



MINUTES

COUNCIL MEETING

6 JULY 2023

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:.....	3
2.	ANNOUNCEMENTS BY THE PRESIDENT: .....	3
3.	ATTENDANCE: .....	3
4.	DECLARATIONS OF INTEREST: .....	4
5.	PUBLIC QUESTION TIME:.....	4
6.	PRESENTATIONS: .....	5
7.	CONFIRMATION OF MINUTES: .....	6
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:.....	6
<b>29180</b>	8.1 Notice of Motion (Cr Skoss) - Review of Council Policy 1.1.1 Council Meeting System in relation to Alternate Motions and Amendments .....	6
9.	COUNCIL OFFICERS' REPORTS: .....	12
<b>29181</b>	9.3.1 Proposed Projects - Local Roads and Community Infrastructure Program (Round 4).....	13
<b>29182</b>	9.5.1 Proposed Dwelling - Single at Lot 113 (39) Karri Street, Walpole.....	17
<b>29183</b>	9.5.2 Delegated Planning Decisions for May 2023.....	24
<b>29184</b>	9.7.1 Application to Keep More Than Two Dogs at 5 (Lot 98) Zamia Street, Northcliffe.....	27
<b>29185</b>	9.12.1 Options for Organic Agri-waste at the Manjimup Recycling and Refuse Centre.....	33
<b>29186</b>	9.15.1 Unconfirmed Minutes of the Airfield Management Committee Held on 14 June 2023 .....	39
<b>29187</b>	9.16.1 Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held on 7 June 2023 .....	41
<b>29188</b>	9.16.2 Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held on 12 June 2023.....	44
<b>29189</b>	9.16.3 Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 13 June 2023 .....	47
<b>29190</b>	9.16.4 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting Held on 13 June 2023 .....	50
10.	LATE REPORTS: Nil. ....	54
11.	QUESTIONS FROM MEMBERS: .....	54
12.	MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING: Nil. ....	54
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING: Nil.....	54
14.	APPLICATIONS FOR LEAVE OF ABSENCE: Nil. ....	54
15.	CLOSURE: .....	54
	ATTACHMENT 6.2.1(1).....	56

## **SHIRE OF MANJIMUP**

Minutes of the Ordinary Meeting of Council held in the Council Chamber,  
Thursday, 6 July 2023.

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:**

The Shire President declared the meeting open at 5.30pm.

Councillor Buegge made an acknowledgement to Country as follows:

The Shire of Manjimup respectfully acknowledges the Noongar people as the traditional custodians of the land in which we work throughout the region. We pay our respects to their elders both past and present.

### **2. ANNOUNCEMENTS BY THE PRESIDENT:**

I attended the following meetings and events on behalf of Council

- The Manjimup Rotary Club Changeover.
- Truffle Kerfuffle Opening and the following day with Cr Murray Ventris.
- Opening of the Pemberton Mill Hall Kitchen by Jane Kelsbie MLA and Councillor Murray Ventris.
- Two meetings of the Chief Executive Officer Recruitment Committee.
- South West Local Government Association Meeting in Busselton.
- Met with Rick Wilson MP and Federal Shadow Minister for the Environment attended by Councillors Willcox, Buegge, Ventris and Skoss.
- Chaired a Local Emergency Management Committee Meeting and Emergency Incident Workshop conducted by Catherine Mills.
- Met with Sam Ramsay from the National Emergency Management Authority.
- Attended a St. John Ambulance Sundowner in Bunbury attended by Chairman Sally Caron and the Board members of St. John's and the surrounding Shires.
- Attended the Manjimup Lions End of Year Celebration and Changeover and proposed a Toast to Lions International.
- Attended several meetings with the Acting Chief Executive Officer Michael Leers and Interim Chief Executive Officer Brian Robinson.

### **3. ATTENDANCE:**

#### **PRESENT:**

#### **Councillors**

Cr P Omodei (Shire President)

Cr D Buegge  
 Cr S Dawson Vidovich  
 Cr W Eiby  
 Cr K Lawrence  
 Cr K Skoss  
 Cr M Ventris  
 Cr J Willcox  
 Cr C Winfield

**Staff**

Mr Brian Robinson (Interim Chief Executive Officer)  
 Mr Greg Lockwood (Director Business)  
 Ms Gail Ipsen Cutts (Director Community Services)  
 Ms Jocelyn Baister (Acting Director Development & Regulation)  
 Mr Michael Leers (Director Works & Services)  
 Ms Gaye Burrridge (Corporate Administration Officer)  
 Mr Jason Giadresco (Senior Governance Officer)

**Gallery**

Ian Wilson  
 Ross Craig

3.1 Apologies: Nil.

3.2 Leave Of Absence:  
 Councillors Denise Jenkins and Robert Taylor have been granted a leave absence for this meeting.

**4. DECLARATIONS OF INTEREST:**

The Interim Chief Executive Officer advised that he has received an Impartiality Interest from Councillor Eiby for Item 9.3.1.

Councillor Eiby declared an Impartiality Interest in Item 9.3.1 as the Northcliffe Pioneer Museum is listed a project on the list and the Museum is a Business member of the Northcliffe Visitor Centre which they manage.

**5. PUBLIC QUESTION TIME:**

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time

5.2.1 Ian Wilson, Wheatley Street, Manjimup.

- This relates to an item on the agenda this evening.
- Council has received a letter from Roger Underwood about Richard Sproge and commemorating him within the Heritage Park.

- It's a really good project and if it was funded by a third party and not the Shire for \$120,000 would be really good.
- Richard Sproge arrived in Australia from Russia in 1910, married in Bridgetown in 1911.
- In 1913 was living with his wife in Jardee and had a farming property on Channybearup Road and was listed as a farmer.
- In 1915 all of the blocks south of Plunket Street were released within the town of Manjimup and in 1917 the blocks were put up for sale Richard Sproge bought a good majority of those.
- In 1922 he was listed as living in Giblett Street as a timber worker.
- About 1928 he was lopping the tops out of trees. People would have seen iconic photos of him falling the tops of trees and the bloke standing on the top would more than likely have been Richard Sproge. That is what is suggested should be commemorated in the Heritage Park.
- In the 1930's Sproge started developing all those blocks that is in the area that is now Somerville Street. Working with the Shire of the time in opening up Somerville Street area. And became known as a builder.
- From 1934 onwards Sproge ran a jam factory in Manjimup. Most people don't know that. From 1934 to 1949 there was a jam factory in Manjimup.
- Through that period he was a Councillor on the Shire.
- The area south of Plunkett Street from 1939 up until now is generally known as Sproge Town.
- His son Harry fought in the Second World War and was killed in Ireland in an aircraft accident. His name is commemorated on the southern side of the Manjimup cemetery.
- There is a submission to Council of commemorating part of this mans story which is the tree lopping component of his story.
- When you look into an individuals history there is a whole range of other things that are his story.
- How do we commemorate respectfully one person's contribution to this magnificent Shire which is multifaceted and multicultural.

## **6. PRESENTATIONS:**

6.1 Petitions: Nil.

6.2 Presentations:

6.2.1 Councillor Cliff Winfield presented to Council on NAIDOC Week as shown in the attachment.

**ATTACHMENT: 6.2.1(1)**

- 6.3 Deputations: Nil.  
 6.4 Delegates' reports: Nil.  
 6.5 Conference reports: Nil.

## 7. CONFIRMATION OF MINUTES:

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

**29179**

**That the Minutes of the Ordinary Meeting of the Council held on 15 June 2023 be confirmed.**

**CARRIED: 9/0**

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

### ATTACHMENT

#### 8.1 Notice of Motion (Cr Skoss) - Review of Council Policy 1.1.1 Council Meeting System in relation to Alternate Motions and Amendments

<b>PROPONENT</b>	Cr Kim Skoss
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Shire of Manjimup
<b>WARD:</b>	NA
<b>ZONE:</b>	NA
<b>DIRECTORATE:</b>	Office of Chief Executive Officer
<b>FILE REFERENCE:</b>	F160048
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Michael Leers; Jason Giadresco
<b>DATE OF REPORT:</b>	19 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

### BACKGROUND:

At its Ordinary Meeting held on 15 June 2023, Cr Kim Skoss advised of the following Notice of Motion (NoM) for consideration of Council at the meeting to be held on 6 July 2023:

**“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.

Council is now requested to consider the NoM having regard to Shire Officers comments and advice provided in the Comment section of this report.

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

Purpose of Policy in the Local Government Context

A local government Council policy provides clear direction to the Administration on the day-to-day management of Shire activities. Council policies also serve a purpose in raising awareness to the Shire's ratepayers, applicants, and customers as how they can expect to be served, dealt with or managed should they have business with the Shire.

It should be noted also, that the content of Council policies cannot override or contradict the provisions of a Local Law.

Council Policy 1.1.1 Council Meeting System (the Policy) was last reviewed by Council 27 May 2021 and is not due for another review until May 2025. The current Council Policy 1.1.1 Council Meeting System is attached.

**ATTACHMENT: 8.1(1)**

Current Policy Content related to Alternate Motions and Amendments

The Policy establishes the requirements and standards for Council and committee meetings. The policy is constructed to guide Council in meeting its obligations under Part 5 of the *Local Government Act 1995* and the Shire of Manjimup Standing Orders Local Law 2013 (the Standing Orders).

The policy content relating to alternate motions to Officer Recommendations requires that Councillors are to provide the Chief Executive Officer (CEO) with alternate motions or amendments that they intend to move either prior to or at the Council meeting. This policy statement simply reflects the legislated requirements of Part 10 of the Standing Orders and gives guidance to them.

The policy further recommends that Councillors provide alternate motions or amendments to the appropriate Director or CEO at least 24 hours prior to the relevant Council meeting. The purpose of this is to ensure that any alternate motion or amendment to be proposed by a Councillor is consistent and clear in its intent as well as ensuring it's legality, reducing risk to Council. However, it should be noted that given that the Standing Orders prevail over Council policies in the hierarchy of local government legislation, Councillors are not

obligated to observe the policy. It is simply a recommended process to mitigate risk in making Council decisions.

The policy also makes a statement that a copy of the proposed alternate motion or amendment will be circulated to all Councillors, CEO and Directors. This is a measure to ensure all Officers and Councillors involved with the decision are aware that it is to be potentially put by a Councillor at the relevant meeting.

#### Policy Relationship with *Standing Orders Local Law 2013*

The Policy has a very clear statement on Page 1 in that none of its content prevails over the Standing Orders, as the Policy sits subsidiary to the Standing Orders legislatively. Therefore, should Council move to carry this NoM as proposed the effect would be that Shire Officers prepare an amended Policy reflective of Points 1 – 4 of the NoM for Council's consideration. It does not trigger any amendment or review of the Shire's current Standing Orders.

It should be noted that the Standing Orders Local Laws governing meeting procedures of all Western Australian local governments are to be standardised through the Local Government Reform process currently being undertaken by the State Government. This change to meeting procedures is expected to be imposed legislatively in 2024. Amongst other reasons, this reform to the governance of Council and Committee meetings is designed to provide greater clarity for ratepayers and applicants for decisions made by Council. It will be mandated that the meeting procedures and Standing Orders for all local government meetings are standardised across Western Australia.

#### Changes proposed through Notice of Motion

The effect of the policy changes proposed are discussed in reference to each individual point of the NoM below:

##### *Point 1*

This would amend the current policy provision of providing an alternate or amended motion to the CEO from 24 hours to 48 hours prior to the relevant meeting. It would also make all Councillor contact regarding alternate motions or amendments direct to the CEO, and not the Directors.

##### *Point 2*

Point 2 of the NoM is reflective of the current policy but introduces a provision to circulate a copy of any alternate motion or amendment to Councillors, CEO and Directors a minimum 24 hours prior to the relevant Council meeting once approved by the Councillor proposing it.

##### *Point 3*

This is a proposed new policy provision. This would provide that applicant's with an agenda item before Council (e.g., proponents with a development application) are given 24 hours' notice prior to the relevant meeting that an alternate motion or amendment is potentially to be put before Council to be considered.



Shire Officers note that introduction of this policy provision does not override the meeting procedures defined in the Shire's Standing Orders, which allow Councillors to introduce an alternate motion or amendment to a recommendation at the meeting at any time prior to or during the item being formally debated.

#### *Point 4*

This also is a proposed new addition to the policy. Should the timeframes given in Points 1 - 3 above are unable to be reasonably met, it may be in the interest of Council to defer making a decision on that item of business until the following meeting to give Shire Officers, Councillors and applicants time to consider the content of the proposed alternate motion or amendment prior to Council making its determination.

Again, Shire Officers note that introduction of this policy provision does not override the meeting procedures defined in the Shire's Standing Orders, which allow Councillors to introduce an alternate motion or amendment to a recommendation at the meeting.

#### Notification to submitters

It is noted by Shire Officers that the NoM does not provide provisions to notify persons who may have made a submission on an item that may be subject to an alternate motion or amendment. Council may wish to consider amending Point 3 to include notification of the proposed change be provided to both submitters as well as applicants.

#### Options Available to Council

The below outlines the options available to Council:

##### *Proceed to Review in accordance with Notice of Motion*

Acceptance of the NoM as proposed by Councillor Skoss will have Council instruct the CEO to review the Alternate Motions or Amendments to Officer Recommendations section of the Policy to include the proposed changes described in the NoM.

##### *Remove Policy Provisions*

Given the legislative prominence of the Standing Orders and the fact they prevail over the Policy, it is also open to Council to determine to remove the current provisions related to alternate motions and amendments from the Policy.

##### *Maintain Policy Status Quo*

Should Council be satisfied that the current Policy content is adequate, the NoM can be allowed to 'lapse' and no further action be taken on it.

##### *Amended or Alternate Recommendations*

The mover of the NoM or any other Councillor may wish to amend or provide an alternate recommendation to the NoM, in accordance with the Standing Orders.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Shire of Manjimup Standing Orders Local Law 2013.*

**POLICY / STRATEGIC IMPLICATIONS:**

Council can request the review of any of its policies at any time.

Under Section 2.7 of the *Local Government Act 1995*, Council is responsible for the performance of the local government's functions, one of which is to determine its policies (Section 2.7(2)(b)).

**ORGANISATIONAL RISK MANAGEMENT:**

Whilst it is not a strict legislative requirement of Councillors, providing proposed alternate motions or amendments to the Shire CEO in good time prior to the relevant Council meeting is a sensible risk mitigation measure. Council makes a variety of decisions that have financial, legal, economic, environmental and social consequences and these should be appropriately considered before determination to ensure that the best outcome and mitigation of risk for Council and the community is achieved.

Generally speaking, this NoM reflects considerable community expectation of Council in how it conducts its business with its customers. In the event that a Councillor moves to put an alternate motion or move an amendment, particularly where the applicant or proponent has a direct interest in the outcome of a matter, it would be expected of Council that it would have upheld its own policy as pertains to these matters. Failing to uphold its own policy measures is likely to cause Council reputational damage and call into question its ability to treat its customers fairly and equitably by denying them the opportunity to be heard on matters that are important to them.

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY****COUNCILLOR RECOMMENDATION (CR SKOSS):**

**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.

#### **COUNCIL RESOLUTION:**

**MOVED: Skoss, K**

**SECONDED: Dawson Vidovich, S**

**29180**

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.

**CARRIED: 9/0**

## 9. COUNCIL OFFICERS' REPORTS:

9.3.1	Proposed Projects - Local Roads and Community Infrastructure Program (Round 4)
9.5.1	Proposed Dwelling - Single at Lot 113 (39) Karri Street, Walpole
9.5.2	Delegated Planning Decisions for May 2023
9.7.1	Application to Keep More Than Two Dogs at 5 (Lot 98) Zamia Street, Northcliffe
9.12.1	Options for Organic Agri-waste at the Manjimup Recycling and Refuse Centre
9.15.1	Unconfirmed Minutes of the Airfield Management Committee Held on 14 June 2023
9.16.1	Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held on 7 June 2023
9.16.2	Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held on 12 June 2023
9.16.3	Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 13 June 2023
9.16.4	Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting Held on 13 June 2023

Councillor Eiby declared an Impartiality Interest in this Item as the Northcliffe Pioneer Museum is listed as a project on the list and the Museum is a Business Member of the Northcliffe Visitor Centre which she manages. Councillor Eiby declared that she would consider this matter on merits and vote accordingly.

## ATTACHMENT

### 9.3.1 Proposed Projects - Local Roads and Community Infrastructure Program (Round 4)

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Whole Shire
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160191
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	7 July 2023
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

On 3 May 2023 Shire of Manjimup Officers received advice from the Department of Infrastructure, Transport and Regional Development (DITRD) of the continuation of the post COVID-19 stimulus program, Local Roads and Community Infrastructure Round 4.

Under the banner of Local Roads and Community Infrastructure Program (LRCIP) the Shire of Manjimup will receive \$1,439,618 of untied funding for eligible projects. Unlike the previous 3 Rounds, where funding could be utilised on any asset type as long as the project met the funding guidelines, this round proposes that \$526,631 be directed to roads, with the remaining \$912,987 on community/road assets.

The LRCIP funding is a unique grant program, as Council can direct funding towards the renewal or improvement of community assets, where typically grant funding is only available on more visual projects like major upgrades or new assets. With the prudent allocation of the previous 3 rounds of funding, Council have renewed and improved several of the Shire's key facilities and pathways increasing their useful life and service level.

The purpose of this report is to seek formal Council endorsement of the projects to be submitted to DITRD.

#### PUBLIC CONSULTATION UNDERTAKEN:

Nil.

**COMMENT (Includes Options):**

The Shire of Manjimup as at 30 June 2022 has some \$562,854,961 of assets requiring regular maintenance and asset renewal. During budget discussions at the informal session of Council on 15 June 2023, a proposal was put forward by Senior Management to expend the majority of LRCIP funding on asset renewal, in particular tier 1 buildings in all of the Shire's major towns. A total of \$912,987 has been proposed to fund works at the following locations:

- Manjimup Community Centre;
- Manjimup Indoor Sports Pavilion;
- Manjimup Town Hall;
- Manjin Park Fountain and Walkway;
- Balbarrup Pioneer and Balbarrup Cemetery;
- Pemberton Public Toilet Car Park;
- Pemberton Sports Club;
- Clem Collins Recreation Centre;
- Northcliffe Pioneer Museum;
- Northcliffe Town Hall;
- Northcliffe Recreation Centre and Grandstand; and
- Walpole Recreation Ground Public Toilet.

At the Road Infrastructure Advisory Committee meeting on the 25 May 2023 the committee considered how the road component of the LRCIP funding of \$526,631 would be expended. To increase the life of the roads and to reduce maintenance the Committee endorsed the resealing of the following roads:

- Middleton Road (3km)
- Eastbourne Road (2.4km)
- Sears Road (2.6km)
- Graphite Road (1.63km)
- Seven Day Road (0.7km)
- Crack Sealing (Various)

The proposed projects with a brief description of works is attached with the amount of allocated funding.

**ATTACHMENT: 9.3.1(1)**

The projects above generally meet the criteria of an eligible project, being they do not feature in any 2023/24 forward capital works plans, they involve the improvement of Shire owned assets or accessibility of those assets to the public. Should DITRD reject any of the projects further consultation with Council for replacement projects will be carried out.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

The Corporate Business Plan 2023-2027 has been considered when identifying appropriate projects for funding. The following activities will be met if the proposed projects are approved:

- C10.2 Implement strategies contained in the Access & Inclusion Plan 2018-2023;
- D5 Develop and maintain community infrastructure to a service-level that meets the community's needs;
- D8 Develop town centres to showcase their unique characters and encourage vibrant, mixed-use commercial and public spaces;
- D11 Provide for public parks and playgrounds that are accessible and attractive with well-maintained amenities and equipment; and
- D16 Provide adequate and safe parking facilities in town sites and enforce compliance with ACROD regulations and local laws.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

If approved, projects will see the renewal and upgrade of existing assets improving their condition, level of service and extending the asset life.

Some projects will result in the production of new assets that will require future maintenance, however those associated costs will be minor in nature and absorbed in current budgets where possible or see minor increases in future operational budgets.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: The majority of the proposed projects will be carried out using local labour and materials supporting the economic growth of the Shire.

Social: Improved community amenities, improved pathway networks and access to council facilities will improve the liveability of the Shire, as well as assist in capturing the visitor economy supporting the recovery of those communities.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. Endorse the proposed projects for submission for the Local Roads and Community Infrastructure Program Round 4 funding as per Attachment: 9.3.1(1); and
2. Include the projects listed in Attachment: 9.3.1:(1) in the Shire of Manjimup 2023/2024 Annual Budget.

**COUNCIL RESOLUTION:**

**MOVED: Eiby, W**

**SECONDED: Dawson Vidovich, S**

**29181**

**That Council:**

- 1. Endorse the proposed projects for submission for the Local Roads and Community Infrastructure Program Round 4 funding as per Attachment: 9.3.1(1); and**
- 2. Include the projects listed in Attachment: 9.3.1:(1) in the Shire of Manjimup 2023/2024 Annual Budget.**

**CARRIED: 9/0**



## ATTACHMENT

### 9.5.1 Proposed Dwelling - Single at Lot 113 (39) Karri Street, Walpole

<b>PROPONENT</b>	Mr Y Krasnykov
<b>OWNER</b>	Ms A Buynevych & Mr Y Krasnykov
<b>LOCATION / ADDRESS:</b>	Lot 113(39) Karri Street, Walpole
<b>WARD:</b>	South
<b>ZONE:</b>	Residential R10
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA23/61: P55095
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Kaylene Roberts, Jocelyn Baister
<b>DATE OF REPORT:</b>	12 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

#### BACKGROUND:

Council is requested to consider an application for a Dwelling – Single with separate habitable building at Lot 113 (39) Karri Street, Walpole. The subject property is 1,172m<sup>2</sup> and is currently vacant. A location plan is shown below.

#### LOCATION PLAN



The application is proposing the construction of an 'A' frame dwelling with a total floor area of 226.1m<sup>2</sup> and a deck of 40m<sup>2</sup>, as well as an 'A' frame habitable building with a total floor area of 46.1m<sup>2</sup>. The proposed dwelling will consist of 4 bedrooms on the upstairs floor, bathroom, laundry, open plan kitchen/living/dining area as well as a storage / office area. The habitable building is proposed to be used for storage on the mezzanine level and as an art and yoga studio for personal use on the ground floor. If approved, the dwelling and habitable building will be steel framed with roof materials of Colorbond® flat profile cladding with the colour being Monument Matt or

similar. The applicant is also proposing to clear trees within the building envelope and slightly amend the building envelope.

A copy of the submitted plans are attached.

#### **ATTACHMENT: 9.5.1 (1)**

Council is requested to consider the application as the proposed development does not meet the provisions and requires a decision based on a judgement of merit. Shire Officers do not have the delegated authority under Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards (the Policy).

#### **PUBLIC CONSULTATION UNDERTAKEN:**

The application was advertised in accordance with clause 9.6 of the Scheme for a 21-day period to the adjoining landowners and Ward Councillor. One comment was received from an adjoining landowner during the submission period and they had no objections to the proposal.

#### **COMMENT (Includes Options):**

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the subject land within the Residential zone with an applicable density of R10 as per State Planning Policy 7.3 – Residential Design Codes (R-Codes). In addition, the Scheme includes the subject land within Planning Precinct Walpole 1 – Boronia Ridge Residential Estate (WP1).

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

#### Matters to be Considered

In determining an application for Development 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;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;*
- (xv) *the preservation of the amenity of the locality; and*
- (xvi) *the relationship of the proposal to development on adjoining land or other land in the locality, including but not limited to, likely effect of the height, bulk, scale, orientation and appearance of the proposal*

The design of the dwelling and separate habitable building has been assessed against the above criteria, other relevant Scheme provisions and adopted Local Planning Policy. Comments on the assessment are provided in the balance of this agenda item.

#### Planning Precinct WP1

WP1 relates to residential lots located within the Boronia Ridge Estate immediately west of Walpole. Within Schedule 8 of the Scheme, a number of

special provisions are outlined in Planning Precinct WP1, including the following provision that is relevant to the application:

- (iii) *Materials for residences and outbuildings or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material:*

The proposed development is compliant with this provision.

#### Dwelling Design

Development within the Estate must comply with Local Planning Policy 6.1.15 – Boronia Ridge Estate Development Standards (the Policy). A primary aim of the Policy is to ensure that ‘shed like’ dwellings are not supported.

The Policy states that in order to achieve a consistency of roof-scapes and to moderate the impact of direct solar load on external walls and windows, eaves to the dwelling shall be a minimum of 600mm to north facing windows, except for verandah’s patios, minor roof nibs and entry porticos. The plans show that, due to the design of the dwelling, there are no perceived eaves on the proposed dwelling.

Shire Officers contacted the applicant, with regards to the roof eaves, requesting justification to the variation. The applicant responded by stating that due to the non-conventional design of the dwelling compliance has been achieved as the design incorporates 600mm eaves provided to the vertical wall on the North-west façade, which faces the street.

Whilst the non-conventional dwelling design is unique for the Boronia Ridge Estate, the justification by the proponent is supported.

#### Tree Removal and Revegetation

As stated in the background section, the applicant has stated that they propose to remove trees within the building envelope. On reviewing the plans submitted with the application, there is the potential for several additional larger trees to be impacted from the proposed earthworks. As the applicant is proposing to plant a perimeter hedge at the property it is not recommended that a condition be imposed requiring the revegetation under Scheme provision clause 5.7.4. However, it is recommended that the applicant be advised to use native vegetation indigenous to the locality.

#### Building Envelope

As mentioned in the Background section, the applicant has shown an amended building envelope that is positioned closer to Karri Street and further from the southern boundary. The minor amendment is supported as it will ensure the retention of some trees to the south of the dwelling and is still compliant with the R-Codes.

### Bushfire Attack Level Assessment

A Bushfire Attack Level (BAL) Assessment by a qualified assessor has been submitted and identified that a level of BAL12.5 will apply to the resultant development. It is recommended that the development be conditioned to be built to the corresponding BAL rating in accordance with AS.3959.

### Conclusion

Given the application's compliance with the requirements of the Scheme and Policy, it is recommended that Council approve this application.

### **STATUTORY ENVIRONMENT:**

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

### **POLICY / STRATEGIC IMPLICATIONS:**

The Shire of Manjimup's Strategic Community Plan 2021-2031 outlines the following Community Goals and Strategies that are relevant to the application:

#### *Community Goals*

- 1.2 Development is managed sustainably and our environment is valued through policy and regulation; and
- 2.1 New people and new businesses are attracted to the region.

Approval to the application as submitted would be consistent with these goals.

### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

### **FINANCIAL IMPLICATIONS:**

The required application fee has been paid.

### **SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

### **VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Dwelling – Single at Lot 113 (39) Karri Street, Walpole in accordance with the plans as shown at Attachment: 9.5.1 (1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked 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
DA101	Site Plan	21 April 2023
DA102	Floor Plans	21 April 2023
DA103	Elevations 1 – 3	21 April 2023
DA104	Elevations 4 – 6	21 April 2023
DA100	Site Survey Tree Removal	21 April 2023

2. Prior to occupation, the vehicular crossover between the subject land, Howe Court and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
3. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
4. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
5. All buildings shall be constructed in accordance with Australian Standard 3959 “Construction of Buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup;
6. All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of material or of a colour, which is considered by the Shire of Manjimup to be detrimental to the character of the natural landscape of the locality;
7. No rainwater run-off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience; and
8. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.

**Advice to Applicant:**

- i. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- ii. The proposed revegetation is to be undertaken with plant species indigenous to the locality;

- iii. Any proposed commercial land use for the habitable building will require further approvals from the Shire of Manjimup;
- iv. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system; and
- v. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup's Health Local Laws 2020.

#### **COUNCIL RESOLUTION:**

**MOVED: Dawson Vidovich, S SECONDED: Willcox, J**

**29182**

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grant approval to the proposed Dwelling – Single at Lot 113 (39) Karri Street, Walpole in accordance with the plans as shown at Attachment: 9.5.1 (1), subject to the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked 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
DA101	Site Plan	21 April 2023
DA102	Floor Plans	21 April 2023
DA103	Elevations 1 – 3	21 April 2023
DA104	Elevations 4 – 6	21 April 2023
DA100	Site Survey Tree Removal	21 April 2023

2. Prior to occupation, the vehicular crossover between the subject land, Howe Court and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
3. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
4. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
5. All buildings shall be constructed in accordance with Australian Standard 3959 “Construction of Buildings in Bushfire Prone

**Areas” to the satisfaction of the Shire of Manjimup;**

- 6. All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of material or of a colour, which is considered by the Shire of Manjimup to be detrimental to the character of the natural landscape of the locality;**
- 7. No rainwater run-off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience; and**
- 8. All stormwater and drainage run off is to be retained on the subject property or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.**

**Advice to Applicant:**

- i. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;**
- ii. The proposed revegetation is to be undertaken with plant species indigenous to the locality;**
- iii. Any proposed commercial land use for the habitable building will require further approvals from the Shire of Manjimup;**
- iv. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system; and**
- v. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup’s Health Local Laws 2020.**

**CARRIED: 9/0**

## ATTACHMENT

## 9.5.2 Delegated Planning Decisions for May 2023

<b>PROPONENT:</b>	Shire of Manjimup
<b>OWNER:</b>	Various
<b>LOCATION / ADDRESS:</b>	Various
<b>WARD:</b>	Various
<b>ZONE:</b>	Various
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F170085
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kaylee Blee
<b>DATE OF REPORT:</b>	21 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

**ATTACHMENT: 9.5.2(1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

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

**COMMENT (Includes Options):**

During May 2023, six (6) development applications were determined under delegated authority. **Table 1** shows the number and value of development applications determined under both delegated authority and by Council for May 2023 compared to May 2022:

**Table 1: Planning Decisions Made May 2022 and 2023**

	May 2022	May 2023
<b>Delegated Decisions</b>	11 (\$687,420)	6 (\$938,008)
<b>Council Decisions</b>	4 (\$530,000)	7 (\$155,900)
<b>Total</b>	<b>15 (\$1,217,420)</b>	<b>13 (\$1,093,908)</b>

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



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

	YTD 2021-22	YTD 2022-23
<b>Delegated Decisions</b>	104 (\$10,735,476)	115 (\$10,433,789)
<b>Council Decisions</b>	49 (\$10,851,688)	67 (\$9,857,275)
<b>Total</b>	<b>153 (\$21,587,164)</b>	<b>182 (\$20,291,064)</b>

**STATUTORY ENVIRONMENT:**

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

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

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

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

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

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

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receives the report on Delegated Development Approvals for May 2023 as per Attachment: 9.5.2(1)**

**COUNCIL RESOLUTION:**

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

**29183**

**That Council receives the report on Delegated Development Approvals for May 2023 as per Attachment: 9.5.2(1).**

**CARRIED: 9/0**

**ATTACHMENT****9.7.1 Application to Keep More Than Two Dogs at 5 (Lot 98) Zamia Street, Northcliffe**

<b>PROPONENT</b>	Mr Clayton Pukallus
<b>OWNER</b>	Mrs Constance Telfer
<b>LOCATION / ADDRESS:</b>	5 (Lot 98) Zamia Street, Northcliffe
<b>WARD:</b>	Coastal
<b>ZONE:</b>	Residential
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	F161271-002
<b>LEGISLATION:</b>	<i>Dog Act 1976</i> <i>Shire of Manjimup Dogs Local Law 2004</i>
<b>AUTHOR:</b>	Todd Ridley; Jocelyn Baister
<b>DATE OF REPORT:</b>	23 May 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The Shire of Manjimup received a complaint on 9 May 2023 reporting five dogs being kept at the applicants address and raising concerns of safety to the public regarding the three rottweilers being kept.

On the 10 May 2023 the applicant was issued a written warning for keeping more than the prescribed number of dogs, a direction to register all dogs being kept on the property and submit an *Application to Keep More than Two dogs* or reduce the numbers to two within seven days.

On the 11 May 2023, the Shire of Manjimup received an *Application to Keep More Than Two Dogs* at 5 (Lot 98) Zamia Street, Northcliffe. The registrations for all three dogs was also completed on the 11 May 2023. Details of the registered dogs being kept at the address are tabled below.

	<b>Breed</b>	<b>Age</b>	<b>Microchip</b>	<b>Sterilised</b>	<b>Sex</b>	<b>Registration</b>
<b>1</b>	Rottweiler	5 Years	953010003180061	No	Female	2395/2023
<b>2</b>	Rottweiler	2 Years	953010100050442	No	Female	2396/2023
<b>3</b>	Rottweiler	2 Years	953010006600254	No	Female	2397/2023

The applicant has stated that the two other dogs being kept on the property have been rehomed without completing registration.

Council is now requested to determine the application. A copy of the submitted application is shown attached.

**ATTACHMENT: 9.7.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Shire of Manjimup sent notification to landowners of the adjoining properties and the owner of the applicant's property asking for comment with a 14-day comment period.

The property owner provided approval for the proposal on the 6 June 2023. A copy of the approval is shown attached. No other comments were received.

**ATTACHMENT: 9.7.1 (2)**

**COMMENT (Includes Options):**

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

Limitation on Number of Dogs

In accordance with the *Shire of Manjimup Dog Local Laws 2004 Part 3 Clause 3.2(2)* (Dog Local Laws), a person shall not without an exemption in writing from the Council, keep more than two dogs over the age of three months on land used for residential purposes.

Council Policy

At the Shire of Manjimup Ordinary Council Meeting held on 27 May 2021, Council re-adopted *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* (the Policy) in order to guide the assessment of applications to keep additional dogs or cats. In accordance with the Policy, applications shall only be permitted where the following reasons apply:

- i. To replace an elderly or sick dog/cat that it is not expected to live;
- ii. Sudden family emergency and dog/cat inherited;
- iii. Merging of two households; and
- iv. Where the applicants have had approval to keep more than the prescribed number in another local authority.

The Policy furthermore outlines that applications made on the following grounds shall not be supported:

- a) Just wanting another dog/cat;
- b) Rescued a stray and would like to keep it;
- c) Family member moves home and brings dog/cat;
- d) A third party moving into a property (i.e. a boarder) and bringing a dog/cat with them;
- e) Wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born;
- f) For breeding purposes, unless the owner is a registered breeder and the premises have been approved as an Animal Establishment in accordance with the provisions of the Shire of Manjimup's Local Planning Scheme No 4; and
- g) Applications seeking to keep declared or restricted breeds.

Although the application is not consistent with the circumstances identified within the policy, the application details that the third dog was hand raised from a previous litter and helped the applicant's daughter with her mental

health, dealing with juvenile arthritis. The applicant intends to reduce back to two dogs if the applicant's daughter decides to move to Bunbury.

#### Potential for Breeding

With the applicant's proposal to keep three unsterilised female dogs, there is the potential for dog numbers to increase should they breed any of the three dogs. Once the number of unsterilised dogs at a property increase beyond two, the breeding of the dogs aligns with the definition of Animal Establishment under the provisions of Local Planning Scheme No. 4 (the Scheme). Should Council approve the application to keep more than two dogs, it is recommended that at least one of the dogs be sterilised as an Animal Establishment cannot be approved within a Residential zone under the current provisions of the Scheme.

#### Complaint History

Prior to the application being submitted, the Shire of Manjimup received a complaint on the 9 May 2023 regarding concerns for safety due to the undesirable nature of the applicant's dogs and raised concerns about the fencing being adequate for this particular breed.

#### Suitability of Property

The subject property has an area of 7,884m<sup>2</sup>. Upon inspection by a Shire Officer, it has been noted that the property has rural type fencing approximately 1.5m in height and allows all three dogs to exercise freely. It was noted that the applicant contains the dogs in a mesh enclosure while away and when visitors enter the property. Although the applicant is not the property owner, the property is owned by the applicant's mother.

#### Conclusion

As the application is not consistent with the provisions of the Policy, it is recommended that the application be refused for the following reasons:

- The applicant's reasons for wanting to keep more than two dogs are not consistent with *Shire of Manjimup Policy 5.2.5 Applications to Keep Additional Dogs or Cats* as one of the three dogs were obtained due to "Wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born".

#### **STATUTORY ENVIRONMENT:**

*Dog Act 1976 Section 26(3); and*

*Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2(2)*

#### **POLICY / STRATEGIC IMPLICATIONS:**

As outlined within the comment section above, the proposal as submitted is not consistent with the requirements of *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*. Furthermore, all three dogs are currently unsterilised and could contravene the policy if breeding was to occur whether intentionally or unintentionally. Therefore, approval is not recommended.

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: The Shire has received a complaint regarding the nature of the dogs and the suitability of the property. The Northcliffe District High School is in close proximity to the property and if the dogs were to escape there may be negative social impacts.

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

That Council:

1. Refuse the applicants request for an exemption to keep more than two dogs at 5 (Lot 98) Zamia Street, Northcliffe pursuant to the *Dog Act 1976 Section 26(3)* for the following reasons:
  - a) Approval of the application would be contrary to the recommendation listed in *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* which stipulates that applications for approval to keep more than the prescribed number of dogs/cats shall not be supported when “wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born”;
  - b) Approval to the application would create an undesirable precedent for the keeping of more than two dogs for the purposes of breeding when the applicant has not supplied any documentation to confirm an intention to have the dogs sterilised or that they are a registered breeder or a member of any canine association or affiliated group; and
  - c) The applicant has for a period of time failed to comply with the *Dog Act 1976 Section 7(1)* by:
    - i) keeping unregistered dogs at the property; and
    - ii) keeping more than two dogs without an approved exemption.
2. Grant temporary approval for the keeping of three dogs for a 12 month period to allow for the relocation of the third dog.
3. Acknowledge that the Chief Executive Officer can grant approval for two dogs in accordance with the *Shire of Manjimup Dog Local Law 2004* under delegation.

**Advice to Applicant:**

- i) Further to refusal reason point b) above, the applicant is advised that the provisions of the *Shire of Manjimup Local Planning Scheme No 4* define an “Animal Establishment” as *premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre*. As the purpose of keeping more than two dogs is related to potential breeding of the animals, the use is consistent with the above definition and such uses cannot be permitted under the current *Shire Of Manjimup Local Planning Scheme No 4* provisions relating to the land.
- ii) On expiration of the temporary approval, the applicant may reapply to keep more than two dogs at the property if the number of unsterilised dogs is no more than two.

**COUNCIL RESOLUTION:****MOVED: Skoss, K****SECONDED: Dawson Vidovich, S****29184****That Council:**

1. Refuse the applicants request for an exemption to keep more than two dogs at 5 (Lot 98) Zamia Street, Northcliffe pursuant to the *Dog Act 1976 Section 26(3)* for the following reasons:
  - a) Approval of the application would be contrary to the recommendation listed in *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* which stipulates that applications for approval to keep more than the prescribed number of dogs/cats shall not be supported when “wanting to keep puppies/kittens from litters that have not been disposed of within three months of being born”;
  - b) Approval to the application would create an undesirable precedent for the keeping of more than two dogs for the purposes of breeding when the applicant has not supplied any documentation to confirm an intention to have the dogs sterilised or that they are a registered breeder or a member of any canine association or affiliated group; and
  - c) The applicant has for a period of time failed to comply with the *Dog Act 1976 Section 7(1)* by:
    - i) keeping unregistered dogs at the property; and
    - ii) keeping more than two dogs without an approved exemption.
2. Grant temporary approval for the keeping of three dogs for a 12 month period to allow for the relocation of the third dog.

3. Acknowledge that the Chief Executive Officer can grant approval for two dogs in accordance with the *Shire of Manjimup Dog Local Law 2004* under delegation.

**Advice to Applicant:**

- i) Further to refusal reason point b) above, the applicant is advised that the provisions of the *Shire of Manjimup Local Planning Scheme No 4* define an “*Animal Establishment*” as *premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre*”. As the purpose of keeping more than two dogs is related to potential breeding of the animals, the use is consistent with the above definition and such uses cannot be permitted under the current *Shire Of Manjimup Local Planning Scheme No 4* provisions relating to the land.
- ii) On expiration of the temporary approval, the applicant may reapply to keep more than two dogs at the property if the number of unsterilised dogs is no more than two.

**CARRIED: 9/0**



**APPENDIX****9.12.1 Options for Organic Agri-waste at the Manjimup Recycling and Refuse Centre**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	All
<b>ZONE:</b>	All
<b>DIRECTORATE:</b>	Works & Services
<b>FILE REFERENCE:</b>	F160377
<b>LEGISLATION:</b>	<i>Environmental Protection Act 1986</i> <i>Waste Avoidance and Resource Recovery Act 2007</i>
<b>AUTHOR:</b>	Mark Sewell
<b>DATE OF REPORT:</b>	16 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

At the Ordinary Meeting of Council 29 September 2022, Resolution 28904 Point 4 requested a report be prepared to inform Council in its decision making about options for organic agri-waste at the Manjimup Recycling and Refuse Centre (MRRC). The resolution is shown below and the report is appended.

**APPENDIX: 9.12.1(A)****28904****That Council:**

1. Under its adopted 2022/23 Fees and Charges schedule, impose a new tipping fee of \$90.00 per cubic metre inc. GST for organic agri-wastes brought to the Manjimup Recycling and Refuse Centre;
2. Provide Local Public Notice under the *Local Government Act 1995* to give effect to the fee;
3. Request that a report be prepared for Council's information regards the discrete landfilling of the organic agri-waste so that it can be retrieved at a later date for composting; and
4. Request that a report be prepared for Council decision providing manageable options for organic agri-waste by March 2023, in time for 2023/24 Annual Budget considerations.

The purpose of this report is to present for Council's consideration options for managing organic agri-waste in accordance with part 4 pf the above Council recommendation.

**PUBLIC CONSULTATION UNDERTAKEN:**

No direct public consultation has been carried out.

**COMMENT (Includes Options):**

Organic agri-waste is brought to the MRRC from agricultural producers and processors. It is organic (typically crop-based), containing no or very little contaminant (such as netting, plastic tubing, packing material etc).

For clarity, green waste is also organic, containing no or very little contaminant. However, green waste is defined by the Department of Water and Environmental Regulation (DWER) as originating from reserves, parks and domestic gardens. Green waste is typically made up of lawn clippings and garden shrub prunings.

Under DWER's conditions for the MRRC premises licence, green waste is permitted to be stored and processed for later disposal, as a temporary cover on the active landfill face or on particular landfill slopes (to help bind them), or by its removal from the premises as salvage by the site management contractors. Oversize green waste can also be burned on site, under strict conditions.

In early 2022 complaints from adjacent property owners about odours, possibly emanating from stockpiled organic agri-wastes at the MRRC, led to correspondence between the Shire and DWER. DWER strongly recommending that organic agri-wastes are not mixed with green wastes because the addition of organic agri-waste to green waste may be considered as a composting activity. The activities permissible under the current MRRC licence do not include composting.

Accordingly, the MRRC site management contractors were instructed to landfill all organic agri-waste, and Council resolved (29 September 2022, 28904 Point 1) to impose a new tipping fee of \$90.00 per cubic metre including GST for organic agri-wastes from 9 November 2022.

Since the implementation of the new organic agri-waste tipping fee, the MRRC receivals records show that, to early-June 2023:

- the material was received in 11 separate loads between late-November 2022 and early-March 2023;
- approximately 81 cubic metres (57 tonnes) have been received;
- \$6,939 including GST has been collected as tipping fees for this material; and
- the material came to the MRRC from two customers: the Avocado Collective (four loads) and Fonty's Hire (seven loads, origins unknown to Shire officers).

Without licence approval to compost at the MRRC, nor to mix organic agri-wastes with green waste, remaining options for this material's ongoing management include:

Option 1

Do not accept organic agri-waste for any form of disposal at the MRRC. Not accepting organic agri-wastes at the MRRC would put the onus entirely on the commercial agriculture waste generators to find their own lawful destination for the material. Such a scenario may help drive innovative thinking by individuals and farmer groups to develop practical solutions. However, a sudden loss of the MRRC as a disposal option may be unreasonably difficult for some waste generators.

Option 2

Accept organic agri-waste at the MRRC for the purpose of sending it elsewhere for resource recovery or disposal. To accept organic agri-waste at the MRRC for the purpose of sending it elsewhere for resource recovery would be to greatly increase the risk of non-compliance with the DWER premises licence conditions. A licence amendment would be required; however, the process would be protracted. The tipping fee would have to be adjusted to cover all associated costs. The waste generators would be relieved of responsibility and the onus for finding the next destination would rest with the Shire. There would be a risk that no other practical destination currently exists. The risks of Option 2 are extreme given the practice would almost certainly be non-compliant with the premises licence and the consequence (possibly prosecution, significant fines and loss of licence) would be major to severe.

Option 3

Continue to accept organic agri-waste for landfilling at the MRRC with the continuing requirement that a tipping fee is paid. The Shire is currently accepting organic agri-waste at the MRRC for landfilling. The adopted tipping fee in the 2023/24 financial year is \$93.00 per cubic metre including GST. The material is taken directly to the active tip face for disposal, cover is applied daily and the material is landfilled permanently. This procedure minimises the risks of odour emission.

Option 3 complies with DWER requirements, minimises odour emissions, and minimises risk to Council. However, the material takes up landfill void space and its organic nature will result in the generation of methane gases as it decomposes under anaerobic conditions over time.

Option 4

Amend the MRRC licence to allow composting of the organic agri-waste. A licence amendment to the current MRRC licence will be required as the current licence does not permit composting of organic materials onsite. Amendment to the licence will need to consider odour, leachate and dust management. Officer research has shown that depending on the controls required to be put in place to mitigate the environmental risks, management of the risks is likely to render the process financially unachievable. Council must also consider that given the current MRRC licence is more than 30 years old any amendment of the current licence may jeopardise the existing licence due to changes in the legislative requirements that include:

- Distance to the nearest dwelling is now a minimum of 500m;

- Current processes managing bulk recyclables, such as mattresses, now require faster removal from the MRRC site;
- Buffer requirements are now under more scrutiny, with potential for increased buffer distances; and
- Leachate management infrastructure at the site was approved under previous legislation which will likely require upgrade to current standards to be considered compliant.

Shire Officers recommend that Council does not proceed with considering amendment to the current MRRC licence due to the financial impact and risks associated with the environmental management of the site.

In the absence of other entities offering practical, lawful and sustainable destinations for the disposal (with or without resource recovery) of organic agri-waste, Option 3 is a practical solution to an immediate problem.

Pending adoption of Option 3, another option will remain, but outside of the control of Council. That is, that commercial agricultural waste generators find their own lawful destination for the material (as in Option 1). It is reasonable to assume that the requirement to pay the tipping fee (\$93 per cubic metre) provides some impetus for the waste generators to develop their own practical solutions to reduce costs associated with the disposal of their organic agri-wastes, or to think innovatively about the potential for recovery of organic resources from their waste.

However, such innovation requires reasonable timeframes. Producers and processors of organic agri-waste may continue to landfill it over the medium term while alternatives are trialled, and effective solutions found.

It is recommended that Council adopt Option 3, but with the intention to review it annually. It would provide a medium-term service while also applying some pressure to the waste generators to develop their own long-term solution, over a reasonable time.

#### **STATUTORY ENVIRONMENT:**

The *Environmental Protection Act 1986* (Part 5 Divisions 1 and 3) sets out how an occupier of a prescribed premises (as is the Shire of Manjimup at the MRRC) shall act with respect to emissions and environmental harm, and with respect to the conditions of the premises licence.

The *Waste Avoidance and Resource Recovery Act 2007* (Part 6 Divisions 2 and 3) sets out how a local government may dispose of waste and fix fees and charges for doing so.

#### **POLICY / STRATEGIC IMPLICATIONS:**

The Shire of Manjimup Ralston Road Waste Management Facility Strategic Management Plan 2012 – 2032 requires review to realign MRRC strategy with the WA Waste Authority's Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy 2030). The Shire of Manjimup has engaged a consultant who has undertaken a comprehensive site study. Their draft report

has been received and review is due for completion during 2023, prior to a final report being presented to Council for adoption.

In the absence of an up-to-date, adopted strategic plan, the endeavour of Shire officers is to align operations at the MRRC with the principles of the WARR Strategy 2030, including to the principles of the waste hierarchy, and to minimise the exposure of Council to risks which accompany the disposal of waste, namely non-compliance with the premises licence conditions and the *Environmental Protection Act 1986*.

#### **ORGANISATIONAL RISK MANAGEMENT:**

There are reputational and operational risks to the Shire of Manjimup if management of organic wastes does not align with DWER recommendations and conditions. There is also reputational risk to the Shire for applying an added cost impost to agricultural producers or processors. A reputational risk would also apply should organic agri-wastes be stockpiled and generate odour emissions, attracting complaints from neighbours. There is a financial risk if the costs of accepting organic agri-waste for landfilling are not covered by a fee. Landfilling of organic agri-wastes may increase the potential for environmental risks in the future which will have to be managed.

#### **FINANCIAL IMPLICATIONS:**

The 2023/24 Council adopted tipping fee for organic agri-waste is \$93.00 per cubic metre incl GST. In September 2022, based on records of recent disposals, Officers the estimated total annual revenue that potentially could be received from organic agri-waste tipping fees was in the range \$28,000 to \$48,000 incl GST (or in the range of \$2,300 to \$4,000 per calendar month on average). During the seven months from the initial impost of the fee in early November 2022 until early June 2023, records of disposal show that tipping fees collected totalled \$6,939 (or just under \$1,000 per calendar month on average). Seasonal variations notwithstanding, these figures indicate that the actual disposal of organic agri-waste since tipping fee imposition is in the range of a half to a quarter of the level estimated before fee imposition.

#### **SUSTAINABILITY:**

Environmental: While disposal to landfill is a less-preferred method of waste management than resource recovery, once it has been brought to the MRRC there is no alternative for organic agri-wastes but to landfill them.

Economic: The impost of a suitable tipping fee assists in maintaining the ongoing economic viability of the MRRC.

Social: The most sustainable outcome for society with respect to waste management is to follow the principles of the waste hierarchy. The most-preferred option is to avoid waste generation. Next best is to recover resources (where possible). The least-preferred option is to landfill the waste. Once organic agri-waste is accepted at the MRRC, there is no option: it must be landfilled.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Adopt Option 3 to continue to accept organic agri-waste for landfilling at the Manjimup Recycling and Refuse Centre with the requirement the tipping fee is paid; and**
- 2. Review acceptance of organic agri-waste and the associated tipping fee annually until a longer-term position is established.**

**COUNCIL RESOLUTION:**

**MOVED: Winfield, C      SECONDED: Skoss, K**

**29185**

**That Council:**

- 1. Adopt Option 3 to continue to accept organic agri-waste for landfilling at the Manjimup Recycling and Refuse Centre with the requirement the tipping fee is paid;**
- 2. Review acceptance of organic agri-waste and the associated tipping fee annually until a longer-term position is established; and**
- 3. Encourage producers to dispose of organic agri-waste to other off-site recyclers of organic waste.**

**CARRIED: 9/0**

**ATTACHMENT****9.15.1 Unconfirmed Minutes of the Airfield Management Committee  
Held on 14 June 2023**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Dawn Road, Manjimup
<b>WARD:</b>	Central
<b>ZONE:</b>	Public Purposes
<b>DIRECTORATE:</b>	Works & Services
<b>FILE REFERENCE:</b>	F170380
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i> <i>Civil Aviation Safety Authority (CASA)</i> <i>Regulations 1998</i>
<b>AUTHOR:</b>	Catherine Mills
<b>DATE OF REPORT:</b>	22 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The purpose of this report is to present to Council the unconfirmed minutes of the Airfield Management Committee meeting held 14 June 2023. A copy of the unconfirmed minutes is attached.

**ATTACHMENT: 9.15.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

There was one (1) recommendation made by the Airfield Management Committee requiring Council approval.

<b>Committee Recommendation</b>	<b>Officers Comment</b>
Request Shire Officers to prepare a works priority list and include costing for works required at Manjimup Airport.	Noted and dealt with administratively.

**STATUTORY ENVIRONMENT:**

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

**POLICY / STRATEGIC IMPLICATIONS:**

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

**ORGANISATIONAL RISK MANAGEMENT:**

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

**FINANCIAL IMPLICATIONS:**

In accordance with Council's adopted budget.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: The Airport is critical infrastructure to the community.

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

That Council receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 14 June 2023 as shown in Attachment: 9.15.1(1).

**COUNCIL RESOLUTION:**

**MOVED: Skoss, K**

**SECONDED: Eiby, W**

**29186**

That Council receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 14 June 2023 as shown in Attachment: 9.15.1(1).

**CARRIED: 9/0**



**ATTACHMENT****9.16.1 Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held on 7 June 2023**

<b>PROPONENT</b>	Walpole Town Activation Advisory Committee
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Walpole Town Centre
<b>WARD:</b>	South
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F170457
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>DATE OF REPORT:</b>	9 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

The latest meeting of the Walpole Town Activation Advisory Committee was held on 7 June 2023. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.1 (1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

Committee Recommendation		Officer's Comment
1.	That the Committee not proceed with the investigation into the Unallocated Crown land on Shotter Street for a dog exercise area.	Noted.
2.	That Council support the 25 <sup>th</sup> Anniversary of the Bibbulmun Track in Walpole and to assist with the required traffic management.	Recommendation supported and Committee encouraged to submit an event application.

With regards to Recommendation No. 1 it is noted that although a fenced in dog exercise area is not provided for in Walpole, the residents surrounding the suggested area are not supportive of the location. It is also noted that investigations are open to occur elsewhere within the Walpole townsite, should the matter arise in the future.

With regards to Recommendation No. 2 above, discussions held following the voting of the motion included the suggestion that the Shire also assist by providing an additional waste collection service. These services can be requested of the Shire through the event application process.

#### **STATUTORY ENVIRONMENT:**

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

#### **POLICY / STRATEGIC IMPLICATIONS:**

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

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

#### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **SUSTAINABILITY:**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee being held on 7 June 2023 as shown at Attachment: 9.16.1 (1); and**
- 2. Support the 25th Anniversary of the Bibbulmun Track in Walpole through the event application process.**

**COUNCIL RESOLUTION:**

**MOVED: Willcox, J                      SECONDED: Lawrence, K**

**29187**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee being held on 7 June 2023 as shown at Attachment: 9.16.1 (1); and**
- 2. Support the 25th Anniversary of the Bibbulmun Track in Walpole through the event application process.**

**CARRIED: 9/0**

**ATTACHMENT****9.16.2 Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held on 12 June 2023**

<b>PROPONENT</b>	Northcliffe Town Activation Advisory Committee
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Northcliffe Town Centre
<b>WARD:</b>	Coastal
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F170455
<b>LEGISLATION:</b>	<i>Local Government Act 2005</i>
<b>AUTHOR:</b>	Kaylene Roberts
<b>DATE OF REPORT:</b>	14 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

The latest meeting of the Northcliffe Town Activation Advisory Committee was held on 12 June 2023. A copy of the unconfirmed minutes relating to that meeting are shown attached.

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

Nil.

**COMMENT (Includes Options):**

As reflected in the unconfirmed minutes, the Committee passed one recommendation. The following table details the recommendation required by Council:

Committee Recommendation		Officer's Comment
1.	That the Committee look into funding options for the painting of the new bin.	Supported as per recommendation, noting further comments below.

The Recommendation above was followed by discussions around sourcing funding to assist the painter to paint the new bin (single), however after the motion was moved and voted it is anticipated that extra recycling bins would be placed around town following the adoption of the Annual Budget.

It is therefore recommended that the funding sourced, should allow for all the new bins around town to be painted.

#### **STATUTORY ENVIRONMENT:**

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

#### **POLICY / STRATEGIC IMPLICATIONS:**

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

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

#### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **SUSTAINABILITY:**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1.    Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee meeting held on 12 June 2023 as shown at Attachment: 9.16.2 (1); and**
- 2.    Support the Northcliffe Town Activation Advisory Committee's intention to investigate a funding source for the painting of the new bins, including those additional bins placed subject to the adoption of the Shire of Manjimup Annual Budget.**

**COUNCIL RESOLUTION:**

**MOVED: Eiby, W                      SECONDED: Lawrence, K**

**29188**

**That Council:**

- 1.    Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee meeting held on 12 June 2023 as shown at Attachment: 9.16.2 (1); and**
- 2.    Support the Northcliffe Town Activation Advisory Committee's intention to investigate a funding source for the painting of the new bins, including those additional bins placed subject to the adoption of the Shire of Manjimup Annual Budget.**

**CARRIED: 9/0**

**ATTACHMENT****9.16.3 Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 13 June 2023**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Brockman Street, Pemberton (Reserve 19566)
<b>WARD:</b>	West
<b>ZONE:</b>	Public Purposes – Civic and Cultural
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F210291
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	20 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

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

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

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 13 June 2023 as attached.

**ATTACHMENT: 9.16.3(1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

There was one recommendation arising from this meeting that has been dealt with administratively.

Committee Recommendation	Officer Recommendation
<p>That the Minutes of the meeting held on 4 April 2023 be confirmed with an amendment to 7.8.3.4 so that it reads: "PCRC rep noted that the arrangement had been for PCRC staff to manage the Library on the Librarian's non-workdays. However, the PCRC rep advised that PCRC staff were unable to do so without the payment of a fee for service as required by the Department Primary Industry and Regional Development".</p>	<p>As per Committee Recommendation and dealt with Administratively.</p> <p>For reference the originally wording was:  <i>"PCRC rep noted that the arrangement had been for PCRC staff to manage the Library on days when the Librarian's non-work days. However, the PCRC was not interested in managing the Library without receiving additional payment."</i></p>

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995.*

### **POLICY / STRATEGIC IMPLICATIONS:**

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

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

### **ORGANISATIONAL RISK MANAGEMENT:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Nil.

### **SUSTAINABILITY:**

Environmental: Nil.

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

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



**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receive the unconfirmed minutes of the Pemberton Community Hub Advisory Committee meeting held 13 June 2023 as per Attachment: 9.16.3(1).**

**COUNCIL RESOLUTION:**

**MOVED: Lawrence, K      SECONDED: Buegge, D**

**29189**

**That Council receive the unconfirmed minutes of the Pemberton Community Hub Advisory Committee meeting held 13 June 2023 as per Attachment: 9.16.3(1).**

**CARRIED: 9/0**

**ATTACHMENT****9.16.4 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting Held on 13 June 2023**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Reserve 26199 (Manjimup Heritage Park) Ward, Giblett and Edwards Streets, Manjimup
<b>WARD:</b>	Central
<b>ZONE:</b>	Parks and Recreation
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F170453
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	22 June 2023
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

The Manjimup Heritage Park Advisory Committee is an Advisory Committee of Council formed under the provisions of the *Local Government Act 1995*. The functions of the Committee outlined in the current Terms of Reference for the Advisory Committee are:

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

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on the 13 June 2023 as attached.

**ATTACHMENT: 9.16.4(1)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

There are three recommendations arising from this meeting, one has been dealt with administratively and the other two require a decision of Council.

<b>Committee Recommendation</b>	<b>Officer Recommendation</b>
That the minutes of the meeting 14 March 2023 be accepted with the following amendment noted: Item 8.10 that the errors in the Heritage Park brochure were brought	Supported and dealt with administratively.

to our attention from a member of the public.	
<ul style="list-style-type: none"> <li>a) Not support the request from Roger Underwood for the Shire of Manjimup to lead and fund a memorial to Dick Sproge in the Heritage Park due to the principle of the Heritage being not to celebrate individuals as there have been so many contributors to other Shires Heritage; and</li> <li>b) Extend an invitation to Mr Underwood to work in consultation with the Shire of Manjimup to deliver a temporary exhibition within the foyer of Power Up – Heritage Park entry.</li> </ul>	As per Committee Recommendation
<p>To accept the donation of:</p> <ul style="list-style-type: none"> <li>a) A collection of 18 historic timber images and matching frames by G Houghton, and</li> <li>b) A framed image of John Duncan Dearle who was essentially the instigator of the original 'World of Energy Collection' for the State Energy Commission.</li> </ul>	As per Committee Recommendation

Correspondence received from Roger Underwood requesting that the Shire essentially take the lead on developing a memorial for Dick Sproge in the Heritage Park is attached. After much discussion the Committee concluded that whilst Dick Sproge's achievements are acknowledged, the request by Mr Underwood for the Shire of Manjimup to lead and fund the development of a memorial was not supported as it did not follow the principles of the Park which are not to single out any individuals and furthermore there are numerous project priorities already identified in the Parks Plan. The Committee did feel that a temporary exhibition in the foyer would be a fitting celebration of Dick Sproge's achievements.

**ATTACHMENT: 9.16.4(2)**

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995.*

**POLICY / STRATEGIC IMPLICATIONS:**

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

Shire of Manjimup Strategic Community Plan 2021-2031.

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

**ORGANISATIONAL RISK MANAGEMENT:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

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

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

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

**VOTING REQUIREMENTS:**

**SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council:**

1. **Accept the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee held on the 13 June 2023;**
2. **Accept the following donations made to the Manjimup Heritage Park – Shire of Manjimup Collection:**
  - a) **A collection of 18 historic timber images and matching frames by G Houghton, and**

- b) A framed image of John Duncan Dearle who was essentially the instigator of the original 'World of Energy Collection' for the State Energy Commission; and
- 3. Whilst acknowledging the achievements of Dick Sproge advise Mr Roger Underwood that it:
  - a) Does not support the request for the Shire of Manjimup to lead and fund a memorial to Dick Sproge in the Heritage Park, due to the principle of the Heritage Park being not to celebrate individuals as there have been so many individual contributors to the Shires Heritage; and
  - b) Extends an invitation to work in consultation with the Shire of Manjimup to deliver a temporary exhibition within the foyer of Power Up – Heritage Park entry.

#### **COUNCIL RESOLUTION:**

**MOVED: Buegge, D**

**SECONDED: Dawson Vidovich, S**

**29190**

**That Council:**

- 1. Accept the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee held on the 13 June 2023 as tabled; **TABLED**
- 2. Accept the following donations made to the Manjimup Heritage Park – Shire of Manjimup Collection:
  - a) A collection of 17 historic images of the timber industry and matching frames by G Houghton, and
  - b) A framed image of John Duncan Dearle who was essentially the instigator of the original 'World of Energy Collection' for the State Energy Commission; and
- 3. Whilst acknowledging the achievements of Dick Sproge advise Mr Roger Underwood that it:
  - a) Does not support the request for the Shire of Manjimup to lead and fund a memorial to Dick Sproge in the Heritage Park, due to the principle of the Heritage Park being not to celebrate individuals as there have been so many individual contributors to the Shires Heritage; and
  - b) Extends an invitation to work in consultation with the Shire of Manjimup to deliver a temporary exhibition within the foyer of Power Up – Heritage Park entry.

**CARRIED: 9/0**

**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:**  
Nil.

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

**14. APPLICATIONS FOR LEAVE OF ABSENCE:** Nil.

**15. CLOSURE:**

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

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

**SIGNED:.....DATE: .....**

**Paul Omodei  
Shire President**

first Abit of b/g on how I became an  
advocate for reconciliation

I'd like to begin by acknowledging the Traditional Owners of the land on  
which we meet today, the Pibelmen people of the Noongar and pay my  
respects to Elders past and present.

Parley  
Derby  
1967

Fq. Wages.

Councillors I am a member of the Shire Reconciliation Action committee,  
and they have asked that I brief you on NAIDOC week.

National NAIDOC Week celebrations are held across Australia in the first  
week of July each year (Sunday to Sunday), to celebrate and recognise  
the history, culture and achievements of Aboriginal and Torres Strait  
Islander peoples.

NAIDOC Week is an opportunity for all Australians to learn about First  
Nations cultures and histories and participate in celebrations of the  
oldest, continuous living cultures on earth.

You can get to know your local Aboriginal communities through activities  
and events held across the Shire.

- Manjimup Art Gallery will have its *Noongar Seasons:*  
*Nature in Transition* exhibition on display throughout the  
week.

Shire's Libraries will have a display of Indigenous  
authors/stories.

Southern Forest Arts is held a *Reclaim the Void* weaving event  
on Sunday 2 July 2023.

Manjimup hospitals Aboriginal Liaison Officer hosted its annual NAIDOC Week lunch yesterday.

- Walpole Community Resource Centre has an event today of cultural knowledge sharing with Mark Colbung And includes a walk in the bush followed by a free lunch.
- Schools throughout the Shire had a wide range of events planned (most scheduled before the start of school holidays or immediately following their return). They include:
  - Dance Group School NAIDOC Assembly
  - Kangaroo/Yonga Stew
  - Bag Making and singing

**Kearnan College** – held their NAIDOC activities prior to the school holiday break

Our Shire spans three Noongar language groups: Pibelman, Kaneang and Minang. Manjimup, Pemberton and Northcliffe are on Pibilmen country, while just a few kilometres northeast it becomes Kaneang country, and few kilometres southeast is in Menang country. Walpole is in Menang country. Under the South West Native Title settlement six Noongar Agreement Groups were formed to represent the rights and interests of each of the groups. Pibelen country is represented by Karri Karak Aboriginal Corporation, while Kaneang country and Menang country are both in Wagyl Kaip Aboriginal Corporation region. Local elder Sue Kelly –is on Karri Karak cultural advisory committee