's libraries and have failed to return them or the items were damaged beyond repair, prompting an account to be rendered. These accounts remain outstanding.

The following steps have been taken by Library Staff in these situations:

1. **Due Date Alert** – Three days before library item/s are due an automated email or SMS reminder message is sent to patrons with these notification preferences selected. Patrons are invited to contact the library to renew their item/s;
2. **Overdue Notice** – At 7 days overdue, automated email or SMS messages are sent to patrons with these notification preferences notifying them that their items/s are now overdue. Patrons are invited to contact the library to renew their item/s. For those without email or SMS preference selection, library staff will manually contact patrons by telephone or letter;
3. **Second Overdue Notice** – At 14 days overdue, an automated email or SMS reminder message is sent to patrons with these notification preferences selected notifying them that their item/s are now two weeks overdue, and they should return the item/s within seven days to avoid receiving an account. For those without email or SMS preference selection, library staff will manually contact patrons by telephone or letter. Patrons are not invited to renew their items at this point;
4. **Final Overdue Notice** – at 21 days overdue, Library program automatically marks the overdue item/s as lost and the patrons library card will be blocked. Regardless of their notification preferences,

library staff manually contact all overdue patrons by telephone, email or letter, to inform them that their item/s is 21 days overdue and if they are not returned within seven days they will be formally invoiced for the current cost of the item/s;

5. **Formal Invoice Request** – At 28 days overdue, library staff prepare an invoice request to the Shire of Manjimup's Finance Department so the patron can be invoiced for the unreturned item/s with an additional \$10.00 administration fee added.

The following steps are taken by Finance & Administration Services to recover outstanding amounts for lost or damaged items:

1. Invoice sent to Debtor;
2. Letter to debtor issued approximately 30 days after initial invoice requesting payment of account within 14 days. If customer has email account letter is emailed as well; and
3. If no response is forthcoming a second letter has been sent with the message that the Shire of Manjimup will commence legal action, without notice, if the account is not paid.

The Debtors shown in the attachment have been contacted by the administration office also, without reply. In each case the appropriate librarian will be notified to suspend further borrowing rights in accordance with Management Policy – Shire of Manjimup Libraries – Overdue, Damaged and Lost Items.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Of the outstanding \$5,214.93 of library debts proposed to be written off, 13% were raised in 2017/2018 financial year, 29% for 2018/2019 financial year, 18% for 2019/2020 financial year, 19% for 2020/2021 financial year and 21% for 2021/2022 financial year.

It is no longer considered economically viable to continue to try to recover these outstanding debts.

The purpose of this report is to seek Council authorisation to write-off the outstanding debts as detailed in the attachment.

ATTACHMENT: 9.3.3 (1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.12(1)

Subject to subsection (2) and any other written law, a local government may –

- (a) When adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;
- (b) Waive or grant concessions in relation to any amount of money; or
- (c) Write off any amount of money, which is owed to local government.

POLICY / STRATEGIC IMPLICATIONS:

The writing off of any outstanding library debts has the potential to impact on the Council's libraries to provide the community with a comprehensive range of resources as items may not be replaced.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

If Council supports the recommendation they will choose to write off \$5,214.93 as a bad debt. Council has allocated \$500.00 for library bad debts this financial year, the remaining \$4,714.93 will be offset by the bad debts account in Finance and Administration of \$55,594.00.

SUSTAINABILITY:

Environmental: Nil.

Economic: May set precedent by borrowers not to pay outstanding library debts.

Social: Reduction in the availability of resources provided to the community as library items may not be able to be replaced. Library borrowers who do not pay the administration fee are precluded from the service.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Approve for all debts as tabled in Attachment: 9.3.3(1) be written off pursuant to the *Local Government Act 1995* Section 6.12(1); and
2. Exclude those lenders listed on Attachment: 9.3.3(1) from borrowing resources from the Shire's libraries until such time as their debts are paid in full in accordance with Management Policy – Shire of Manjimup Libraries – Overdue, Damaged and Lost Items.

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Buegge, D

29166

That Council:

1. Approve for all debts as tabled in Attachment: 9.3.3(1) be written off pursuant to the *Local Government Act 1995* Section 6.12(1); and

2. **Exclude those lenders listed on Attachment: 9.3.3(1) from borrowing resources from the Shire's libraries until such time as their debts are paid in full in accordance with Management Policy – Shire of Manjimup Libraries – Overdue, Damaged and Lost Items.**

CARRIED: 11/0

ATTACHMENT**9.3.5 Request to Write Off Sundry Bad Debts**

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | N/A |
| LOCATION / ADDRESS: | N/A |
| WARD: | Whole of Shire |
| ZONE: | N/A |
| DIRECTORATE: | Business |
| FILE REFERENCE: | F160196 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Michelle Ellis |
| DATE OF REPORT: | 31 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

This report is presented to advise Council of non-collectable debts and seeks Council approval to write-off those debts as per section 6.12 of the *Local Government Act 1995*. The outstanding monies owed to Council being \$5,269.61 relate to ten sundry debtor accounts raised between 2015 and 2021.

The following steps have been taken by the Finance Support Officer to recover debts:

1. Letter to Debtor, after approximately 30 days of invoicing, requesting payment of outstanding account within 14 days;
2. If no response is forthcoming a second letter has been sent advising that if the Shire of Manjimup receives no response or payment within 14 days we will proceed with legal action to recover the outstanding debt and any legal fees incurred in the recovery of that debt;
3. After 14 days has elapsed, Debtor is sent to the Shire's independent debt collection agency once approval from appropriate Manager has been received, as per Council Policy 4.1.6 – Collection of Outstanding Debts; and
4. Once Independent Debt Collector has exhausted all avenues to collect debt on our behalf, and remains unsuccessful, the Shire of Manjimup is recommended to close file.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As part of the 2021/22 Annual Financial Audit Council's Auditors identified several outstanding debtors requiring attention. The ten debts shown in attachment are those items deemed uncollectable for reasons listed in the table attached.

ATTACHMENT: 9.3.5 (1)

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.12(1) states “Subject to subsection (2) and any other written law, a local government may –

- (a) When adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;
- (b) Waive or grant concessions in relation to any amount of money; or
- (c) Write off any amount of money, which is owed to local government”.

POLICY / STRATEGIC IMPLICATIONS:

It is considered that there is no policy or strategic implications resulting from this report.

ORGANISATIONAL RISK MANAGEMENT:

It is considered that there is no organisational risk resulting from this report.

FINANCIAL IMPLICATIONS:

If Council supports the recommendation, they will choose to write off \$5,269.61 as a bad debt. Council has an adopted 2022/23 budget of \$55,594.00 for the writing off of bad debts.

It is sound financial management to regularly review outstanding debts so as not to make any misstatements in the Annual Financial accounts relating to Current Assets.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve for all debts tabled in Attachment: 9.3.5 (1) be written off pursuant to the *Local Government Act 1995* Section 6.12(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Jenkins, D

29167

That Council approve for all debts tabled in Attachment: 9.3.5 (1) be written off pursuant to the *Local Government Act 1995* Section 6.12(1).

CARRIED: 11/0

ATTACHMENT**9.5.1 Proposed Industry - Rural at Lot 10911 (322) Franklin Road, Smith Brook**

| | |
|---------------------------------|--|
| PROPONENT | Tecon Pty Ltd |
| OWNER | Mr R A Musulin |
| LOCATION / ADDRESS: | Lot 10911, (322) Franklin Road, Smith Brook |
| WARD: | East |
| ZONE: | Priority Agriculture |
| DIRECTORATE: | Statutory Planning Services |
| FILE REFERENCE: | DA23/49, P52461, TP53/2023 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Karleha Brown |
| DATE OF REPORT: | 18 May 2023 |
| DECLARATION OF INTEREST: | The Shire's Acting Director Development and Regulation resides on a neighbouring property. This item has been reviewed by the Interim CEO. |

BACKGROUND:

Council is requested to consider a planning application for an Industry – Rural (Packing Shed) at Lot 10911 (322) Franklin Road, Smith Brook. A plan depicting the location of the development is shown below.

Location Plan

Lot 10911 is 61.51 hectares in size and is located on Franklin Road, 2.7km southeast from the intersection of Middlesex Road. Similar sized rural properties abut the site, with the exception of the Middlesex Nature Reserve to the west.

Currently the property contains a dwelling with associated outbuildings, a large rural shed, two dams and is currently farmed for strawberries by the company Smashastrawb. Smashastrawb currently transports fruit off-site to the Manjimup Industrial Area to pack their produce.

Approval is sought for a 5.9m high, 21m by 48m (1,008m²) steel framed shed, with a separate 3m by 6m transportable ablution facility, comprising of 5 cubicles, including one accessible cubicle. The proposed packing shed will be managed by the current operators and seasonal workers employed for the months of October through to May annually.

The proposed buildings are to be setback 320m from Franklin Road, 112m from Lot 356 and approximately 409m from Lot 272 Franklin Road, Middlesex. The packing shed will enable strawberries farmed on the property to be packed fresh onsite. A copy of the site and development plans are attached.

ATTACHMENT: 9.5.1(1)

The application is referred to Council for determination as the use may only be approved at the discretion of Council.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Scheme for a period of 21 days to the neighbouring landowners and 42 days to the Department of Biodiversity Conservation & Attractions (DBCA) – Warren Region.

At the time of writing this report two submissions were received as a result of the advertising period. One from an adjoining landowner and the other from the DBCA, both stating that they had no objections to the proposal. Copies of the submission are attached.

ATTACHMENT: 9.5.1(2)

COMMENT (Includes Options):

The provisions of the Shire's Local Planning Scheme No 4 (the Scheme) includes the subject land within the Priority Agriculture Zone. As identified by the Scheme, the purpose of the 'Priority Agriculture' Zone is to:

- 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.

Land Use Definition and Permissibility

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 farmed on the subject property that will be processed and packaged in the proposed building.

An Industry-Rural is an “A” class use within the Priority Agriculture Zone. That is a use which is not permitted unless the approval of Council is granted following advertising of the proposal in accordance with clause 9.6 – Advertising.

Impact of Proposal on Amenity

Shire Officers consider that there will be no impact on the visual amenity of the locality. The development is setback appropriately from property boundaries, being 320m from Franklin 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.

Site Access

Access to the proposed development is from the existing internal driveway off Franklin Road. The current unsealed crossover from Franklin Road is recommended to be upgraded as a condition in the event Council grants planning approval.

The applicant should be aware that Franklin Road is not on the Restricted Access Vehicle Network, therefore only “as of right” vehicles are permitted to use this road.

Carparking

The application as submitted does not indicate where car parking is to be located near the proposed building for the use of the workers. As part of the application the applicant has stated there are 3 full-time workers on the property and an additional 7 staff will be sourced annually for the months of October through to May for the packing shed. The submission states that the backpackers will commute on a bus or by shared vehicle arrangement from their accommodation to the subject property.

Given the development is located within a rural area, sealing of the car parking areas is not required under the Local Planning Policy, except where accessible carparking space is required for disability access.

Under the Scheme an Industry – Rural, is not listed in Table 2 Car Parking Requirements, therefore the number of bays per square meters is not identified. As a result, Table 2 identifies that the level of carparking to be provided is *“Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy”*.

Having regard to the information supplied by the applicant, it is recommended a condition be imposed on any approval to require the construction of 6 car parking bays, including one bay constructed to a sealed, accessibility standard. This provides ample parking for the 3 full-time employees and 2 additional car parking spaces to accommodate the parking for the seasonal workers.

Relaxation of Standards

As outlined within Part 5.5 of the Scheme, where a development does not comply with a standard or requirement prescribed by the Scheme, the local government may, despite such non-compliance, approve the application. This discretion may however only be exercised if the local government is satisfied that *“the non-compliance will not have an adverse impact on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”*.

In this case, given the gravel standard of the existing access ways and the fact the property is located in a rural area, no adverse impacts would be anticipated if the parking requirements, including the standard of construction were relaxed.

Environmental Health Requirements

Given the proposed packing shed is located over 300m to the nearest dwelling, the impact from noise is expected to be minimal. The applicant has stated that the packing shed will operate between the hours of 5 am and 5 pm from the months of October to May. The facility will be required to be operated in accordance with the *Environmental Protection (Noise) Regulations 1997*.

To be in keeping with general farming activities within the area, it is recommended that the hours of operation for the proposed Industry-Rural be limited to daylight hours only, allowing the hours of operation to reflect the changing seasons.

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.

Unauthorised Signage

Shire Officers noted from an inspection of the site an unauthorised Pylon Sign had been located within the road reserve of Franklin Road, at the front of the subject property. A more recent inspection confirmed that the sign has now been removed. If in the event the applicant wishes to reinstate the sign,

planning approval will be required prior to it being erected on the subject property.

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 Officers 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:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The proposed Industry – Rural is not considered to cause a detrimental impact on the surrounding environment, as the transportation of goods to and from the subject property will be decreased, and the company will be reducing its carbon footprint.

Economic: The proposed development will enable primary rural activities to be diversified and increase employment opportunities, benefiting the economy of the Shire of Manjimup.

Social: The proposal if approved is not expected to generate a negative impact on the neighbouring or surrounding properties.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 and clause 5.5 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval Industry – Rural (Packing Shed) Lot 10911 (322) Franklin Road, Smith Brook (Application TP 2023/49) 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 | 4 April 2023 |
| 2. | Floor Plan | 4 April 2023 |
| 3. | Ablution Plans | 26 May 2023 |
| 4. | Elevation Plan 1 | 4 April 2023 |
| 5. | Elevation Plan 2 | 4 April 2023 |

- 2) The vehicle crossover between the subject property and Franklin Road is to be upgraded to the satisfaction of the local government prior to occupation of the development and from there on maintained;
- 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 6 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, while the parking area is otherwise not required to be formally constructed, the required accessible parking bay and the associated access must be constructed to a sealed standard;
- 5) Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff are to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
- 6) The hours of operation shall comply with daylight hours associated with the seasons applicable and shall not be varied without the prior written consent of the Shire of Manjimup being obtained.

ADVICE TO THE APPLICANT:

- a) 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 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 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.

AMENDED RESOLUTION:

MOVED: Winfield, C SECONDED: Skoss, K

29168

That Council in accordance with Part 10 and clause 5.5 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval Industry – Rural (Packing Shed) Lot 10911 (322) Franklin Road, Smith Brook (Application TP 2023/49) 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 | 4 April 2023 |
| 2. | Floor Plan | 4 April 2023 |
| 3. | Ablution Plans | 26 May 2023 |
| 4. | Elevation Plan 1 | 4 April 2023 |
| 5. | Elevation Plan 2 | 4 April 2023 |

- 2) The vehicle crossover between the subject property and Franklin Road is to be upgraded to the satisfaction of the local government prior to occupation of the development and from there on maintained;
- 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 6 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, while the parking area is otherwise not required to be formally constructed, the required accessible parking bay and the associated access must be constructed to a sealed standard;
- 5) Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff are to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
- 6) The hours of operation shall comply with daylight hours associated with the seasons applicable and shall not be varied

without the prior written consent of the Shire of Manjimup being obtained.

ADVICE TO THE APPLICANT:

- a) 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 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 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.
- e) The proponent is encouraged to utilise vehicle sharing for workers to limit damage and improve safety of Franklin Road.

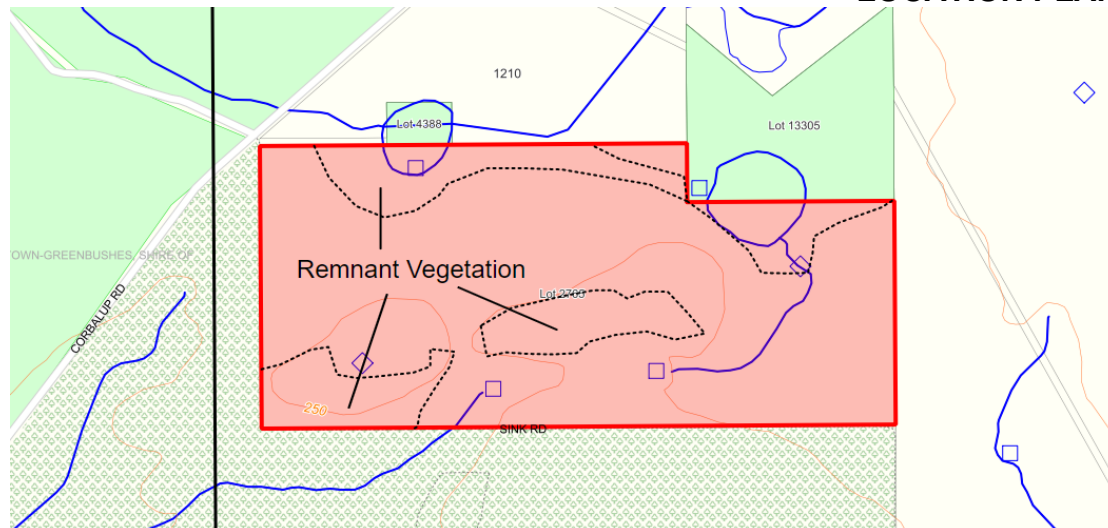
CARRIED: 11/0

ATTACHMENT**9.5.2 Proposed Plantation at Lot 2765 Corbalup Road, Perup**

| | |
|---------------------------------|--|
| PROPONENT | Simcoa Operations Pty Ltd |
| OWNER | Simcoa Operations Pty Ltd |
| LOCATION / ADDRESS: | Lot 2765 Corbalup Road, Perup |
| WARD: | East |
| ZONE: | General Agriculture |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | DA23/43 P52620 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Jocelyn Baister |
| DATE OF REPORT: | 19 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The subject land is 121.41ha and is located approximately 27km from the Manjimup town centre, close to the northern Shire boundary. The property is vacant of any built improvements, however contains pockets of remnant vegetation and vegetation to the north representative of dampland vegetation complexes. It appears that the land has previously been used for plantation, and has since been harvested and sitting fallow. A location plan is shown below.

LOCATION PLAN

It is proposed to establish an 83.8ha Eucalyptus species plantation. Copies of the proposed plantation area and an updated management plan are attached.

ATTACHMENT: 9.5.2 (1)

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

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of Local Planning Scheme No. 4 (the Scheme) for a 21-day period. Correspondence was also forwarded to the Shire of Boyup Brook, the Shire of Bridgetown-Greenbushes, Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES). Additional time was granted for comments given the Easter Holiday Period.

Submissions were received from the Shire of Boyup Brook, DBCA and DWER. Copies of the submissions received are shown attached, whilst the content of the submissions are addressed within the Comment section of this agenda item. DFES received the original version of the plantation management plan and advised that there was not enough information to make an assessment. No other submissions were received.

ATTACHMENT: 9.5.2 (2)**COMMENT (Includes Options):**

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

Matters to be Considered

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

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

Land Use Definition

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

"a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that the plantation will be harvested."

Land Use Permissibility

The Scheme identifies a Plantation as an 'A' use within General Agriculture Zone. That is a use, which is not permitted, unless Council has exercised its

discretion by granting planning approval after publicly advertising the application in accordance with the requirements of Clause 9.6 of the Scheme.

Local Planning Policy 6.1.11 Rural Land Uses (the Policy)

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

Access

The applicant has supplied a management plan for the plantation. Access to the site for both light and heavy vehicles is directly from Corbalup Road. The applicant has identified that a Traffic Management Plan may need to be completed and that the speed limited will need to be reduced in the area.

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

Fire Risk and Management

The Plantation Management Plan includes fire management provisions which state that management will occur in compliance with:

- Guidelines for plantation fire protection;
- The Shire's Firebreak and Fuel Hazard Reduction Notice; and
- Code of Practice for Timber Plantations in Western Australia.

Two versions of the Plantation Management Plan have been reviewed by the Shire's Community Emergency Services Manager who provided comments in respect to the proposed fire management of the property. These comments identify the need for the Plantation Management Plan to be further revised to reflect a comprehensive consideration of fire management.

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

Visual Impact

The provisions of LPP 6.1.11 outline that development applications for plantations will be assessed in terms of their visual impacts where the plantation is near a townsite, adjoining or are near a designated regional road. Given the location of the proposed plantation will not be visible from a townsite or regional road, no further assessment of the visual impact is required.

Natural Resource Management

The applicant is proposing a 6m setback to the existing wetland area, which is consistent with the setback to a water course as outlined in the Policy, it is discussed in the DWER and DBCA submissions that the buffer area and remnant vegetation should be fenced to protect the endangered flora, threatened fauna and sensitive wetland.

Shire of Boyup Brook

The Shire of Boyup Brook has suggested a condition to be imposed on any approval issued by the Shire of Manjimup advising that the owner/operator is responsible for the repair of any undue damage to public roads.

The suggestion made by the Shire of Boyup Brook is supported and has been included in the Officer Recommendation.

DWER

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

- The subject land is subject to a compensation settlement for injurious affection due to the refusal of a previous clearing licence application. Any proposed clearing of paddocks or the establishment of new fencing and firebreaks, may require authorisation under the *Country Areas Water Supply Act 1947* (CAWS Act);
- Mapping shows that there are two wetlands in the northern portion of the Lot. DWER supports the risk mitigation proposed by the proponent and recommends a buffer be imposed as per Water Quality Protection Note (WQPN) 6: Vegetation Buffers to Sensitive Water Resources; and
- Management of machinery and the use of herbicides and pesticides should be undertaken in accordance with the Code of Practice for Timber Plantations in Western Australia.

The WQPN outlines separation buffers should be devised based on wetland values, their vulnerability, local biophysical factors and environmental management techniques.

As part of the Officer recommendation, an advice note regarding the protection of the wetland has been included.

DBCA

DBCA advised that:

- a population of endangered flora species exists on the adjacent property and encroaches into the subject site;
- the remnant vegetation is likely to contain suitable habitat for several threatened fauna species and that minimising activities in the area is recommended to lessen the likelihood of possible negative impacts; and
- adequate fire protection measures should be in place for the safety of the plantation without dependence on DBCA fire fighters.

Whilst DBCA has contacted the proponent to discuss a management strategy, it is acknowledged that the Shire also manages reserves in the same area.

The flora that has been identified is listed as endangered at both a State and National level and local to the Warren Region.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

It is acknowledged that the Shire is responsible for the management of reserves in the proximity to endangered flora. The department responsible for the management and care of the reserves has been informed.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

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

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

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for a Plantation (*Eucalyptus sp.*) at Lot 2765 Corbalup Road, Perup (TP47/2023) in accordance with the submitted plans and specifications and subject to the following conditions:

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

| Reference | Document Title | Date Received |
|-----------|-------------------------------------|---------------|
| 1. | Corbalup Plantation Management Plan | 1 June 2023 |
| 2. | Proposed Plantation Plan | 1 June 2023 |

- b) Notwithstanding condition a) Prior to the commencement of the use hereby approved, the applicant shall submit a revised Plantation Management Plan addressing fire management measures to the satisfaction the Shire of Manjimup in consultation with the Department of Fire and Emergency Services;
- c) Fire management measures outlined in the approved Plantation Management Plan are to be implemented so as to meet the performance standards outlined in the Department of Fire and Emergency Services *Guidelines for Plantation Fire Protection* to the satisfaction of the Shire of Manjimup;
- d) Prior to the commencement of the use hereby approved, the applicant is to ensure that fencing, is installed and maintained for the life of the development, to protect the remnant vegetation and wetland and associated buffers;
- e) In conducting the activity hereby approved the plantation Operator/Manager is required to comply with all relevant legislation, and to have particular regard to the general and reasonable amenity expectations of those who may be resident in the vicinity;
- f) A separate 'Harvesting Plan' is to be submitted to the Shire of Manjimup a minimum of 24 months prior to the anticipated commencement of the harvesting of the subject Plantation and not less than 12 months prior to the commencement of harvesting operations formal notification of the intention to harvest shall be given to Shire of Manjimup. The 'Harvesting Plan' is to be prepared in accordance with the latest "Code of Practice for Timber Plantations" (or equivalent) that is applicable at that time;
- g) Prior to the commencement of harvesting, a Transport Management Plan identifying heavy vehicle movement network shall be prepared, approved and implemented to the satisfaction of the Shire of Manjimup;
- h) Prior to the commencement of harvesting, a Road Condition Report is to be prepared by the applicant following an inspection of the proposed haulage route, in conjunction with the Shire of Manjimup;
- i) During harvest, the local road network is to be maintained in a safe and drivable condition to the satisfaction of the Shire of Manjimup;
- j) Any proven damage to the local road network caused by vehicles associated with the Plantation is to be repaired at the applicant's cost to the satisfaction of the local government; and

- k) At the completion of any harvesting, the area which has been harvested shall be reinstated to the requirements and satisfaction of the responsible authority. In particular:
- i. all waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;
 - ii. any surplus tree branches shall be adequately disposed and shall not be left on site if they constitute a fire hazard; and
 - iii. all temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.

Advice to Applicant:

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

AMENDED RESOLUTION:

MOVED: Skoss, K SECONDED: Eiby, W

29169

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for a Plantation (*Eucalyptus sp.*) at Lot 2765 Corbalup Road, Perup (TP47/2023) in accordance with the submitted plans and specifications and subject to

the following conditions:

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

| Reference | Document Title | Date Received |
|-----------|-------------------------------------|---------------|
| 1. | Corbalup Plantation Management Plan | 1 June 2023 |
| 2. | Proposed Plantation Plan | 1 June 2023 |

- b) Notwithstanding condition a) Prior to the commencement of the use hereby approved, the applicant shall submit a revised Plantation Management Plan addressing fire management measures to the satisfaction the Shire of Manjimup in consultation with the Department of Fire and Emergency Services;
- c) Fire management measures outlined in the approved Plantation Management Plan are to be implemented so as to meet the performance standards outlined in the Department of Fire and Emergency Services *Guidelines for Plantation Fire Protection* to the satisfaction of the Shire of Manjimup;
- d) Prior to the commencement of the use hereby approved, the applicant is to ensure that fencing, is installed and maintained for the life of the development, to protect the remnant vegetation and wetland and associated buffers;
- e) In conducting the activity hereby approved the plantation Operator/Manager is required to comply with all relevant legislation, and to have particular regard to the general and reasonable amenity expectations of those who may be resident in the vicinity;
- f) A separate 'Harvesting Plan' is to be submitted to the Shire of Manjimup a minimum of 24 months prior to the anticipated commencement of the harvesting of the subject Plantation and not less than 12 months prior to the commencement of harvesting operations formal notification of the intention to harvest shall be given to Shire of Manjimup. The 'Harvesting Plan' is to be prepared in accordance with the latest "Code of Practice for Timber Plantations" (or equivalent) that is applicable at that time;
- g) Prior to the commencement of harvesting, a Transport Management Plan identifying heavy vehicle movement network shall be prepared, approved and implemented to the satisfaction of the Shire of Manjimup and the Shire of Boyup Brook;
- h) Prior to the commencement of harvesting, a Road Condition Report is to be prepared by the applicant following an inspection of the proposed haulage route, in conjunction with the Shire of Manjimup and the Shire of Boyup Brook;
- i) During harvest, the local road network is to be maintained in a safe and drivable condition to the satisfaction of the Shire of

Manjimup and the Shire of Boyup Brook;

- j) Any proven damage to the local road network caused by vehicles associated with the Plantation is to be repaired at the applicant's cost to the satisfaction of the Shire of Manjimup and Shire of Boyup Brook; and
- k) At the completion of any harvesting, the area which has been harvested shall be reinstated to the requirements and satisfaction of the responsible authority. In particular:
 - i. all waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;
 - ii. any surplus tree branches shall be adequately disposed and shall not be left on site if they constitute a fire hazard; and
 - iii. all temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.

Advice to Applicant:

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

CARRIED: 11/0

ATTACHMENT

9.5.3 Proposed Overheight Outbuilding on a Vacant Lot at Lot 341 (85-89) Blackbutt Drive, Manjimup

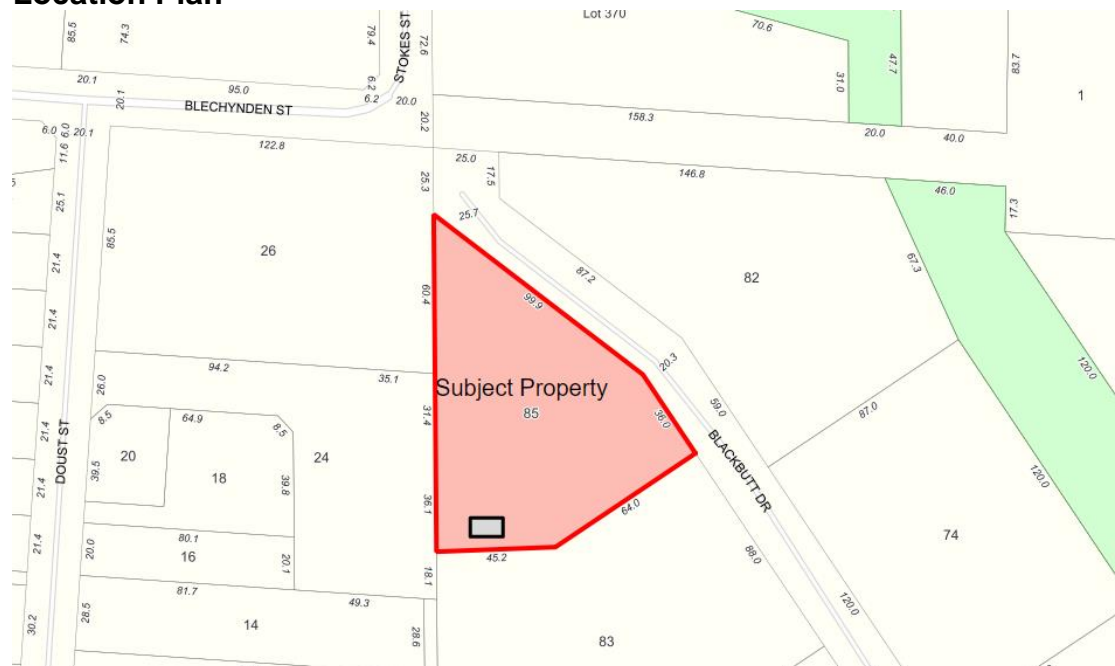
| | |
|---------------------------------|---|
| PROPONENT | Mrs T P Proudfoot |
| OWNER | Mr C R & Mrs T P Proudfoot |
| LOCATION / ADDRESS: | Lot 341 (85-89) Blackbutt Drive, Manjimup |
| WARD: | Central |
| ZONE: | Residential R5 (R20) |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | DA23/57; P51034 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Kaylene Roberts |
| DATE OF REPORT: | 19 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

Council is asked to consider a development application for the establishment of an 'Overheight Outbuilding' at Lot 341 (85-89) Blackbutt Drive, Manjimup. The lot has an area of 7,654m² and is currently vacant. Site and development plans are attached.

ATTACHMENT: 9.5.3 (1)

Location Plan



The subject property is located within Special Control Area (SCA) - Structure Plan Area – SCA9/6 – Land bounded by Blechynden, Stokes and Karri Streets and Blackbutt Drive, Manjimup. The land use expectation is Residential R20. The matters to be addressed in structure plans – Extreme slopes producing access problems in terms of gradients and visibility distances combined with drainage issues. The current density for the property

is R5 (5 dwellings per hectare) but under any proposed Structure Plan the density has the potential to be R20.

The applicant is proposing to construct a 200m² outbuilding being 20 metres by 10 metres with a mezzanine floor. The outbuilding will have a wall height of 3.6 metres and a ridge height of 4.81 metres. The mezzanine floor will be 2.2 metres from the floor. Details submitted in support of the application indicate that the building is to be constructed of steel framing with Colorbond® sheeting in a grey colour. As stated, the property is currently vacant and the applicants are currently preparing house plans.

Council is requested to consider the application as the proposed Outbuilding:

- a) exceeds the maximum wall and ridge heights provided for in Local Planning Policy 6.1.3 Outbuildings; and
- b) is proposed to be constructed on vacant land not containing a dwelling.

PUBLIC CONSULTATION UNDERTAKEN:

The plans submitted with the application originally had an Outbuilding with a floor area of 190m². The application was advertised in accordance with clause 9.6 of the Scheme for a 21 day period to the adjoining landowners. Council records indicate that the letters were sent from the Shire office on 20 April 2023 with the submission period closing 11 May 2023. No comments or objections were received during this time.

After the close of advertising, the applicant submitted revised outbuilding plans increasing the floor area to 200m². The adjoining land owners were contacted by telephone and email advising of the proposed change to the development and seeking any further comments. No additional comments were received in the timeframe provided.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the land within the Residential Zone with a density of R5 in accordance with the Residential Design Codes of WA (the R-Codes).

The proposed outbuilding structure constitutes a domestic outbuilding, which is defined by the R-Codes as "An enclosed non-habitable structure that is detached from any dwelling." Outbuildings within Residential zones are required to comply with the requirements prescribed by both the Scheme and Local Planning Policy.

Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of the Commission;*

- (vi) *the local governments adopted Local Planning Strategy and any Local Policy adopted by the local government under clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (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;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (xxvi) *any relevant submissions received on the application.*

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

Special Control Area

Special Control Area 9/6 relates to the need for a Structure Plan to be developed for the area, with an identified land use expectation of Residential R20.

In accordance with the provisions of the Scheme the local government may approve a development that is consistent with the objectives of the underlying zone without requiring a structure plan where the proposal is of a minor nature, will not adversely affect the future development of the land and does not conflict with the future land use of the area.

Given the slope of the land, development of a Residential Subdivision based on R20 (average 450m²) would require substantial reworking of the land and resolution of issues around drainage, visibility distances and road access. As the proposed outbuilding is consistent with the future land use of the area and will not prejudice the future planning, conditional approval is recommended.

Shire Officers and Council will have the opportunity to review the nominated density during the preparation of draft Local Planning Scheme No 5.

In terms of the future dwelling, whilst no location has been decided, prior planning approval will be required given the development will be located in a Special Control Area. To avoid the need for a further report to Council, it is recommended that the Interim Chief Executive Officer be granted delegated authority to determine that application when submitted.

Compliance with Scheme clause 5.12.8 (ii)

Point (ii) of clause 5.12.8 states that “...*approval will not be granted for any outbuildings in any Townsite or on Rural Residential and Rural Smallholdings zoned lot that does not contain a residence unless otherwise approved by the local government.*”

Guidance on the considerations associated with the design and construction of an outbuilding in the absence of a dwelling is provided within adopted Local Planning Policy No 6.1.13 – Outbuildings, as detailed below.

Local Planning Policy 6.1.3

Vacant Land

With respect to outbuildings being constructed on land not containing a dwelling, the policy advises that development approval “*shall be granted where it is to be constructed in association with construction of a dwelling upon the same lot, subject to compliance with the deemed-to-comply provisions of this Policy*”. As further outlined by the Policy, it is stated that the local government may grant development approval to an outbuilding on a vacant lot, where it is satisfied that:

- a) *The landowner can demonstrate that a future dwelling can be provided for on the lot by submitting concept site and floor plans as part of any application;*
- b) *Approval will not adversely affect the amenity of neighbouring properties, the amenity of the streetscape or the development potential of the lot in question;*
- c) *A valid reason for constructing a domestic outbuilding or shipping container on a vacant lot exists;*
- d) *The landowner understanding that a dwelling will be required to be built within an agreed timeframe; and*
- e) *The proposal meets the relevant deemed-to-comply provisions or can be approved by judgement or merit by this policy.*

In this case, the applicant has not supplied a letter of justification in conjunction with clause (c) above but have verbally stated that they are in the process of having house plans drawn up and will submit once completed. Given the size of the lot Shire Officers consider that a dwelling, compliant with the R-Codes can be provided for and therefore support the variation.

Development Standards

The proposed outbuilding complies with the development standards identified within the Policy except for the specified maximum wall and ridge heights and floor area.

The Policy provides for wall heights of 3.0 metres and ridge heights of 4.2 metres and states that the total area of outbuildings should not exceed 60m² or 10 percent of the site area up to 190m², whichever is the greater. The Policy outlines that a variation of up to 10% may be permitted following referral to the neighbours for comment. In this case, the proposed:

- wall height of 3.6 metres is 17% greater;
- ridge height of 4.8 metres is 12% greater; and
- floor area of 200m² is 5% greater

than the deemed-to-comply provisions.

The wall and ridge heights are greater than the acceptable variation to deemed-to-comply provisions. As a result, approval to the application can only be granted through a judgement of merit by the local government. Delegated authority is not to be used for judgement of merit applications.

Given the size of the property and the fact the outbuilding is proposed toward the rear, approval to the wall and ridge heights as proposed are not likely to introduce any visual or other impact on the adjacent development. On this basis, a variation to the Policy is supported.

Setbacks

The proposed outbuilding is to be setback 25 metres from the rear boundary, 53 metres to the front boundary, 10 metres from the southern boundary and 90 metres to the northern boundary. The proposed setbacks meet the Deemed-to-Comply provisions of the R-Codes relating to an outbuilding.

Past Issues with Outbuildings on Vacant Land

The Shire of Manjimup has over a number of years, had issues arise with outbuildings on vacant land. Such issues have included:

- a) Owners not proceeding with the subsequent construction of a dwelling;
- b) Use of outbuildings for commercial, or human habitation;
- c) Use of outbuildings for temporary accommodation, which is not permitted within the Residential Zone; and
- d) Outbuildings being used by the landowner to carry out hobbies or other activities which have impacted on adjacent landowners.

The requirements of clause 5.12.8 (ii) were introduced into the Scheme in response to these issues, ensuring that prior planning approval was required and allowing such potential issues to be considered and conditions to be imposed ensuring ongoing domestic use and the construction of a dwelling in the future.

Amenity

No impact on the amenity or enjoyment of the neighbours is expected due to the size of the subject land and the separation distance between neighbouring dwellings and the proposed outbuilding.

Conclusion

The proposed wall height and ridge height exceeds the maximum height identified in Local Planning Policy 6.1.3 – Outbuildings. Given no objections were received to the proposal, the size variation meets the design principles by not detracting from the amenity of the neighbouring properties and a future dwelling can be provided for, it is recommended the proposal be supported.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The development application fee has been paid by the applicant in accordance with the 2022/2023 Fees and Charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant planning approval to the proposed Overheight Outbuilding at Lot 341 (85-89) Blackbutt Drive, Manjimup (Application TP60/2023) in accordance with the plans and specifications shown in Attachment 9.5.3 (1) and subject to the following conditions and advice:

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

| Reference | Document Title | Date Received |
|-----------|--------------------|---------------|
| 1 | Site Plan | 17 April 2023 |
| 2 | Building Layout | 31 May 2023 |
| 3. | Component Position | 17 April 2023 |

- b. The Outbuilding being used for residential purposes, storage, garaging of vehicles other approved purposes associated with the property, EXCLUDING HUMAN HABITATION OR COMMERCIAL PRACTICES / or temporary accommodation or camping.
- c. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of

Manjimup but the use of reflective material and colours is not permitted;

- d. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup;
- e. The vehicular crossover between the subject land and Blackbutt Drive is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
- f. A single dwelling is to be substantially completed within 2 years of the date of this approval unless otherwise extended by the Shire of Manjimup.

Advice to the Applicant:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
 - b) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* and the National Construction Code of Australia.
2. The Interim Chief Executive Officer be granted delegated authority to determine the application for a dwelling once submitted.

COUNCIL RESOLUTION:

MOVED: Taylor, R

SECONDED: Dawson Vidovich, S

29170

That Council:

1. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant planning approval to the proposed Overheight Outbuilding at Lot 341 (85-89) Blackbutt Drive, Manjimup (Application TP60/2023) in accordance with the plans and specifications shown in Attachment 9.5.3 (1) and subject to the following conditions and advice:
 - a. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

| Reference | Document Title | Date Received |
|-----------|--------------------|---------------|
| 1 | Site Plan | 17 April 2023 |
| 2 | Building Layout | 31 May 2023 |
| 3. | Component Position | 17 April 2023 |

- b. The Outbuilding being used for residential purposes, storage, garaging of vehicles other approved purposes associated with the property, EXCLUDING HUMAN HABITATION OR COMMERCIAL PRACTICES / or temporary accommodation or camping.
- c. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup but the use of reflective material and colours is not permitted;
- d. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup;
- e. The vehicular crossover between the subject land and Blackbutt Drive is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
- f. A single dwelling is to be substantially completed within 2 years of the date of this approval unless otherwise extended by the Shire of Manjimup.

Advice to the Applicant:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
 - b) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* and the National Construction Code of Australia.
2. The Interim Chief Executive Officer be granted delegated authority to determine the application for a dwelling once submitted.

CARRIED: 11/0

Councillor Buegge declared a Proximity Interest in this Item as she owns the property directly across the road on Graphite Road. Councillor Buegge did not vote or speak on the matter and left the Chamber at 5.55pm.

Councillor Jenkins declared a Proximity Interest in this Item as she is a neighbour of this property. Councillor Jenkins did not vote or speak on the matter and left the Chamber at 5.55pm.

ATTACHMENT

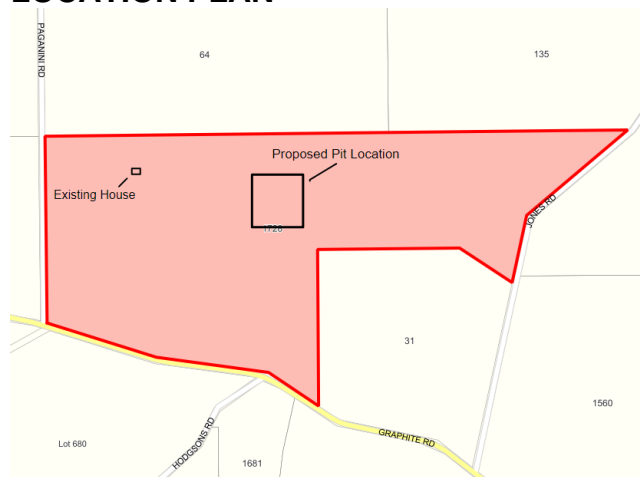
9.5.4 Proposed Extractive Industry and Land Clearing at Lot 9185 (1728) Graphite Road, Yanmah

| | |
|---------------------------------|---|
| PROPONENT | Mr B J Waugh |
| OWNER | Mr T J & Mrs M B & Mr B J Waugh |
| LOCATION / ADDRESS: | Lot 9185 (1728) Graphite Road, Yanmah |
| WARD: | North |
| ZONE: | Priority Agriculture |
| DIRECTORATE: | Development and Regulation |
| FILE REFERENCE: | DA23/42 P51800 |
| LEGISLATION: | <i>Planning and Development Act 2005</i> |
| AUTHOR: | Jocelyn Baister |
| DATE OF REPORT: | 22 May 2023 |
| DECLARATION OF INTEREST: | The Shire's Senior Governance Officer assisted the applicant in preparing the application, however was not involved in the assessment of the application. |

BACKGROUND:

The subject property is 85.18ha in area and located at the intersection of Paganini Road and Graphite Road, in Yanmah. The property is mostly cleared for pasture with a large pocket of remnant vegetation located in the northeast corner. Several dams are situated on the property and it contains a dwelling and various outbuildings. A location plan is shown below.

LOCATION PLAN



The applicant is proposing to establish an Extractive Industry (Sand and Shale) at the Lot 9185 (1728) Graphite Road, Yanmah. A copy of the submitted application is attached.

ATTACHMENT: 9.5.4 (1)

The application proposes the extraction of sand and shale with an estimated area of 2.25ha being 150m by 150m and at an average depth of 3m. As reflected at Attachment 9.5.4 (1), in making the application, the proponents provided the following information:

- The hours of operation will be from 8am to 5pm from Monday to Friday;
- Approximately 13,500m³ of sand and shale will be carted from the site each year, dependant on demand;
- The main route for truck haulage will be via the current driveway onto Graphite Road towards the end destinations in the local area;
- No crushing is proposed;
- There would be up to 25 loads (50 truck movements) per week being 5 loads (10 movements) per day maximum; and
- 500-1,000m² of native vegetation clearing is proposed.

The application requires determination by Council, as Shire officers do not have the delegated authority to determine proposals for Industry – Extractive.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) and correspondence was forwarded to the relevant government agencies. A notice was placed on the Shire's website, in the local paper and a sign was placed on site.

Correspondence was also sent to the Ward Councillor and neighbouring properties with a 1km radius. Submissions closed 18 May 2023.

At the close of the advertising period, submissions were received from Main Roads Western Australia (MRWA), the Department of Water and Environmental Regulation (DWER), the Department of Mines, Industry Regulation and Safety (DMIRS) and a local landowner who supported the application. Whilst these submissions are discussed in the comment section below, a full copy of all submissions are attached.

ATTACHMENT: 9.5.4 (2)

COMMENT (Includes Options):

The provisions of the Scheme include the subject land within the Priority Agriculture Zone. In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (iv) *any approved Environmental Protection Policy under the Environmental Protection Act 1986;*

- (v) *any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (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;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (xviii) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

To assist Council in determining the application, the following comments are offered in respect of the matters to be considered:

Setbacks

In accordance with clause 5.34.2.4 of the Scheme, unless otherwise approved by Council, development within the Priority Agriculture Zone is required to be setback 30m from the front and rear boundaries and 10m to side boundaries. The application as submitted proposes a setback of 460m from the road, a minimum of 620m from the side boundary and 114m from the rear boundary.

The proposed setbacks substantially exceed the prescribed setbacks for the zone.

Environmental Protection Authority Guidelines

In addition to setbacks prescribed by the Scheme, Council must have regard to the provisions of the Environmental Protection Authority (EPA) Guidelines entitled “Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses”. These guidelines provide advice on the *“use of generic separation distances (buffers) between industrial and sensitive land uses to avoid land use conflicts between incompatible land uses.”*

The EPA guidelines recommend a minimum buffer of 300-500m for Extractive Industries that do not involve crushing/screening and a minimum buffer of 1000m for extractive industries that involving crushing and/or screening on-site. With the exception of the dwelling located on the subject property, the closest neighbouring dwelling is located approximately 600m from the proposed pit area. As no crushing is proposed to occur, the setback distance complies with the guidelines.

Access

Details submitted with the application indicate that, if approved the main route for trucks will be via Graphite Road. Shire Officers have reviewed the details of the application and whilst a full transport management plan is considered to be disproportionate to 10 truck movements per day, additional information is required to assess the access onto Graphite Road. Should the application be

approved, it is recommended that a condition be imposed requiring a simple/minor transport management plan incorporating sight-line distances and turning circles for the crossover and that trucks be required to exit the property into the correct lane.

Submissions

Whilst DMIRS advised it had no objections to the application, MRWA had no objection subject to compliance with any requirements of Main Roads Heavy Haulage division and DWER provided comments which are discussed below.

DWER comments

Native Vegetation Clearing

The applicant is proposing 500-1,000m² of native vegetation clearing and DWER has advised that unless an exemption applies, the applicant will require a Clearing Permit.

Stormwater Runoff

DWER has advised that a Stormwater Management Plan consistent with DWER's Water Quality Protection Note No. 15 Basic Raw Materials Extraction, is to be prepared. This management plan should calculate runoff volumes and provide detailed design of drainage measures.

Groundwater Management

The applicant should be required to demonstrate the nature of the groundwater beneath the proposed operations. DWER is unable to assess the veracity of the details of the application given there is no reference to the current groundwater level. DWER has noted the presence of an excavation on the proposed site, which is shown to contain water in summer, indicating a high water table.

Shire Officers note the advice from DWER and have included applicable conditions in the Officer Recommendation, should Council approve the application.

Site Rehabilitation

The proponent has indicated that 1ha of the site will be exposed for extraction at any one time. It is proposed that topsoil will be stockpiled and used for recontouring for pasture.

Time Limit on Approval

It is noted that the proponent has sought a 5-year approval. Shire staff support a planning approval of 5 years or the total proposed amount of material, whichever comes first. Limiting the approval will allow for the operation to be reconsidered in the light of its past performance in the event that an extension in time or volume of material is requested.

Conclusion

It is recommended that the proposed Industry-Extractive be approved subject to standard conditions plus those additional conditions mentioned above, in accordance with Local Planning Policy 6.1.9 – Extractive Industry.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The application has been assessed against the provisions of the Shire of Manjimup Local Planning Policy 6.1.9 Extractive Industries.

The objective of the Policy is to protect the economic viability of the general farming areas and to retain the rural character of the area by preventing the operation of the Industry – Extractive in a detrimental manner. The proposed extraction is considered to propose minor variations to the requirements of the Policy and will be subject to standard conditions.

ORGANISATIONAL RISK MANAGEMENT:

Approval of this application by Council, provided that the Industry-Extractive is compliant with the Scheme and Policy, enforced through conditional consent granted by Council, will not generate any organisational risk.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: As detailed in the comment section above, appropriate conditions and standards of operation are required so that the proposed activity will not detrimentally impact on the environment or the amenity of the area.

Economic: The development if approved will potentially increase the productive use of the land. Ensuring appropriate access to basic raw materials such as sand and shale is identified by the State as critical to ensuring regional economic development.

Social: Without appropriate management and restrictions the proposal has potential to detrimentally impact on the amenity of the area.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning consent for the Industry-Extractive (sand and shale) at Lot 9185 (1728) Graphite Road, Yanmah (TP 46/2023) in accordance with the plans and specifications as submitted and subject to the following conditions:

- a) **This planning approval shall expire on 15 June 2028 or once the extraction area has reached a total of 2.25ha and/or the volume of sand/shale extracted totals 67,500m³, whichever occurs sooner;**

- b) The activity hereby approved shall not include the screening or crushing of shale on site;
- c) The operation of the Industry - Extractive and the transportation of materials from the site shall be restricted to 8am to 5pm, Mondays to Friday's but shall not operate on Public Holidays;
- d) Prior to commencement of the Industry - Extractive hereby approved, the applicant is to prepare and submit to the satisfaction of the Shire of Manjimup, in consultation with the Department of Water and Environmental Regulation, a water management plan detailing:
 - a. the design of systems to manage stormwater flowing from disturbed areas, including areas for stockpiles, to prevent turbidity (e.g. via settling pits) and uncontrolled run off;
 - b. the nature of the groundwater beneath the proposed operations.
- e) Prior to the commencement of the Industry - Extractive hereby approved, the applicant is to prepare a Simple Transport Management Plan for the proposed haulage route, addressing the following matters to the satisfaction of the Shire of Manjimup;
 - i) Installation and maintenance of appropriate signage along Graphite Road, warning other road users of trucks entering and using the public road system to the specification and satisfaction of the Shire of Manjimup;
 - ii) Sightline distances at the crossover onto Graphite Road; and
 - iii) Turning circles for truck movements onto Graphite Road.
- f) The applicant shall implement the provisions of the Transport Management Plan as referred to in condition e) above and approved by the Shire of Manjimup at times where truck movements associated with the activity hereby approved;
- g) Truck movements associated with the land use hereby approved shall not exceed 10 movements per day (i.e. 5 loads of sand/shale);
- h) Trucks entering and exiting the property shall do so in a lane correct manner at all times;
- i) Prior to commencement of the activity hereby approved a Road Condition Report is to be prepared by the applicant following an inspection of the proposed haulage route in conjunction with the Shire of Manjimup;
- j) No more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup;
- k) No hydrocarbons are to be stored on-site;

- l) On-site refuelling of equipment may only be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment;
- m) No major repairs or maintenance will take place on site; and
- n) No standing water shall occur at the site post-rehabilitation.

Advice to Applicant

i. With regards to Condition d):

- a. the operations shall maintain a vertical separation distance of 0.5 metres between the base of extraction and the highest groundwater level; and
 - b. if any groundwater interception occurs during extraction, the applicant shall cease work and provide advice to the Shire of Manjimup within 24 hours, followed by remedial action.
- ii. That the proposed operation is required to comply with the *'Environmental Protection (Noise) Regulations, 1997'***
- iii. Where clearing of land is involved in any proposed development, unless otherwise exempt, the approval of the Department of Water and Environmental Regulation will be required under the provisions of the *Environmental Protection Act 1986*.**

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Taylor, R

29171

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning consent for the Industry-Extractive (sand and shale) at Lot 9185 (1728) Graphite Road, Yanmah (TP 46/2023) in accordance with the plans and specifications as submitted and subject to the following conditions:

- a) This planning approval shall expire on 15 June 2028 or once the extraction area has reached a total of 2.25ha and/or the volume of sand/shale extracted totals 67,500m³, whichever occurs sooner;
- b) The activity hereby approved shall not include the screening or crushing of shale on site;
- c) The operation of the Industry - Extractive and the transportation of materials from the site shall be restricted to 8am to 5pm, Mondays to Friday's but shall not operate on Public Holidays;
- d) Prior to commencement of the Industry - Extractive hereby approved, the applicant is to prepare and submit to the satisfaction of the Shire of Manjimup, in consultation with the

Department of Water and Environmental Regulation, a water management plan detailing:

- a. the design of systems to manage stormwater flowing from disturbed areas, including areas for stockpiles, to prevent turbidity (e.g. via settling pits) and uncontrolled run off;
 - b. the nature of the groundwater beneath the proposed operations.
- e) Prior to the commencement of the Industry - Extractive hereby approved, the applicant is to prepare a Simple Transport Management Plan for the proposed haulage route, addressing the following matters to the satisfaction of the Shire of Manjimup;**
- i) Installation and maintenance of appropriate signage along Graphite Road, warning other road users of trucks entering and using the public road system to the specification and satisfaction of the Shire of Manjimup;
 - ii) Sightline distances at the crossover onto Graphite Road; and
 - iii) Turning circles for truck movements onto Graphite Road.
- f) The applicant shall implement the provisions of the Transport Management Plan as referred to in condition e) above and approved by the Shire of Manjimup at times where truck movements associated with the activity hereby approved;**
- g) Truck movements associated with the land use hereby approved shall not exceed 10 movements per day (i.e. 5 loads of sand/shale);**
- h) Trucks entering and exiting the property shall do so in a lane correct manner at all times;**
- i) Prior to commencement of the activity hereby approved a Road Condition Report is to be prepared by the applicant following an inspection of the proposed haulage route in conjunction with the Shire of Manjimup;**
- j) No more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup;**
- k) No hydrocarbons are to be stored on-site;**
- l) On-site refuelling of equipment may only be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment;**
- m) No major repairs or maintenance will take place on site; and**
- n) No standing water shall occur at the site post-rehabilitation.**

Advice to Applicant

- i. With regards to Condition d):**
 - a. the operations shall maintain a vertical separation distance of 0.5 metres between the base of extraction and the highest groundwater level; and**
 - b. if any groundwater interception occurs during extraction, the applicant shall cease work and provide advice to the Shire of Manjimup within 24 hours, followed by remedial action.**
- ii. That the proposed operation is required to comply with the *'Environmental Protection (Noise) Regulations, 1997'***
- iii. Where clearing of land is involved in any proposed development, unless otherwise exempt, the approval of the Department of Water and Environmental Regulation will be required under the provisions of the *Environmental Protection Act 1986*.**

CARRIED: 9/0

Councillor Buegge and Councillor Jenkins returned to the Chamber at 5.57pm.

ATTACHMENT APPENDIX

9.5.5 Request to Utilise Completed Units for On-Site Worker Accommodation at Lot 156 Rose Street, Manjimup

| | |
|---------------------------------|--|
| PROPONENT | Mr Richard Tay on behalf of Manjimup Gallery Hotel |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | No 80 (Lot 156) Rose Street, Manjimup |
| WARD: | Central |
| ZONE: | Town Centre |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | DA21/146 & 53170 |
| LEGISLATION: | <i>Planning and Development Act 2005; Building Act 2011; and Health Act (Miscellaneous Provisions) 1911.</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 1 June 2023 |
| DECLARATION OF INTEREST: | Nil |

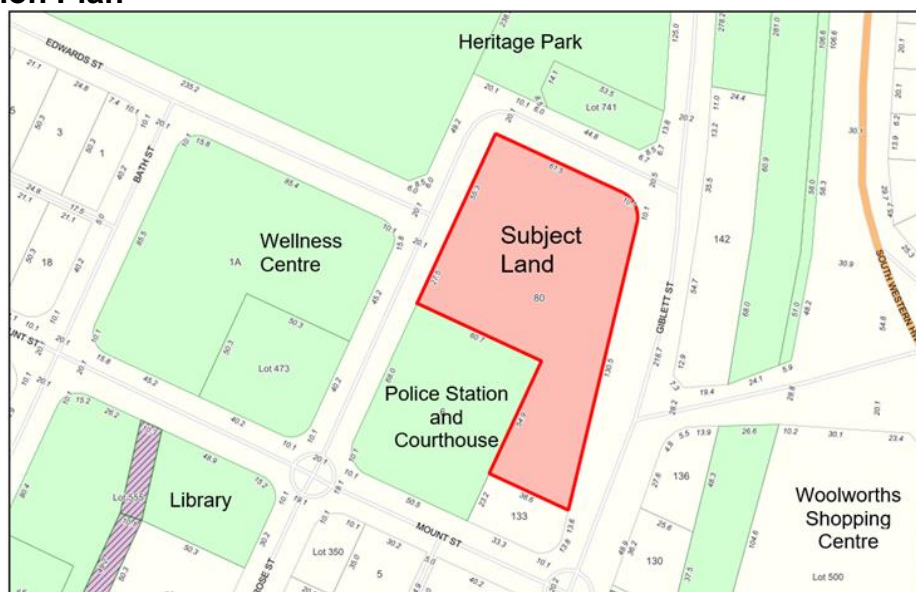
BACKGROUND:

The Gallery Hotel is currently under construction at No 80 (Lot 156) Rose Street, Manjimup. A request has been received from the hotel developer, seeking approval to utilise 8 completed units to provide on-site accommodation for tradesman associated with the construction work.

A copy of the request received is shown attached.

ATTACHMENT: 9.5.5(1)

Location Plan



By way of further background, in November 2021 Council resolved (Resolution 28636) to grant conditional approval to revised plans relating to a hotel development located at No 80 (Lot 156) Rose Street, Manjimup. The development was further considered by Council at its September 2022 meeting whereby Council, at the request of the proponent modified four conditions of approval. An excerpt of the relevant minutes is appended.

APPENDIX: 9.5.5(A)

As detailed in the proponents request shown at Attachment 9.5.5(1), construction of the development is progressing, with 8 completed accommodation units and underway for the remaining 24 rooms to complete Stage 1 of the development. They are also focusing on the completion of the Clubhouse Building. However, they have experienced difficulty in identifying and securing accommodation for workers associated with the construction. This is currently hampering progress on the construction.

Council is requested to determine whether it is appropriate to issue a conditional and temporary occupancy certificate to allow the completed 8 units to be used for on-site worker accommodation.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in its determination of the request the following comments and advice are offered:

Conditions of Planning Approval

The Development Approval granted by Council relates to the ultimate intended use of the development for Hotel Accommodation and a Restaurant. A number of the conditions of planning approval require certain works to be completed prior to commencement of the Hotel use. For example, the construction of carparking, completion of landscaping and external lighting.

As the conditions were imposed in respect of the ultimate intended development, there is no impediment, from a planning perspective to Council approving temporary use of the 8 completed accommodation units.

Temporary Works/Use

As prescribed by the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, prior Development Approval is not required for Temporary Works that comply with the following condition:

“The works are in existence for less than 48 hours, or longer period agreed by the local government, in any 12-month period.”

It is therefore open to Council to agree to the use of the 8 accommodation units for a period of 12 months as Temporary Use. Provided that Council is agreeable to this time frame, the use would be classified as exempt from the need to obtain prior Development Approval.

Temporary Occupancy Certificate

The primary legislation relevant to the proponent's request is the *Building Act 2011* (the Act). The Act requires that owners and occupiers of all buildings, other than single dwellings and associated infrastructure, obtain and comply with occupancy certificates. It would be an offence under Section 41 of the Act for the completed 8 units to be occupied unless an occupancy certificate is in place.

In accordance with clause 47 of the Act, a person may apply for an occupancy permit for an incomplete building. The application must be accompanied by a certificate of construction compliance issued by a license building practitioner.

Amenity

Should Council support the issue of a Temporary Occupancy permit, allowing the completed 8 accommodation units to be used for on-site worker accommodation, appropriate conditions should be imposed to ensure that the activity does not result in detrimental impacts on the visual appearance of the site. Conditions relating to the screening of areas used for waste management and washing lines are recommended as a minimum.

Essential Services

Prior to any occupation of the completed 8 accommodation units, the essential services of power, water and sewerage connection is required.

Conclusion

The proponent's request is an unusual one in that the construction work is occurring within the Manjimup townsite, where traditionally the accommodation of construction workers has not been an issue. However, short term accommodation is currently limited. As a result, the proponent is having difficulty in securing accommodation for temporary workers and tradesmen, which is impacting on the construction timeline.

Given the above and the fact that accommodating of workers on-site will expedite the completion of the development and increase short term accommodation options within the town, it is recommended that the proponents request for a temporary occupancy be supported.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Building Act 2011 and Health Act (Miscellaneous Provisions) 1911.

POLICY / STRATEGIC IMPLICATIONS:

There are a number of Community Goals and Strategies relevant to the applicant's request. These include, but are not limited to:

Community Goals

2.4 Industry and development is not hindered by excessive or complex compliance regulations.

Strategies

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

ORGANISATIONAL RISK MANAGEMENT:

Support of the applicant's request will reduce the risk of further delays associated with completion of the development as approved. Risks associated with the proposed use can be minimised through the imposition of appropriate conditions.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Approval to the applicant's request will maximise the proponent's ability to complete the development in a timely manner.

Social: Appropriate conditions should be imposed to ensure that the use of the accommodation is appropriately managed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Support the applicants request for the Temporary Use of the completed 8 accommodation units at No 80 (Lot 156) Rose Street for the accommodation of on-site workers for a maximum period of 12 months;**
2. **Acknowledge that as a result of the above support and in compliance with clause 61 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed temporary use is exempt from the need to obtain Development Approval under Local Planning Scheme No 4;**
3. **Support the issue of a Temporary Occupation Certificate in accordance with the provisions of the *Building Act 2011*, subject to compliance with the following conditions:**
 - a) **The 8 accommodation units being occupied by persons employed to complete construction work on the site only;**
 - b) **The accommodation units being connected to the essential services of power, water and the Water Corporation's reticulated sewerage service;**
 - c) **The activity being managed so as to ensure that the occupancy of the units will not detrimentally impact on the amenity of the area; and**

- d) Compliance with the *Health Act 1911* and the Shire of Manjimup Health Local Laws 2020.

Advice to Applicant:

- i. Further to conditions c) and d), areas to be used for waste management or washing lines are not to be established, unless screened from public view to the satisfaction of the Shire of Manjimup.

ALTERNATIVE RESOLUTION:

MOVED: Buegge, D SECONDED: Skoss, K

29172

That Council:

1. Support the applicants request for the Temporary Use of the completed 8 accommodation units at No 80 (Lot 156) Rose Street for the accommodation of on-site workers for a maximum period of 6 months;
2. Acknowledge that as a result of the above support and in compliance with clause 61 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed temporary use is exempt from the need to obtain Development Approval under Local Planning Scheme No 4;
3. Support the issue of a Temporary Occupation Certificate in accordance with the provisions of the *Building Act 2011*, subject to compliance with the following conditions:
 - a) The 8 accommodation units being occupied by persons employed to complete construction work on the site only;
 - b) The accommodation units being connected to the essential services of power, water and the Water Corporation's reticulated sewerage service;
 - c) The activity being managed so as to ensure that the occupancy of the units will not detrimentally impact on the amenity of the area; and
 - d) Compliance with the *Health Act 1911* and the Shire of Manjimup Health Local Laws 2020.

Advice to Applicant:

- i. Further to conditions c) and d), areas to be used for waste management or washing lines are not to be established, unless screened from public view to the satisfaction of the Shire of Manjimup.

CARRIED: 11/0

ATTACHMENT APPENDIX

9.16.1 Community Nominations for Sustainability Advisory Committee

| | |
|---------------------------------|----------------------------------|
| PROPONENT | Various |
| OWNER | N/A |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | All |
| ZONE: | All |
| DIRECTORATE: | Development & Regulation |
| FILE REFERENCE: | F170492 |
| LEGISLATION: | <i>Local Government Act 1995</i> |
| AUTHOR: | Brian Robinson |
| DATE OF REPORT: | 9 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

On 20 October 2022 Council resolved to consider the establishment of a Sustainability Advisory Committee and requested the Chief Executive Officer to convene a workshop discussion. Subsequently two workshops were held with Council to collectively construct a draft Terms of Reference for the Advisory Committee.

At its Ordinary Meeting held on 9 February 2023, Council resolved (Resolution 29044) to:

- 1. Approve the establishment of the Sustainability Advisory Committee in accordance with the Terms of Reference at Attachment 9.16.3 (1);**
- 2. Appoint Councillors Donelle Buegge as Chairperson and Wendy Eiby to the Sustainability Advisory Committee, with their terms expiring on 21 October 2023;**
- 3. Appoint Councillor Kim Skoss as proxy member to the Sustainability Advisory Committee, with their term expiring on 21 October 2023;**
- 4. Appoint the following Shire of Manjimup employees to the Sustainability Advisory Committee as non-voting members:**
 - **Mr Brian Robinson, Director Development and Regulation;**
 - **Mr Jason Giadresco, Senior Governance Officer (Proxy)**
 - **Ms Ann Bentley, Environmental Sustainability Officer;**
- 5. Contact the Department of Biodiversity, Conservation and Attractions to request a representative to participate in the Sustainability Advisory Committee in an *ex-officio* capacity;**

6. Issue public notice for a 21-day period inviting five (5) Community Member and two (2) Youth Member nominations for the Sustainability Advisory Committee; and
7. Await a further report which will consider all Community and Youth nominations made to join the Sustainability Advisory Committee invited at Point 6. All nominations (except Youth Members) will be assessed in reference to the 'Committee Objectives' section of the Terms of Reference; and
8. The representative for the Warren Catchments Council be included as a voting member of the Sustainability Advisory Committee; and
9. The Sustainability Advisory Committee quorum be adjusted from 5 voting member to 6 voting members.

A copy of the approved Terms of Reference is shown appended.

APPENDIX: 9.16.1(A)

With the public consultation period now complete, Council is requested to consider the nominations received and amend the Terms of Reference accordingly.

PUBLIC CONSULTATION UNDERTAKEN:

A public consultation process has been completed in accordance with Council's resolution with advertisements in the local paper and through electronic media. The nomination period closed on 26 May 2023, with a total of 7 nominations received. It should be noted however that no nominations were received for Youth Representative.

An additional nomination was received after the close of advertising on 6 June 2023. Further information regarding this nomination is provided below, whilst copies of all nominations will be provided to Council under separate cover.

COMMENT (Includes Options):

As detailed above, a total of eight nominations were received from members of the public. The nominees being:

- Ms Jayde Darin
- Mr Stephen King
- Ms Clare Bailey
- Mr Rob Telford
- Mr Ian Wilson
- Ms Ashleigh Colins
- Mr Mitchell East
- Mr Brian Sutherland (Late Nomination)

As reflected within the nominations received, not all nominees have outlined what their experience is with respect to sustainability issues, being the objectives of the Advisory Committee. To assist Council in identifying those

nominees to be appointed as Community Representatives, the following comments are offered:

Composition of Committee

As outlined in the endorsed Terms of Reference, Council was originally seeking to appoint an Advisory Committee consisting of 2 Councillors, 5 Community Representatives, 2 Youth Representatives and a representative from the Warren Catchment Council.

With no nominations received for the position of Youth Representatives, the options available to Council are:

- a) Defer consideration of the nominations pending further public consultation to identify two Youth Representatives;
- b) Appoint 5 Community Representatives from the nominations received;
- c) Vary the endorsed Terms of Reference to allow for 7 Community Representatives to be appointed; or
- d) Vary the endorsed Terms of Reference to allow for 8 Community Representatives to be appointed.

Should Council wish to convene a meeting of the Advisory Committee prior to the planned Local Government Elections, it is recommended that the composition of the committee be adjusted to include 7 Community Representatives, as opposed to the current 5 Community Representatives plus two Youth Representatives. Draft Terms of Reference, reflecting this recommendation are shown attached.

ATTACHMENT: 9.16.1(1)

Members of the committee may be able to assist in the identification of potential Youth Representatives, who could be added to the Advisory Committee at a future date.

Late Nomination

The person who lodged the late nomination initially expressed interest via email on 9 May 2023, providing their contact details and stating “*Would love to learn more and be part of this*”. An email response was forwarded to the potential nominee on 18 May 2023 providing further information regarding the Committee and asking them to confirm if they were wanting to nominate for appointment to the Advisory Committee.

Whilst no response was received until 5 June 2023, the potential nominee requested that they be considered for nomination. After being advised that the nomination period had closed and that the Shire had received more nominations than anticipated, the potential nominee expressed the view that their initial email should constitute a nomination.

Although it is noted that the potential nominee has stated that they have sustainability and community development degrees from Murdoch University, the officers recommendation reflects the total number of committee members originally identified by Council through the adoption of the Draft Terms of

Reference. It is open to Council to modify the current Terms of Reference and accept the late nomination.

Future Composition of Committee

The Terms of Reference of any Advisory Committee formed in accordance with the Local Government Act 1995 can be modified at any time through a resolution passed by absolute majority of Council.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Both the Shire's Strategic Community Plan 2021-2031 and the Corporate Business Plan 2022-2026 contain the strategic theme of "Our Natural Environment" which guides the strategy and operations of the Shire of Manjimup in the sustainability area. The formulation of both of these plans received direct broad-based community feedback as to what the Shire of Manjimup should consider now and into the future.

ORGANISATIONAL RISK MANAGEMENT:

Councillors have indicated a clear commitment to the establishment of the Sustainability Advisory Committee. Failure to proceed with convening of the Advisory Committee could result in reputational damage.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: The Committee will provide advice on sustainable environmental topics, including:

- Climate change;
- Biodiversity;
- Built Environment;
- Land and waterway degradation;
- Water quality and conservation; and
- Waste Management.

Economic: The Committee will provide advice on opportunities for potential sustainable economic transition within the Shire.

Social: The Committee will provide advice on community engagement and information sharing on environmental initiatives of the Shire and other sustainable practices.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Appoint the following Community Members to the Shire of Manjimup Sustainability Advisory Committee:**
 - Ms Jayde Darin;
 - Mr Stephen King;
 - Ms Clare Bailey;
 - Mr Rob Telford;
 - Mr Ian Wilson;
 - Ms Ashleigh Colins; and
 - Mr Mitchell East
- 2. Endorsed the amended Terms of Reference as shown at Attachment: 9.16.1(1); and**
- 3. Request the services of the Committee members referred to in point 1 above to assist in identifying potential Youth Committee members for the consideration of Council.**

COUNCIL RESOLUTION:

MOVED: Skoss, K SECONDED: Buegge, D

29173

That Council:

- 1. Appoint the following Community Members to the Shire of Manjimup Sustainability Advisory Committee:**
 - Ms Jayde Darin;
 - Mr Stephen King;
 - Ms Clare Bailey;
 - Mr Rob Telford;
 - Mr Ian Wilson;
 - Ms Ashleigh Colins; and
 - Mr Mitchell East
- 2. Endorsed the amended Terms of Reference as shown at Attachment: 9.16.1(1); and**
- 3. Request the services of the Committee members referred to in point 1 above to assist in identifying potential Youth Committee members for the consideration of Council.**

CARRIED: 11/0

ATTACHMENT APPENDIX

9.16.4 Unconfirmed Minutes of the Access and Inclusion Advisory Committee Meeting held on 18 May 2023

| | |
|---------------------------------|---|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | Whole of Shire |
| WARD: | Whole of Shire |
| ZONE: | All |
| DIRECTORATE: | Community Services |
| FILE REFERENCE: | F170381 |
| LEGISLATION: | <i>Disability Services Act 1993</i> <i>Commonwealth Disability Discrimination Act 1992</i> <i>Equal Opportunity Act WA 1998</i> <i>Local Government Act 1995</i> |
| AUTHOR: | Kelsie Brown |
| DATE OF REPORT: | 30 May 2023 |
| DECLARATION OF INTEREST: | Nil |

BACKGROUND:

The Access and Inclusion Advisory Committee (AIAC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. The functions of the Committee are to:

- Promote the benefits of access and inclusion to the residents and businesses of the Shire of Manjimup;
- Be available to provide relevant advice on the development of proposals or plans for any activity, building or infrastructure within the Shire;
- Support and encourage partnership networks of local organisations that are best placed to collectively plan and coordinate strategies to address the needs of our local disability communities;
- Make recommendations to Council on matters arising not clearly dealt with by the Shire of Manjimup's Access and Inclusion Plan; and
- Monitor and review the Access and Inclusion Plan.

The purpose of this report is to present the unconfirmed Minutes and Action Items of the AIAC meeting held 18 May 2023 and to adopt the amended Terms of Reference for the Access and Inclusion Advisory Committee. The unconfirmed Minutes and Action Items are attached.

ATTACHMENT: 9.16.4 (1)

The current Terms of Reference for the Committee as adopted at the 2 March 2023 meeting are appended and the proposed amended Terms of Reference to reflect the above recommendations is attached.

ATTACHMENT: 9.16.4 (2)

APPENDIX: 9.16.4 (A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Access and Inclusion Committee have been discussing the implementation of Pragmatic Organisation Dynamic Display communication signage across the Shire. Pragmatic Organisation Dynamic Display is a comprehensive communication tool used to support individuals who are non-verbal or have limited verbal communication.

The City of Bunbury recently installed two Pragmatic Organisation Dynamic Display communication boards, one at Koombana Bay Playground and one at the Bunbury Wildlife Park. More information on these boards is attached.

ATTACHMENT: 9.16.4(3)

There are two recommendations relating to the implementation of Pragmatic Organisation Dynamic Display communication that require a decision of Council, being;

| Committee Recommendation | Officer Recommendation |
|--|--|
| That Council consider supporting the investigation and subsequent implementation of the Pragmatic Organisation Dynamic Display Communication project, including the installation of communication signage at yet to be determined community facilities | Supported. |
| That Council consider utilising \$10,000 of the available funds from the Local Roads & Community Infrastructure program towards the purchase and installation of the Pragmatic Organisation Dynamic Display signage. | Supported, however as this is expected to be an ongoing operational matter, it may be more appropriate for Council to consider increasing the operational budget allocation for Access and Inclusion from \$2,000 to \$5,000 per annum to assist with the implementation of the Pragmatic Organisation Dynamic Display signage across the Shire. |

Due to a number of upcoming staff movements, an opportune time presents to assess the current Shire Officer representation on the Access and Inclusion Advisory Committee. The below changes to the Access & Inclusion Terms of References are proposed;

- Gail Ipsen Cutts, Director of Community Services to stand down as Shire representative from the Committee;
- Kelsie Brown, Community Development Officer to replace Gail Ipsen Cutts as the Shire representative on the Committee; and

- Shammara Markotis, Community Development Officer to become the proxy for Shire representative on the Committee.

STATUTORY ENVIRONMENT:

- *Disability Services Act 1993*
- *Commonwealth Disability Discrimination Act 1992*
- *Equal Opportunity Act Western Australia 1998*
- *Local Government Act 1995*

POLICY / STRATEGIC IMPLICATIONS:

- *Shire of Manjimup Access and Inclusion Plan 2018-2023*
- *Shire of Manjimup Access and Inclusion Policy 3.8.1*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Accessible and inclusive communities and visitor experiences have the potential to add to the visitor economy.

Social: The Shire of Manjimup is committed to ensuring that the community is an accessible and inclusive community for people with disability, their families and carers.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive the unconfirmed Minutes and Action Items of the Access and Inclusion Advisory Committee meeting held 18 May 2023 as per Attachment: 9.16.4(1)**
2. **Consider supporting the investigation and subsequent implementation of the Pragmatic Organisation Dynamic Display Communication project, including the installation of communication signage at yet to be determined community facilities;**
3. **Consider increasing the annual operational budget 'to implement DAIP Plan' from \$2,000 to \$5,000 to facilitate the purchase and installation of the Pragmatic Organisation Dynamic Display signage;**
4. **Note that Gail Ipsen Cutts, Director of Community Services has stood stand down from the Committee;**

5. Endorse the nomination of Kelsie Brown, Community Development Officer to the Committee;
6. Endorse the nomination of Shammara Markotis, Community Development Officer to the Committee as a proxy; and
7. Adopt the amended Term of Reference for the Access and Inclusion Advisory Committee as per Attachment: 9.16.4(2).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Skoss, K

29174

That Council:

1. Receive the unconfirmed Minutes and Action Items of the Access and Inclusion Advisory Committee meeting held 18 May 2023 as per Attachment: 9.16.4(1)
2. Consider supporting the investigation and subsequent implementation of the Pragmatic Organisation Dynamic Display Communication project, including the installation of communication signage at yet to be determined community facilities;
3. Consider increasing the annual operational budget 'to implement DAIP Plan' from \$2,000 to \$5,000 to facilitate the purchase and installation of the Pragmatic Organisation Dynamic Display signage;
4. Note that Gail Ipsen Cutts, Director of Community Services has stood stand down from the Committee;
5. Endorse the nomination of Kelsie Brown, Community Development Officer to the Committee;
6. Endorse the nomination of Shammara Markotis, Community Development Officer to the Committee as a proxy; and
7. Adopt the amended Term of Reference for the Access and Inclusion Advisory Committee as per Attachment: 9.16.4(2).

CARRIED: 11/0

10. LATE REPORTS:

Nil.

11. QUESTIONS FROM MEMBERS:

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

11.2 Questions from members: Nil.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Councillor Skoss:

Notice of Motion:

That Council request the Interim Chief Executive Officer undertake a review of the provisions relating to Alternative Motions as contained within Council Policy 1.1.1 – Council Meeting Procedure, with a view to:

- 1. Actively encourage elected members to request the Chief Executive Officer to prepare draft alternative recommendations as may be intended, a minimum of 48 hours prior to the Council Meeting at which the matter is to be considered. This period being required to ensure that the proposed alternative recommendation terminology is consistent and clear, as well to ensure the legality and satisfactory notification to Council and broader consultation (if required) is achieved;**
- 2. Draft Alternative Recommendation's prepared by Shire Officers being forwarded to all elected members, once approved by the elected member requesting the Alternative Recommendation, with notification to be a minimum of 24 hours prior to the meeting;**
- 3. Where the agenda item relates to application, a copy of the Alternative Recommendation wording shall be supplied to the applicant a minimum of 24 hours prior to the meeting; and**
- 4. Recognising that if the above timeframes cannot be achieved it may be appropriate to defer consideration of the item to the next meeting.**

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

Nil.

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed.

Councillor Eiby declared a Financial Interest in this Item as she is the Manager of the Northcliffe Visitor Centre which has applied for a few community grants. Councillor Eiby did not speak or vote on the matter and left the Chamber at 6.06pm.

Councillor Buegge declared a Financial Interest in this Item as her child is a student of a grant applicant as of 15 June 2023. Councillor Buegge did not speak or vote on the matter and left the Chamber at 6.09pm.

PROCEDURAL MOTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29175

That Council goes behind closed doors to consider confidential Item 14.1.1 under Section 5.23(2) (h) of the *Local Government Act 1995*, as it deals with such other matters as may be prescribed.

CARRIED: 9/0

14.1.1 Unconfirmed Minutes of the Community Funds Program Occasional Committee of Council held on 22 May 2023

| | |
|---------------------------------|---------------------------|
| PROPONENT | Shire of Manjimup |
| OWNER | Shire of Manjimup |
| LOCATION / ADDRESS: | N/A |
| WARD: | N/A |
| ZONE: | N/A |
| DIRECTORATE: | Community Services |
| FILE REFERENCE: | F160252 |
| LEGISLATION: | Local Government Act 1995 |
| AUTHOR: | Kelsie Brown |
| DATE OF REPORT: | 29 May 2023 |
| DECLARATION OF INTEREST: | Nil |

PROCEDURAL MOTION:

MOVED: Dawson Vidovich, S SECONDED: Jenkins, D

29176

That Council come from behind closed doors.

CARRIED: 9/0

Councillor Eiby and Councillor Buegge returned to the Chamber at 6.12pm.

14.2 Public reading of resolutions that may be made public.

RESOLUTION WAS READ OUT

That Council:

1. Receive the unconfirmed Minutes and Action Items of the Community Funds Program Occasional Committee of Council meeting held 22 May 2023 as per Attachment: 1.1 (1);
2. Approve the allocated 2022/23 Community Grant Funding for Dirt High Promotions (\$5,000) to be carried forward to the 2024 Manjimup 15,000 event; and
3. Endorse the allocation of funds for the 2023/24 Community Grants as per the Committee recommendations provided in Attachment: 1.1 (2).

15. APPLICATIONS FOR LEAVE OF ABSENCE:

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29177

That Council grant Councillor Taylor a Leave of Absence for the 6 July 2023 Council Meeting.

CARRIED: 11/0

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Skoss, K

29178

That Council grant Councillor Jenkins a Leave of Absence for the 6 July 2023 Council Meeting.

CARRIED: 11/0

16. CLOSURE:

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.16pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**