



MINUTES

COUNCIL MEETING

27 JULY 2023

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,
Thursday, 27 July 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.30pm.

Councillor Susan Dawson Vidovich made an acknowledgement to Country as follows:

On behalf of the Shire of Manjimup I acknowledge the traditional custodians of the lands on which we meet today, the Bibbulmun people. Who are also the traditional custodians of Pemberton and Northcliffe, the people of the Noongar Nation. We extend this to other traditional custodians of lands within our Shire, the Kaneang people to our north east and at the southern reaches of our Shire the Menang people of the lands around Walpole. We pay our respects to their elders past and present and recognise their wisdom and care for country, we extend that respect to all elders who are pivotal in our community and welcome any Aboriginal or Torres Strait Islander people who are with us this evening.

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President made the following announcements:

- I have been on leave since the 18 July.
- I have had a meeting with Brad Russell and his partners regarding Sandy Peak in the D'Entrecasteaux National Park.
- I also attended a Rea Park Collier Street meeting.
- I'd also like to make a special announcement that Asher Dawson Vidovich and Jules Markotis are making their debut at Optus Stadium on Sunday.

3. ATTENDANCE:

PRESENT:

Councillors

Cr P Omodei (Shire President)

Cr D Buegge

Cr S Dawson Vidovich

Cr W Eiby

Cr D Jenkins

Cr K Lawrence

Cr K Skoss

Cr R Taylor

Cr M Ventris

Cr J Willcox

Cr C Winfield

Staff

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

Gallery

Michelle McGinty	Peter McGinty
Steve Vidovich	Craig Martyn
David Giblett	Nancy Giblett
Jayde Darin	

3.1 Apologies: Nil.

3.2 Leave Of Absence: Nil.

4. DECLARATIONS OF INTEREST:

The Interim Chief Executive Officer advised that he has received Interest Declarations from the following Councillors with the Nature of the Interest shown at the commencement of the relevant Item.

Councillor	Interest Declaration	Item No.
Cr Dawson Vidovich	Financial	6.3.1
Cr Dawson Vidovich	Financial	9.5.1
Cr Willcox	Impartiality	9.1.1
Cr Eiby	Impartiality	9.1.1
Cr Eiby	Financial	9.1.1
Cr Eiby	Proximity	9.1.1
Cr Eiby	Proximity	9.1.5
Cr Eiby	Financial	9.9.4
Cr Skoss	Impartiality	14.1.1
Cr Omodei	Impartiality	14.1.1

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice: Nil.

5.2 Public Question Time: Nil.

6. PRESENTATIONS:

Councillor Dawson Vidovich declared a Financial Interest in 6.3.1 as her husband is a Director of Aquatic Resource Management Pty Ltd, trading as Blue Ridge Marron, which operates on this property. Councillor Dawson Vidovich left the Chamber at 5.38pm and returned at 5.45pm.

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations:

6.3.1 A deputation was presented by Mr S Vidovich and Mr P McGinty. Their presentations are shown at the attachment.

ATTACHMENT: 6.3.1(1)

6.4 Delegates' reports: Nil.

6.5 Conference reports: Nil.

7. CONFIRMATION OF MINUTES:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29191

That the Minutes of the Ordinary Meeting of the Council held on 6 July 2023 be confirmed.

CARRIED: 11/0

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

9. COUNCIL OFFICERS' REPORTS:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29192

"That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 117 of the Agenda with the exception of:

CARRIED: 11/0

9.1.1	Proposed Adoption of 2023/24 Annual Budget
9.1.5	Review of Overnight Parking for Self Contained Recreational Vehicles - Northcliffe Townsite
9.5.1	Request for Reconsideration of Conditions of Approval - Proposed Dam with Setback Reduction at Lot 7694 (326) Mitchelldean Road, Yanmah
9.5.4	Request for Penalty Fee Waiver for Application for Retrospective Planning Approval at Lot 26 (2) Burton Close, Walpole
9.7.1	Proposed Shire of Manjimup - Local Emergency Management Arrangements - Local Animal Welfare Plan 2023 - 2028
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9.9.4	Request for Consideration of Supplementary Payment to Northcliffe Visitor Centre
9.15.2	Proposed Amendments to the Local Emergency Management Committee Terms of Reference
9.16.1	Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 30 June 2023
9.16.4	Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held 12 July 2023

Items passed by En Bloc Resolution

9.1.2 Proposed Review of Council Policy 1.1.1 Council Meeting System

- 9.1.3 Proposed Minor Review of Council Policy 2.3.5 - Purchasing Policy
- 9.1.4 April to June 2023 Quarterly Report - Office of the CEO
- 9.2.1 Proposed Lease to Manjimup Historical Society Incorporated
- 9.3.1 Monthly Financial Activity Statement - May 2023
- 9.3.2 Council Financial Payments for June 2023
- 9.5.2 Proposed Industry - Rural (Packing Shed), Offices and Dam at Lot 9951, 9952, 9954, 9955 and 11140 (267) Andrews Road, Boorara Brook
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- 9.5.6 Proposed Rural Pursuit at Lot 60 Dingup Road, Dingup
- 9.9.1 Quarterly Report April - June 2023 - Community Services Directorate
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- 9.15.1 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 28 June 2023
- 9.16.2 Unconfirmed Meeting Notes of the Manjimup Recreation Advisory Committee Meeting held 26 June 2023
- 9.16.3 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 13 July 2023

ATTACHMENT APPENDIX

9.1.2 Proposed Review of Council Policy 1.1.1 Council Meeting System

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	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.”**

Subsequently, Council unanimously determined to support the NoM as proposed by Cr Skoss above at the 6 July Council Meeting (Resolution 29180) without amendment.

The purpose of this report is to action the review of Council Policy 1.1.1 Council Meeting System (the Policy) in accordance with points 1 to 4 of the NoM provided above. A copy of the current version of the Policy is appended for Councillor's reference.

APPENDIX: 9.1.2(A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

A copy of the Policy with the proposed amendments to reflect the instruction given in Points 1 to 4 of the resolution are attached.

ATTACHMENT: 9.1.2 (1)

The proposed amendments made are discussed below.

Alternate Motions to Officers Recommendations

This policy section has been amended to address Points 1 to 3 of the resolution to include the recommendation that:

- Councillors are encouraged to provide any alternative motions to the Chief Executive Officer 48 hours in advance of the relevant Council Meeting. The purpose of this inclusion serves as a strong risk management purpose in that alternate recommendations prepared by Councillors can be considered by the Shire Administration to ensure that they are clear, unambiguous and legal. Please note that this addition does not remove the right of Councillors to make alternate recommendations under the Shire of Manjimup Standing Orders Local Law 2013 (the Standing Orders) on the day of a Council meeting; and
- clarifies who is to receive a copy of the alternate motion or amendment prior to the relevant Council Meeting and within what minimum time frame.

Item Deferral

This addition to the Policy addresses Point 4 of the resolution. The policy has been amended to include a section that recommends that Council defer an item if the timeframes given in the Policy cannot be reasonably met. This is not a prescriptive provision, given the legislative precedence of the Standing Orders.

Importantly, Council should also keep in mind that if it is moving to defer an item, it should also consider the statutory timeframes applicable to a matter. This is particularly relevant to development applications before Council. These are required to be determined by Council within 90 days from the date of lodgement with the Shire. Should 90 days pass without Council's determination on an application, it is deemed refused under the Shire of Manjimup Local Planning Scheme No.4. Depending on the time remaining on a development application before the end of the 90-day period, it may not be in Council's interest to defer an item to the next Council Meeting. Wording

encouraging Councillors to consider the above is included in the reviewed Policy.

Other Proposed Changes

Given that the Policy is before Council for review, the author has taken the opportunity to present to Council a number of other proposed changes to improve the Policy's utility, as follows:

Special Council Meetings

Although not an explicit part of the resolution, a section noting that Special Council Meetings also form part of Council's meeting system has been included.

Removal of Definitive Meeting Procedure Guide section

It is considered that the content of the 'Definitive Meeting Procedure Guide' section as contained in the current version of the Policy appended at **9.1.2 (A)** is no longer relevant to meeting process. When this Policy was first adopted by Council in May 2008, Council Meetings were undertaken in accordance with the Shire of Manjimup By-Law Relating to Standing Orders (the By-laws), adopted by Council in 1984. It is unclear from Council records as to how reference to the meeting guide "Taking the Chair" (Eighth edition 1990) was included in the Policy, but the assumption by the author of this report is that it provided guidance on meeting etiquette where the By-laws were silent. In any event, Council's Standing Orders adopted in 2013 clearly regulate how Council and Committee meetings are to be conducted and how its participants are to act. Therefore, it is recommended that this section of the Policy be removed.

References to Towns and Administrative Dates

Individual reference to the towns of Northcliffe, Pemberton and Walpole have been included on page 1 in relation to outer town Council Meetings. This is to clarify where exactly outer town meetings are held. The Policy's readoption and future review dates have also been adjusted.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and 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 Chief Executive Officer 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.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: As described in the Organisational Risk Management section above.

Economic: As described in the Organisational Risk Management section above.

Social: As described in the Organisational Risk Management section above.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Council Policy 1.1.1 Council Meeting System as attached at 9.1.2 (1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29193

That Council adopt Council Policy 1.1.1 Council Meeting System as attached at 9.1.2 (1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT APPENDIX

9.1.3 Proposed Minor Review of Council Policy 2.3.5 - Purchasing Policy

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995, Local Government (Functions and General) 1996</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	14 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to ensure Council Policies are consistent with legislation, represent best practice and remain contemporary, they require regular review. Council Policy No 2.3.5 was last reviewed by Council at its Ordinary Meeting held on 20 January 2022. A copy of the Policy as adopted by Council is appended.

APPENDIX: 9.1.3(A)

As reflected within the adopted policy, the objectives of the Policy are to:

- i. To ensure compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996;*
- ii. To deliver a best practice approach and procedures to internal purchasing for the Shire of Manjimup; and*
- iii. To ensure consistency for all purchasing activities that integrates within all of the Shire of Manjimup operational areas.*

Whilst the Policy is not due for review until January 2027, significant increases in the cost of materials and contract labour have occurred over the past 18 months. Council is therefore requested to consider modifying the policy to:

- a) Increase the threshold for Direct purchases from the current amount being \$1,999 to \$3,999; and
- b) Modify the threshold where two quotes are to be sought to be between \$3,999 and \$19,999.

In addition, it is proposed to modify the policy to identify the need for quotes to be sought from all relevant contractors on the Shire's approved contractor list where the value of the works/services exceeds \$20,000. some minor wording changes with the objectives section are also proposed. A copy of the draft policy is shown attached.

ATTACHMENT: 9.1.3 (1)**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

COMMENT (Includes Options):

The current thresholds for direct purchase stipulate that officers seeking to complete a purchase of materials or services with a value of less than \$1,999 may do so without the need to obtain multiple quotes. Where the purchase value is likely to be between \$2,000 to \$19,999 a minimum of two quotes must be obtained.

As elected members would be aware, since the commencement of the COVID-19 pandemic, several factors have resulted in significant increases in costs. These factors include, but are not limited to:

- a) The cost of materials;
- b) The costs of transportation;
- c) Increasing insurance costs; and
- d) Availability of labour, translating to an increased, high demand on contractors.

The above factors have result in many purchases that traditionally have had a total cost of under \$2,000 now costing substantially more than \$2,000. This has the effect of a significant reduction in the number of purchases that can be completed within the Direct Quote threshold. In addition, the high demand on contractors has resulted in Shire Officers having difficulty in securing quotes for purchases or works between \$2,000 and \$4,000.

As detailed within Background section, Council is requested to ensure an approach whereby quotes will be sought from all relevant contractors on the Shire's approved contractors list for works and services where the value will exceed \$20,000. This approach ensures that local suppliers and contractors have equal opportunity to be appointed. Where limited or no opportunity exists to secure the services or goods locally, it would be appropriate to seek quotes from relevant suppliers in the South West Region.

No change is proposed to the current planned review date in January 2027, which is consistent with other related financial policies such as the Tender Policy (Council Policy 2.3.6) and Regional Price Preference Policy (Council Policy 2.3.8).

Conclusion

Council is requested to endorse the proposed changes in order to maximise efficiencies in obtaining quotes for works and services to be undertaken on behalf of the Shire. Ensuring the efficiency of Shire Officers and the timely acquisition of materials and services during the financial year is imperative to ensure all required works are completed in a timely manner.

STATUTORY ENVIRONMENT:

The operations of the Shire of Manjimup are guided by the *Local Government Act 1995* and provisions of goods and services governed by *Local Government (Functions and General) Regulations 1996*.

POLICY / STRATEGIC IMPLICATIONS:

Managing the Shire of Manjimup's purchasing should ensure that best value for money decisions are made at all times.

ORGANISATIONAL RISK MANAGEMENT:

Having a clear purchasing process reduces the risk of mismanagement of Shire funds and reducing the opportunity for fraud.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt amended Policy 2.3.5 Purchase Policy in accordance Attachment: 9.1.3(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29194

That Council adopt amended Policy 2.3.5 Purchase Policy in accordance Attachment: 9.1.3(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.1.4 April to June 2023 Quarterly Report - Office of the CEO**

PROPONENT	Temporary/Interim Chief Executive Officer
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F160966
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	17 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the Office of the Chief Executive Officer undertaken during the quarter ending 30 June 2023 is shown attached.

ATTACHMENT: 9.1.4(1)

The purpose of the report is to inform Councillors of the activities undertaken and provide an opportunity for Councillors to raise any queries arising from those activities or the intended focus of the Office of the Chief Executive Officer for the current quarter.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The report shown at Attachment: 9.1.4(1) outlines the key activities undertaken by the Chief Executive Officer and the Office of Chief Executive Officer for the quarter. It also outlines the intended focus for the July to September quarter.

STATUTORY ENVIRONMENT:

Various legislation as may be applicable.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Many activities undertaken by the Office of the Chief Executive Officer are undertaken with a focus of legislative compliance and minimising organisational risk.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive and note the April to June 2023 Quarterly Report – Office of the CEO as shown at Attachment: 9.1.4(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29195

That Council receive and note the April to June 2023 Quarterly Report – Office of the CEO as shown at Attachment: 9.1.4(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

9.2.1 Proposed Lease to Manjimup Historical Society Incorporated

PROPONENT	Manjimup Historical Society Incorporated
OWNER	Crown (Management Order to Shire)
LOCATION / ADDRESS:	Reserve 26199 Lot 628 Edwards Street, Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Business
FILE REFERENCE:	F160779
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	14 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Manjimup Historical Society Incorporated have occupied the History House building within the Manjimup Heritage Park since 2013. The current lease is due to expire in August 2023 and the association has requested a new lease.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

History House was constructed in 2013 and specifically designed for the storage of historical records and to be operated by the Manjimup Historical Society. It is recommended to continue the current arrangement with a new lease.

The building contains public toilets which have separate access and are excluded from the lease with the Shire retaining full responsibility for that portion of the building.

STATUTORY ENVIRONMENT:

Section 3.58 of the *Local Government Act 1995* deals with the requirements for leasing Shire land; however Section 30(b) of the *Local Government (Functions and General) Regulations 1996* exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The proposed lease complies with this exemption.

Each lease on Crown land requires the approval of the Minister for Lands in accord with section 18 of the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

In accordance with Council Policy 4.2.8 - Property Leasing, it is proposed that the lease will be for a term of five years, with a five year renewal option, at a rental of ten dollars payable on demand.

ORGANISATIONAL RISK MANAGEMENT:

There is no organisational risk by continuing the existing arrangement.

FINANCIAL IMPLICATIONS:

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

Responsibility for building maintenance, utilities and other outgoings will be in accordance with the scheduled contained in Council Policy 4.2.8 Property Leasing.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Manjimup Historical Society store and display historical records, fitting with the purpose of the Manjimup Heritage Park.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to lease portion of the History House building on Reserve 26199 to Manjimup Historical Society Incorporated for a term of five years, with an option of a further term of five years, at a rental of ten dollars per annum payable on demand, subject to approval of the Minister for Lands.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29196

That Council authorise the Chief Executive Officer to lease portion of the History House building on Reserve 26199 to Manjimup Historical Society Incorporated for a term of five years, with an option of a further term of five years, at a rental of ten dollars per annum payable on demand, subject to approval of the Minister for Lands.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.3.1 Monthly Financial Activity Statement - May 2023**

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	12 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The Financial Activity Statement report for the period to 31 May 2023 is attached. The report is summarised by Function/Activity with operating comments via department. The report also provides a Rate Setting Statement and Statement of Comprehensive Income in the Type format in anticipation of changes to monthly reporting requirements proposed by the Department of Local Government.

ATTACHMENT: 9.3.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 May 2023 is a projected surplus of \$66,513.

The projected surplus is based on a conservative approach, however monitoring for any possible issues will continue as the Shire progresses through the remainder of the financial year.

To date there have been some moderate issues both in the positive and in the negative influencing the Shire's end of year position. Listed below are those items, with explanation of the variance within the Operating comments of this report.

Positive

- Planning Fees (gain \$40,000) – to the end of May \$94,600 has been received for Planning Fees with a budget of only \$55,000; and
- Interest Received on Bank Accounts (gain \$160,000) – to the end of May \$391,983 has been received from a budget of \$143,542; and
- Manjimup Home & Community Care, Home Care Package Income \$150,000 – This growing area has seen more requests for services, however the gain is offset by additional staff costs associated with providing the service.

Negative

- Power Up Entry Fees (loss \$55,000) – The loss for the Power Up Museum entry has tempered a little however still significant. This loss has been significantly influenced by the low level of International Tourist, as well as a lack of tourist accommodation in the region for an extended period of time;
- AquaCentre Electricity (loss \$42,000) – The AquaCentre Solar array was out of commission for approximately 2 months with a parts failure that took some time to be sourced and replaced. There may be savings within the AquaCentre budget that might offset this overspend, however it should be noted as part of this report;
- Road Maintenance (loss \$57,000) – Due to the very wet conditions in April/May significant effort has been made through grading to maintain gravel roads to a safe standard. This overspend will be generally offset by savings in other accounts however it is anticipated not all will be covered within the Works budget; and
- Auto Patch Truck (loss \$376,617) – As stated in previous reports, the company supplying the unit have gone into liquidation. This loss will not affect the carried forward position as it is funded by reserve, however it will require a significant reshuffle of future plant purchases.

Monitoring

An account that is monitored regularly due to its unpredictable nature is Storm Damage. At the end of May 2023 storm damage actuals were \$106,416 from an overall \$127,185 budget. One storm event can heavily affect this account, however with only one month to go in the financial year the \$127,185 budget should be sufficient.

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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Monthly Financial Activity Statement Report for May 2023 as per Attachment: 9.3.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29197

That Council receive the Monthly Financial Activity Statement Report for May 2023 as per Attachment: 9.3.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT

9.3.2 Council Financial Payments for June 2023

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Craig Martyn
DATE OF REPORT:	14 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Accounts for payment totalling \$1,655,181.72 for the month of June 2023 are listed below and in the attachment. Corporate Card transactions for April 2023 and May 2023 are detailed below.

ATTACHMENT: 9.3.2(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 27 July 2023.

Fund	Vouchers	Amount
Municipal	95321 – 95352	\$54,907.88
Trust Fund	-	\$0.00
Total Cheques for Month of June 2023		\$54,907.88

Electronic Funds Transfer (EFT) expenditure batch reports are available for inspection at the Council Meeting of 27 July 2023.

Fund	Batch	Amount
Municipal	268 – 274	\$1,577,213.21
Direct Debit		\$23,060.63
Total EFT for Month of May 2023		\$1,600,273.84

Corporate Credit Card transactions 21 March 2023 – 20 April 2023 (paid 3 May 2023) – Municipal Account

WO.4.1221	Adobe Creative Cloud 12/04/23 - 11/05/23	\$ 79.99
WO.570.1346	Starlink Satellite - Subscription Windy Harbour 22/3/23 - 21/4/20	\$ 139.00
WO.102.1317	WA Builders Surveyors Conference - MBS 30/3/23	\$ 1,095.00
WO.6.1148	State Law Publisher Cat Amendment Local Law 2022	\$ 187.20
WO.6.1148	Creative Pro annual subscription	\$ 120.20
WO.6.1346	Adtech Computers Repair to I-Phone 11	\$ 359.00
WO.6.1101	Department of Transport NDIS screening check – A CEO	\$ 145.00
WO.688.1307	Coles Supermarket BBQ supplies for staff meeting - 22/3/23	\$ 77.80
WO.7.1101	DWER Clearing permit - Northcliffe Cemetery	\$ 2,400.00
WO.2.1189	Pemberton Hotel Accommodation - CR Willcox 24/03/2023	\$ 172.00
WO.680.1133	Westnet Internet services - wallib@ 1/5/2023 – 1/6/2023	\$ 89.95
WO.98.1410	Westnet Internet services - mjpses@ 1/5/2023 – 1/6/2023	\$ 79.99
WO.677.1682	Sanity DVD Walpole library stock	\$ 29.99
WO.677.1682	Sanity DVD's - Walpole library stock	\$ 266.94
WO.2005.1101	Netregistry MTBH - domain renewal 28/3/23	\$ 56.25
WO.2005.1101	Netregistry MTBH – Oxmail	\$ 67.57
WO.2005.1101	Netregistry MTBH - website registration	\$ 39.90
WO.2005.1101	Netregistry MTBH - domain registration	\$ 28.50
WO.573.1035	Ibis Hotels HCP Client - Perth accommodation 28/3/23	\$ 231.52
WO.573.1035	Ibis Hotels Support Worker - Perth accommodation 28/3/23	\$ 231.52
WO.575.1101	Just Lofti Pemberton DCS - Co-location project meeting Pemberton	\$ 16.00
WO.573.1035	Alpha Medical Solution Catheter strap - HCP client	\$ 40.50
WO.573.1035	Alpha Medical Solution Freight cost catheter strap -	\$ 9.70
WO.575.1606	OK Office Pty Ltd 3 x portable white boards & bags	\$ 1,110.49
WO.2.1184	Woolworths Manjimup	\$ 27.80

WO.575.1101	Soft drinks for Council dinner Woolworths Manjimup	\$ 13.00
WO.575.1340	Batteries for electric gate - Heritage Park Canva	\$ 183.90
	Annual software subscription	

Total Credit Card Payments for April 2023 **\$7,298.71**

Corporate Credit Card transactions 21 April 2023 – 20 May 2023 (paid 6 June 2023) – Municipal Account

WO.688.1317	Department Mine, Industry Regulation and Safety High risk licence renewal - K Hawkins - forklift	\$44.00
WO.7.1014	Westpac Bank Corporate Card fee - DW	\$18.25
WO.7.1014	Westpac Bank Corporate Card fee - CEO	\$18.25
WO.98.1411	GoDaddy.com MJP SES domain & email address	\$1,010.81
WO.46.1101	Starlink Australia Satellite internet subscription – Windy Harbour	\$139.00
WO.666.1294	GoDaddy.com Website back up renewal Heritage Park	\$286.20
WO.4.1221	Adobe Creative Cloud subscription	\$79.99
WO.7.1014	Westpac Bank Corporate card fee - Acting CEO	\$18.25
WO.571.1317	Aged & Community Care Kingston Conference & accommodation MHCC & RN	\$2,844.00
WO.2.1184	Prestige Products Busselton Fuel burners for Council bain maries	\$107.20
WO.7.1101	Sydney Commercial Kitchens Dishwasher plate rack for Town Hall	\$255.53
WO.7.1014	Westpac Bank Corporate card fee - DCS	\$18.25
WO.680.1133	Westnet Internet service wallib@westnet	\$89.95
WO.98.1410	Westnet Internet service mjpses@westnet	\$79.99
WO.13.1294	PDQ.com PDQ Connect software subscription - May 2023 – May 2024 - 1440.00 USD	\$2,217.85
WO.6.1101	Windsor Lodge Como Accommodation finance workshop - DB	\$208.50
WO.7.1014	Corporate Card Fees DB - 21/05/2023	\$18.25

Total Credit Card Payments for May 2023 **\$7,454.27**

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As stated.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note the June 2023 accounts for payment totalling \$1,655,181.72 including the Corporate Card transactions for May 2023 and the Corporate Card transactions for April 2023 as detailed and in the Attachment: 9.3.2.(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29198

That Council note the June 2023 accounts for payment totalling \$1,655,181.72 including the Corporate Card transactions for May 2023 and the Corporate Card transactions for April 2023 as detailed and in the Attachment: 9.3.2.(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT

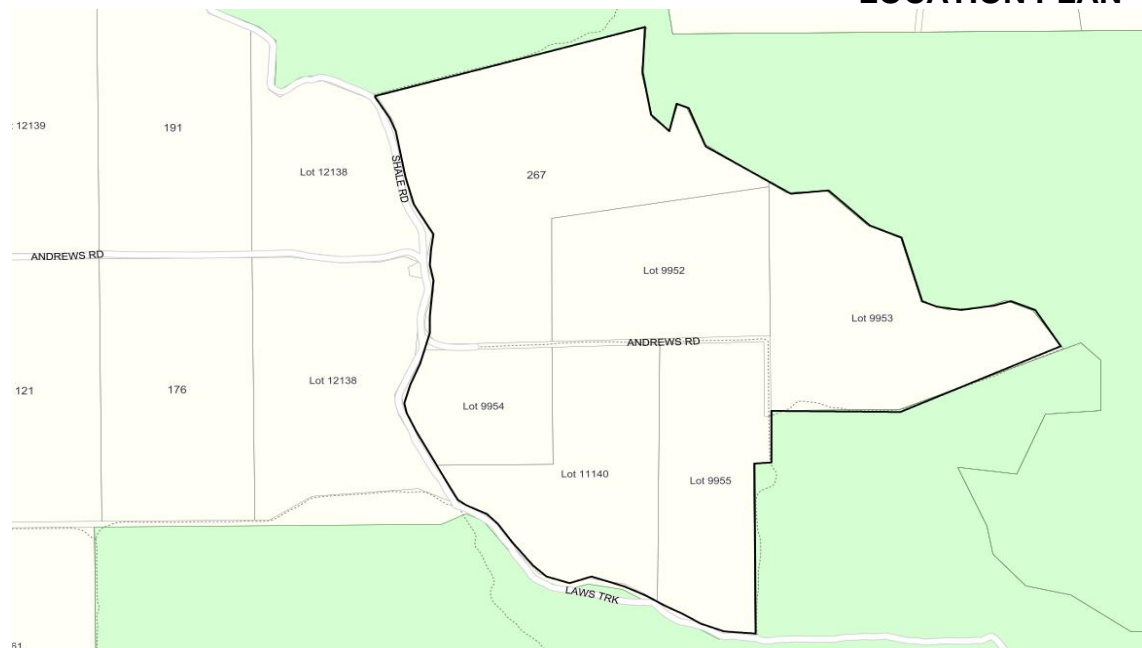
9.5.2 Proposed Industry - Rural (Packing Shed), Offices and Dam at Lot 9951, 9952, 9954, 9955 and 11140 (267) Andrews Road, Boorara Brook

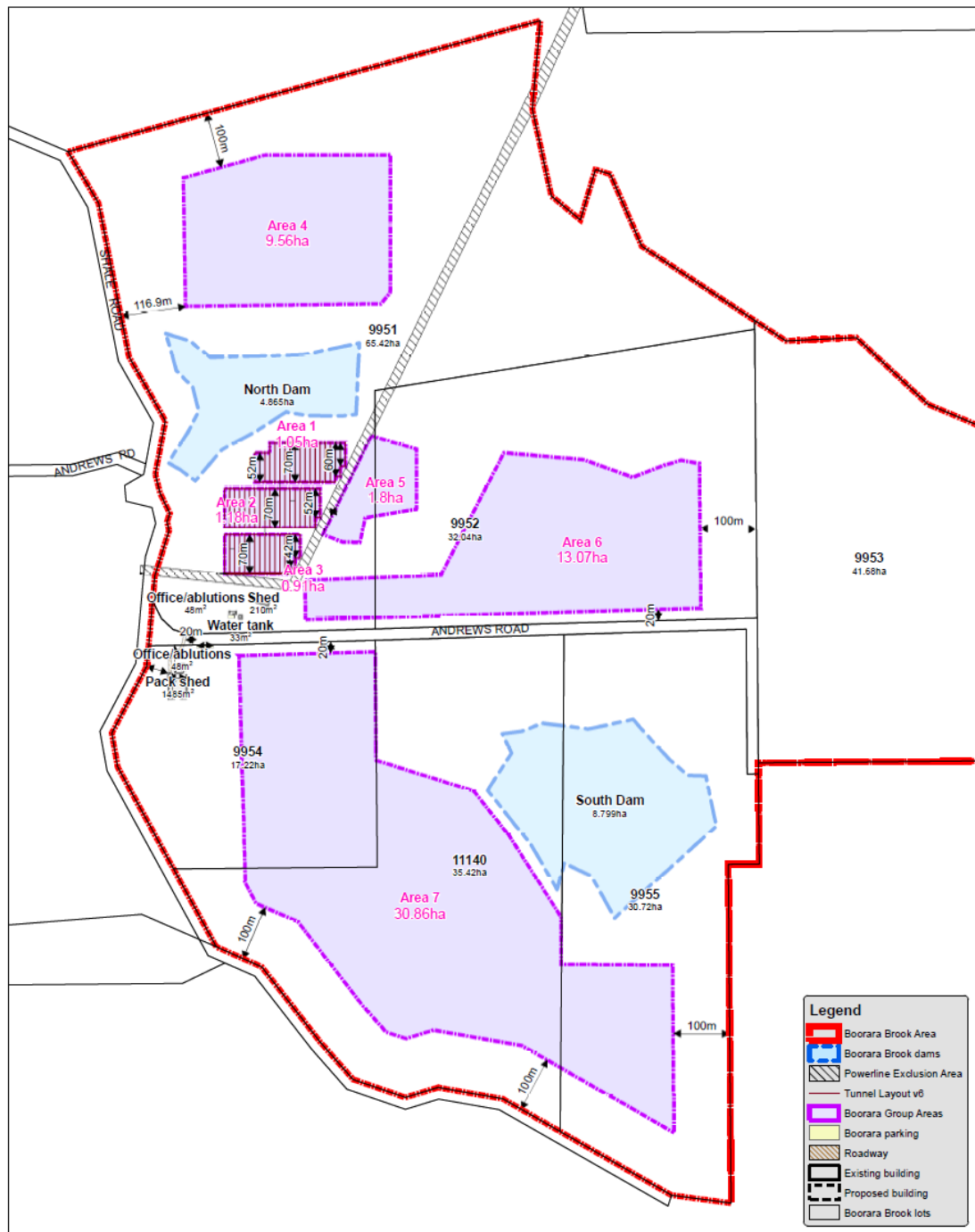
PROPONENT	Planwest (WA) Pty Ltd
OWNER	Jetstar Enterprises
LOCATION / ADDRESS:	Lot 9951, 9952, 9954, 11140, 9955 and 9953 Andrews Road, Boorara Brook
WARD:	Coastal
ZONE:	Priority Agriculture
DIRECTORATE:	Statutory Planning
FILE REFERENCE:	DA23/51 P54439, P54438, P54437, P54436, P54434 and P54435
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	5 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a planning application, over five titles of the one farming entity, for an Industry – Rural (Packing Shed) with two associated Offices and a Dam to support a new strawberry farm enterprise. The properties have a combined area of 222.32ha and are surrounded to the north, east and south by National Park. The properties are accessed from Andrews Road, approximately 10km south of the Northcliffe townsite.

A location plan is shown below and a site plan is shown overleaf.

LOCATION PLAN



The subject properties are predominantly pasture with approximately 70ha of riparian vegetation. Lot 9951 contained the original homestead which has now been demolished. This lot currently comprises of stockyards, rural sheds and two small dams. The remaining lots are vacant, other than pockets of riparian vegetation and small dams. During a site inspection, it was noted that a caravan was being used on the property for accommodation.

The applicants are proposing to establish a strawberry farm that will comprise of above-ground poly tunnels, under which the strawberries will be grown in either bags, pots or troughs. The crops will not be planted directly into the ground. The tunnels will be placed together creating seven different areas as shown on the site plan above.

A summary of the proposed development is contained in the table below.

Lot No.	Proposed Development	Size	Setbacks
9951	Office and Ablutions	4x12m 48m ²	120m Shale Road
			25m Andrews Road
	Dam (northern) – Exempt	4.86ha	20m Shale
			20m from Lot 9952
9951/9952	Area 1-4 Strawberries	12.69ha	116.9m Shale Road
			100m National Park
			20m Andrews Road
9954	Office and Ablutions	4x12m 48m ²	100m Lot 9953
			30m Andrews Road
	Industry-Rural (Packing shed)	45x28m 1,485m ²	105m Shale Road
			50m Andrews Road
9954/11140/9955	Area 5-6 Strawberries	30.86ha	40.6m Laws Track
			100m Shale Road
			20m Laws Track
9955/11140	Area 7 Strawberries	8.799ha	100m National Park
			165m Andrews Road

The packing shed is to be constructed over two stages which will result in the building being divided into three areas, being the post cooling and loading area, the packing area and the pre-cooling area.

The applicant has stated that the operation of the strawberry farm will be increased as the site develops and will be dependent on market conditions. Full time employees are expected to increase from 3 employees this year to 12 by 2027. Seasonal workers are forecast to increase from 10 in 2023, doubling on average until 2027 where 150 seasonal employees may be employed.

Plans and information in support of the application are provided attached.

ATTACHMENT: 9.5.2(1)

The application is referred to Council for determination as the proposed land use and Dam setback variations may only be considered through determination of Council.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Scheme for a period of 21 days to the neighbouring landowners and 42 days to the Department of Biodiversity and Conservation (DBCA) and the Department of Environment and Regulation (DWER).

At the time of writing this report two submissions were received from DWER and DBCA. DBCA had no concerns for the proposed development on the subject properties. DWER raised concern in regards to the proposed clearing of riparian vegetation for the dams, the impact on the existing water course and the need for a hydrological report and a nutrient irrigation management plan, all matters raised are discussed in the comment section of the report. Copies of the submissions are attached.

ATTACHMENT: 9.5.2 (2)

COMMENT (Includes Options):

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

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

Land Use Definition and Permissibility

The proposed use is identified by the Scheme as an 'Industry – Rural' and is defined as follows:

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

In this case it is intended that the strawberries farmed on the subject property will be processed and packaged in the proposed building.

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

Setbacks

As prescribed by clause 5.34.2.4 of the Scheme, development within the Priority Agricultural Zone is required to be setback from boundaries as follows:

- (a) *Minimum front setback – 30 metres; and*
- (b) *Minimum side setback – 10 metres;*

Clause 8.4 (xxvi) of Local Planning Scheme relating to Permitted Development item states that the lower edge of the dam wall and any other part of the dam including the stored water is to be setback 20m from the boundaries of the subject lot.

The proposed the 4ha, 250-350ML northern dam is to be wholly located on Lot 9951. The applicant has stated the setbacks of the proposed dam to the property boundaries are in accordance with the Scheme, with a 20m setback

distance proposed to both Lot 9552 and Shale Road. The proposed dam meets the Scheme requirements in regard to setback distances and hence does not require planning approval.

The southern Dam is proposed on Lot 9955 and Lot 11140 Andrews Road and if approved will be across the common boundary. The proposed Dam size is approximately 8ha with a maximum capacity of 550ML. The Dam will follow the existing contours of the land with a proposed 302m dam wall that is 16m in height. It is recommended that these two lots be amalgamated prior to the commencement of construction of this Dam.

Both Dams were assessed as high risk against Local Planning Policy 6.1.22 Dams (the Policy). However, once Lot 9955 and 11140 is amalgamated the proposed southern Dam will achieve compliance with the Scheme setback requirements and would no longer require planning approval, removing the associated risk it currently proposes.

It is recommended that a setback distance of 10m for all development and 20m for Dams be maintained to the internal property boundaries or alternatively the applicant can apply to amalgamate the subject properties.

Impact of Proposal on Amenity

Shire Officers consider that there will be no impact on the visual amenity of the locality. The packing shed development is setback appropriately from property boundaries, and solely fronts Andrews and Shale Road. The neighbouring properties comprise of tree plantations with the closest residence being over 1km from the location of the proposed packing shed.

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

Site Access

Access to the packing shed is to be provided from Andrews Road reserve, deviating from the existing driveway to Lot 9951. The proposed vehicle movements for the packing shed have not been outlined by the applicant to ascertain the impact the proposed Industry-Rural will have on the road network to the subject property. It is recommended that in the event Council approves the proposal, the applicant is advised that the road is provided in an 'as is' condition.

Carparking

Under the Scheme an Industry – Rural, is not listed in Table 2 Car Parking Requirements, therefore the number of bays per square meters is not prescribed. However, if the similar ratio of Industry General is applied of 1 bay per 100m² this would result in the need of 15 bays for the 1,485m² packing shed.

In accordance with Works and Services Policy 9.1.10 Engineering Construction Standards for Planning Applications, parking areas and

accessways in a rural setting can be gravel finish. Accessible carparking spaces, however, are required to be provided and sealed and line-marked in accordance with Australian Standards for accessible parking. One accessible standard bay is also to be provided for the office proposed on Lot 9951.

Having regard to the information supplied by the applicant, the calculated number of bays will also suffice the proposed number of full time and seasonal employees proposed for the strawberry farm.

Building Requirements

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

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

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

Bush Fire Prone Area

The proposed Offices and Industry- Rural are located in a bush fire prone area with an identified BAL rating of 12.5, this rating is considered a low risk. For ongoing safety measures in a fire risk area an emergency evacuation plan is required to be submitted prior to occupation of the packing shed.

Relaxation of Standards

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

In this case, the proposed relaxations for gravel standard of the parking areas and accessways, the omission of demarcated parking and the setback reductions for development should have no adverse impacts.

Submission

As indicated above DWER do not support the proposed dams. The following is a summary of the DWER comments:

- Clearing of Native Vegetation; the proposed dams are in areas with riparian vegetation within the foreshore area of the Boorara Brook, a minor tributary of the Gardner River, within the Shannon River Catchment. It is advised that the applicants obtain a clearing permit for the removal of such vegetation.
- Dam licensing under the *Rights to Irrigation Act 1914* (RIWI Act), the proposed on-stream dams are located within a ‘non proclaimed area’. Dams on watercourses are discouraged where there are viable off –

stream alternatives. DWER recommend that the applicants demonstrate that measures to construct an off stream, dam have been investigated.

- DWER also advise that an engineer's plans of the dam walls with spillway and overflow design should be prepared and executed.
- Advice that a nutrient irrigation management plan should be prepared to demonstrate how nutrients and irrigation will be managed to minimise the risk to the waterway and foreshore area, this plan should be sent to DWER for review;
- The setback reduction of the northern dam; and
- The southern dam is located over multiple boundaries.

Shire officers recommend, in response to DWER's comments:

- an advice note be placed on any approval if granted by Council, that the applicants seek approval to clear the riparian vegetation for the proposed dams;
- the plans of the proposed dams be prepared by a suitably qualified engineer addressing the structural integrity of the dam wall and suitable overflow or spillway infrastructure;
- a nutrient and irrigation management plan be prepared and submitted for approval; and
- that the boundaries of Lots 9955 and 11140 be amalgamated prior to the construction of the southern dam.

Shire Officers considers that the riparian vegetation is an important part of the ecosystem of the watercourse and recommend in accordance with Local Planning Policy 6.1.19 Managing the Natural Environment, that the applicant investigate means to rehabilitate the dam tail water with plant species endemic to the locality.

Whilst Shire Officers acknowledge DWER's advice regarding water licencing, the Shire does not have Policy provisions to assess licensing matters.

Other Matters

Shire Officers are also investigating the other matters on the subject properties, such as the unauthorised demolition a dwelling that was located on the site and camping on the property in a caravan above the requirements of the *Caravan and Camping Ground Regulations 1997*.

Shire officers will continue to pursue their investigation to resolve these matters.

Conclusion

It is recommended that the proposed Industry-Rural (packing shed) and Offices be approved subject to appropriate conditions. It is also recommended that the southern dam be approved subject to amalgamation of at least two properties.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Local Planning Policy 6.1.19 Managing the Natural Environment.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2022/23 annual budget.

SUSTAINABILITY:

Environmental: The proposal seeks to clear remnant vegetation to facilitate the construction of the dams. If approved, it is recommended that the tail water of the northern and southern dams be rehabilitated to reduce the environmental impact.

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

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

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

That Council in accordance with Part 10 and clause 5.5 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval Industry – Rural (Packing Shed), Offices and Dam Lot 9951, 9952, 9954, 11149, 9955 and 9953 Andrews Road, Boorara Brook (Application TP 2023/61) in accordance with the plans and specifications attached at Attachment: 9.5.2 (1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	6 April 2023
2.	Rural Industry Floor Plan	6 April 2023
3.	Rural Industry Elevation Plan	6 April 2023
4.	Office and Ablution Plans	6 April 2023
5.	Southern Dam site plan	7 July 2023
6.	Southern Dam elevation	7 July 2023

2. Notwithstanding Condition 1), all development is to be setback from internal boundaries in accordance with Local Planning Scheme No 4, or otherwise be amalgamated onto a single land title;
3. The vehicle crossover between the subject property and Shale Road is to be upgraded to the satisfaction of the local government

prior to occupation of the development and from there on maintained;

4. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 of Shire of Manjimup Local Planning Scheme No. 4, including 15 parking bays for the use of workers on site with aisle widths, circulation areas, driveway/s and points of ingress and egress;
5. Further to the Condition 4) above, while the parking area is otherwise not required to be formally constructed, two (2) required accessible parking bays, being one at either office and the associated access must be constructed to a sealed standard, prior to occupation;
6. Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff are to be retained on the subject property to the satisfaction of the Shire of Manjimup;
7. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup a Nutrient and Irrigation Management Plan;
8. The hours of operation shall comply with daylight hours associated with the seasons applicable and shall not be varied without the prior written consent of the Shire of Manjimup being obtained;
9. Prior to the construction of the dam, the applicant is required to amalgamate Lots 11140 and 9955 into a single title and within 24 months of the date of approval;
10. All pumps and ancillary equipment and structures being setback a minimum of 20m from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4;
11. Prior to the commencement of dam construction, the applicant is to provide construction details of the dam wall and overflow infrastructure. Such details are to be certified by a suitably qualified engineer to the satisfaction of the Shire of Manjimup;
12. Prior to the occupancy of the Industry - Rural (packing shed) and Offices the applicant is to prepare, submit, have approved and for the life of the development implement an emergency evacuation management plan to the satisfaction of the Shire of Manjimup;
13. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
14. Rehabilitation of the Northern and Southern Dam tail water with plant species endemic to the location is to occur twelve (12) months following the construction of the dams.

ADVICE TO THE APPLICANT:

- a) The applicant is advised that Andrews Road and Shale Road are provided as an 'as is' standard and will not be upgraded as a result of this proposed development;
- b) The applicant is to obtain any required haulage permits from the Shire of Manjimup's Technical Services prior to utilising Andrews and Shale Road for the transport of produce from Lot 9954 Andrews Road;
- c) It is the responsibility of the landowner to ensure that the dam is safely constructed and maintained;
- d) Prior to commencement of works associated with the dams, the applicant is to obtain approval from the Department of Water, Department of Environment Regulation for any applicable water licence;
- e) Prior to commencement of works, the applicant is to obtain approval from the Department of Water and Environment Regulation for the clearing of riparian vegetation;
- f) This Development Approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- g) Prior to the application for a building permit, an application to construct or install an apparatus for the treatment of sewage and other disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Services. All wastes from employee amenities (such as toilets, showers and meal rooms) must be in accordance with the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and as approved by the Environmental Health Officer. This does not include wastewater from the on-site commercial activities;
- h) The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* (as Amended) and the National Construction Code; and
- i) The proponent is required to provide and permanently maintain disabled car parking in accordance with the requirements of the 'Building Code of Australia' to the satisfaction of the Shire of Manjimup. Detailed plans and specifications illustrating the means by which compliance with this condition is to be achieved are to be submitted to and approved by the Shire of Manjimup in conjunction with the building permit application.

COUNCIL RESOLUTION:**MOVED: Dawson Vidovich, S SECONDED: Eiby, W****29199**

That Council in accordance with Part 10 and clause 5.5 of Shire of Manjimup Local Planning Scheme No.4, grants planning approval Industry – Rural (Packing Shed), Offices and Dam Lot 9951, 9952, 9954, 11149, 9955 and 9953 Andrews Road, Boorara Brook (Application TP 2023/61) in accordance with the plans and specifications attached at Attachment: 9.5.2 (1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	6 April 2023
2.	Rural Industry Floor Plan	6 April 2023
3.	Rural Industry Elevation Plan	6 April 2023
4.	Office and Ablution Plans	6 April 2023
5.	Southern Dam site plan	7 July 2023
6.	Southern Dam elevation	7 July 2023

2. Notwithstanding Condition 1), all development is to be setback from internal boundaries in accordance with Local Planning Scheme No 4, or otherwise be amalgamated onto a single land title;
3. The vehicle crossover between the subject property and Shale Road is to be upgraded to the satisfaction of the local government prior to occupation of the development and from there on maintained;
4. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 of Shire of Manjimup Local Planning Scheme No. 4, including 15 parking bays for the use of workers on site with aisle widths, circulation areas, driveway/s and points of ingress and egress;
5. Further to the Condition 4) above, while the parking area is otherwise not required to be formally constructed, two (2) required accessible parking bays, being one at either office and the associated access must be constructed to a sealed standard, prior to occupation;
6. Unless otherwise approved by the Shire of Manjimup, all stormwater and drainage runoff are to be retained on the subject property to the satisfaction of the Shire of Manjimup;
7. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup a

Nutrient and Irrigation Management Plan;

8. The hours of operation shall comply with daylight hours associated with the seasons applicable and shall not be varied without the prior written consent of the Shire of Manjimup being obtained;
9. Prior to the construction of the dam, the applicant is required to amalgamate Lots 11140 and 9955 into a single title and within 24 months of the date of approval;
10. All pumps and ancillary equipment and structures being setback a minimum of 20m from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4;
11. Prior to the commencement of dam construction, the applicant is to provide construction details of the dam wall and overflow infrastructure. Such details are to be certified by a suitably qualified engineer to the satisfaction of the Shire of Manjimup;
12. Prior to the occupancy of the Industry - Rural (packing shed) and Offices the applicant is to prepare, submit, have approved and for the life of the development implement an emergency evacuation management plan to the satisfaction of the Shire of Manjimup;
13. Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Shire Firebreak Notice endorsed by Shire of Manjimup; and
14. Rehabilitation of the Northern and Southern Dam tail water with plant species endemic to the location is to occur twelve (12) months following the construction of the dams.

ADVICE TO THE APPLICANT:

- a) The applicant is advised that Andrews Road and Shale Road are provided as an 'as is' standard and will not be upgraded as a result of this proposed development;
- b) The applicant is to obtain any required haulage permits from the Shire of Manjimup's Technical Services prior to utilising Andrews and Shale Road for the transport of produce from Lot 9954 Andrews Road;
- c) It is the responsibility of the landowner to ensure that the dam is safely constructed and maintained;
- d) Prior to commencement of works associated with the dams, the applicant is to obtain approval from the Department of Water, Department of Environment Regulation for any applicable water licence;
- e) Prior to commencement of works, the applicant is to obtain approval from the Department of Water and Environment Regulation for the clearing of riparian vegetation;

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

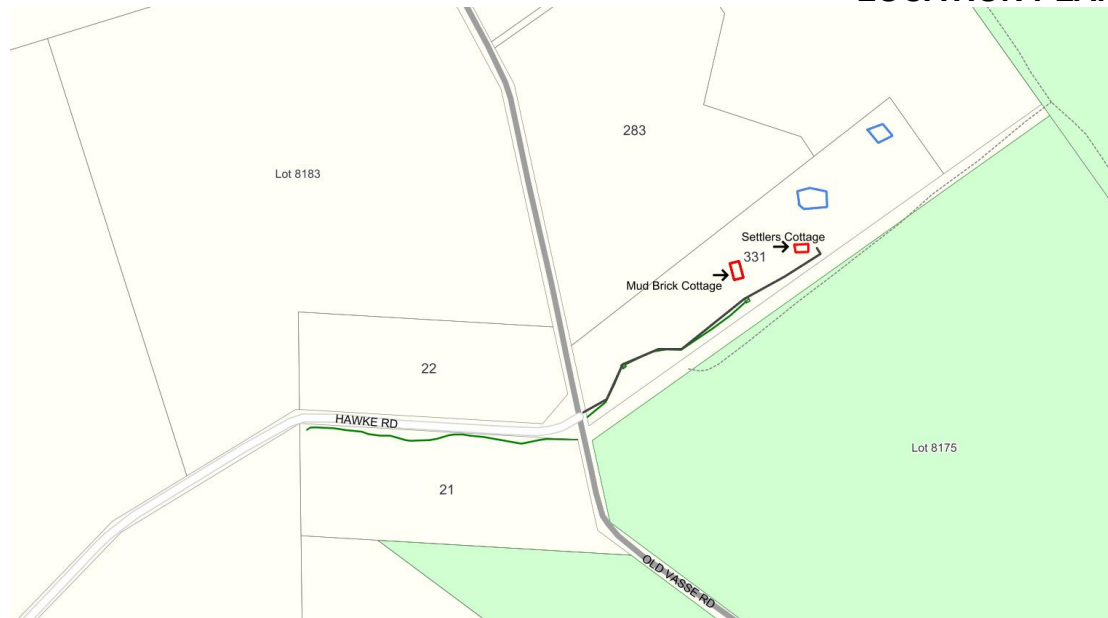
ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.5.3 Proposed Change of Use to Holiday Accommodation at Lot 1, 331 Old Vasse Road, Yeagarup**

PROPONENT	Mr E L Shand
OWNER	Mrs A O & E L Shand
LOCATION / ADDRESS:	Lot1, 331 Old Vasse Road, Yeagarup
WARD:	West
ZONE:	Priority Agriculture
DIRECTORATE:	Statutory Planning
FILE REFERENCE:	DA23/11, P52405
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown; Jocelyn Baister
DATE OF REPORT:	5 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider a development application for a Change of Use – Low Impact Tourist Accommodation – Short Stay for the two dwellings that are located at Lot 1, 331 Old Vasse Road, Yeagarup. A location plan is shown below.

LOCATION PLAN

The property has an area of 7.365 hectares, it comprises of two dwellings, associated outbuildings, 2 dams and remnant vegetation. The property is accessed from Old Vasse Road, 3.2km south of Vasse Highway, west of Pemberton.

The applicant is proposing to change the use of the two existing dwellings to Low Impact Tourism – Short Stay Accommodation. The applicants/owners

who currently reside in the Metropolitan Area, state that they will manage the guests visiting the site by occupying one of the dwellings when guests are occupying the other dwelling. Therefore, only one of the two dwellings on the site will be occupied as short stay holiday accommodation at any one time to a maximum of six (6) guests.

The key elements of the Management Plan are as follows:

- The owner/manager will reside onsite when the other holiday house is occupied;
- 6 guests will be accommodated at any one time;
- Most cleaning and maintenance will be undertaken by management and sourced by local contractors;
- Local Emergency contact details will be displayed in the holiday accommodation at all times;
- Wifi internet is available at the site and there is also full phone coverage; and
- No pets will be allowed at the accommodation.

A copy of the plans of the cabins and the proposed management plan for the holiday accommodation is attached.

ATTACHMENT: 9.5.3 (1)

Council is asked to consider the application due to unsupportive comments being received from DFES conflicting with the opinion of Shire Officers.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Scheme for a period of 21 days to the neighbouring landowners and 42 days to the Department of Biodiversity and Conservation (DBCA) and the Department of Fire and Emergency Services (DFES).

A submission from both DBCA and DFES have been received. DBCA requested that the applicants be advised of the operations occurring in the adjacent Warren National Park and acknowledge the applicants use of the track as an emergency access through their property. DFES however, does not support the proposed holiday accommodation as they advise that the development design does not demonstrate compliance with Element 5: Vulnerable Tourism Land Uses. The advice provided by both Departments are discussed further in this report and provided attached.

ATTACHMENT: 9.5.3 (2)

COMMENT (Includes Options):

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

Land Use Classification

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

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

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

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

The proposal is consistent with the land use definition, given the proposal is utilising existing buildings on the property.

Land Use Permissibility

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

Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any relevant Local Planning Scheme operating within the Scheme area;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk;*
- (xv) *the preservation of the amenity of the locality.*

Advice on these matters is provided below.

Consistency with Zoning

The proposed short stay accommodation is considered to meet the objectives of the Priority Agriculture Zone, which include;

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

The proposed Low-Impact Tourist Development – Short Stay will provide the owner with an additional source of income and diversify the accommodation availability.

Impact on Amenity of Area

The proposed short stay accommodation is not expected to have any impact upon the amenity or environmental attributes of the surrounding area. No new construction will be taking place, the proposal is to be located within the existing buildings on the property. Car parking for guests at either holiday house are provided onsite.

Day-to-Day Management

The applicants do not currently reside on the property or within the Shire and have stated that as part of the management of the holiday accommodation, they will occupy the alternate dwelling when the other one is booked for guest accommodation. Whilst this is not a conventional means of managing the accommodation, having the land owners as 'Hosts' reduces the risks of impacts to the amenity and may assist guests should an evacuation be required. Given the proposed management forms an integral part to the risk mitigation, it is recommended that a condition be included stipulating that any approval is for Hosted Accommodation.

Consistency with Adjacent Land Use

To the south the property is land managed by DBCA to the north the land is privately owned, Priority Agriculture Zoned land that is heavily vegetated. The proposed holiday accommodation is not considered to impact the use of the adjoining property.

Access

Old Vasse Road and the surrounding road network are unsealed roads, it is recommended that the applicant be advised that these roads are provided in an as-is condition and should not expected to be upgraded as a result of any approval granted.

Public Liability Insurance

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

Guest Register

The applicant is required to maintain a guest register of all guests and this is to be made available to an authorised officer from the Shire of Manjimup on

request. This will be included as a development condition in the event that Council determines to approve the application.

Bushfire Prone Area

The subject property is located within an area designated as Bushfire Prone and a Bushfire Attack Level (BAL) Assessment was undertaken by an accredited Assessor where the rating for the proposed development is BAL-29 which is acceptable for the proposed land use.

It is recommended a copy of the supplied Bushfire Management Plan and Emergency Evacuation Plan is to be kept on display within a common area within the proposed accommodation for access during an emergency. A condition ensuring this occurs will be included in the event Council approves the application.

A copy of the management plans are provided attached

ATTACHMENT: 9.5.3(3)

ATTACHMENT: 9.5.3(4)

Health (Miscellaneous Provisions) Act, 1911

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

Submissions

DBCA advise that they have no objection to the proposed holiday accommodation, however advise the applicants that activities will occur in the Warren National Park, such as prescribed burning for conservation, native flora and fauna protection and road upgrading and management.

DBCA also acknowledge the applicants use of the track adjacent to the southern boundary of the property, however advised this track will only be maintained on a needs basis by DBCA.

DFES do not support the proposed holiday accommodation and raised concerns to the proposed vulnerable land use on the subject property due to the potential fire risk as a result of the surrounding vegetation. Shire Officers advise that a condition requiring the holiday accommodation to not operate when the Fire Danger Rating is "Extreme or Above" could reduce the risk to guests. Additionally, as the accommodation will be hosted by the property's owner, the risk that guests will be vulnerable in an emergency event is reduced.

DFES have also commented that the classification of vegetation within the documentation as part of the prepared Bush Fire Management Plan is incorrect, it is recommended that the applicant revise the Bush Fire Management Plan in accordance with the advice.

Conclusion

As addressed above the proposed holiday accommodation will not have a detrimental impact on the surrounding area and as the proposal meets the requirements of the Local Planning Policies it is recommended Council grant conditional planning approval.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid by the applicant.

SUSTAINABILITY:

Environmental: It is not considered that the proposed holiday accommodation will have any environmental implications.

Economic: If approved the proposed Holiday Accommodation will diversify the applicant's income and provide additional accommodation within the Shire of Manjimup for visitors in the region which will benefit the local economy.

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants planning consent for the Hosted Holiday Accommodation at Lot 1 (331) Old Vasse Road, Yeagarup (TP 15/2023) in accordance with the plans and specifications as submitted and subject to the following conditions;

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

Reference	Document Title	Date Received
1.	Site Plan	27 January 2023
2.	Mudbrick Cabin Floor and Elevation Plan	27 January 2023
3.	Settlers Cabin Floor and Elevation Plan	27 January 2023

4.	Management Plan	28 April 2023
5.	Emergency Plan	28 April 2023
6.	Bush Fire Management Plan	28 April 2023

2. This approval is for Hosted Holiday Accommodation only, meaning that the applicant/landowners will reside on the property for the duration of all bookings;
3. Prior to the commencement of the approved use the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
4. Prior to the commencement of the Hosted Holiday Accommodation the Bush Fire Management Plan is to be amended to the satisfaction of the Shire Manjimup to reflect advice received from the Department of Fire and Emergency Services.
5. The development approval is granted for a period expiring on 30 June 2024 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of the period seeking approval for the Hosted Holiday Accommodation to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup;
6. The Hosted Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup;
7. The Hosted Holiday Accommodation hereby approved is limited to a maximum of six (6) persons who are known to each other at any one time to the satisfaction of the Shire of Manjimup;
8. The management details that form part of the application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
9. The Emergency Evacuation Response Plan, incorporating the contact details of the property manager is to be displayed in the Hosted Holiday Houses at all times;
10. Unless otherwise approved by the Shire of Manjimup, signage associated with the activity hereby approved shall be restricted to a single advertisement not exceeding 0.2m², which is to be located on the property; and
11. All parking for guests is to be provided for on-site for the use of users of the Hosted Holiday Accommodation.

Advice to Applicant:

- i. With regards to Condition 4), the Bushfire Management Plan is to be revised to reduce the risk to vulnerable guests, for example to not operate the accommodation during extreme bushfire

conditions;

- ii. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;
- iii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iv. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from Building Services for the reclassification of a Class 1a building to a Class 1b building at least 10 days before the proposed change;
- v. The Department of Biodiversity Conservation and Attractions advises that the following activities may take place in the adjacent Warren National Park:
 - a. Prescribed burning for conservation and/or fire hazard reduction purposes;
 - b. Baiting of poison, shooting and trapping to control predators of native fauna;
 - c. Application of chemicals for weed and plant disease control; and
 - d. Road upgrade and maintenance.
- vi. The Department of Biodiversity Conservation and Attractions advises that the track along the subject property's southern boundary is maintained on an as needs basis and there should be no expectation that the department will maintain the track to a suitable standard for private property access or fire control purposes;
- vii. In all buildings approved for Hosted Holiday Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and
 - b) consist of:
 - lights incorporated into the smoke alarm itself; and
 - lighting located in the corridor, hallway or area served by the required smoke alarm(s).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29200

That Council in accordance with Part 10 of Shire of Manjimup Local

Planning Scheme No.4 grants planning consent for the Hosted Holiday Accommodation at Lot 1 (331) Old Vasse Road, Yeagarup (TP 15/2023) in accordance with the plans and specifications as submitted and subject to the following conditions;

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

Reference	Document Title	Date Received
1.	Site Plan	27 January 2023
2.	Mudbrick Cabin Floor and Elevation Plan	27 January 2023
3.	Settlers Cabin Floor and Elevation Plan	27 January 2023
4.	Management Plan	28 April 2023
5.	Emergency Plan	28 April 2023
6.	Bush Fire Management Plan	28 April 2023

2. This approval is for Hosted Holiday Accommodation only, meaning that the applicant/landowners will reside on the property for the duration of all bookings;
3. Prior to the commencement of the approved use the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup;
4. Prior to the commencement of the Hosted Holiday Accommodation the Bush Fire Management Plan is to be amended to the satisfaction of the Shire Manjimup to reflect advice received from the Department of Fire and Emergency Services.
5. The development approval is granted for a period expiring on 30 June 2024 only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of the period seeking approval for the Hosted Holiday Accommodation to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup;
6. The Hosted Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup;
7. The Hosted Holiday Accommodation hereby approved is limited to a maximum of six (6) persons who are known to each other at any one time to the satisfaction of the Shire of Manjimup;
8. The management details that form part of the application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
9. The Emergency Evacuation Response Plan, incorporating the contact details of the property manager is to be displayed in the

Hosted Holiday Houses at all times;

10. Unless otherwise approved by the Shire of Manjimup, signage associated with the activity hereby approved shall be restricted to a single advertisement not exceeding 0.2m², which is to be located on the property; and

11. All parking for guests is to be provided for on-site for the use of users of the Hosted Holiday Accommodation.

Advice to Applicant:

- i. With regards to Condition 4), the Bushfire Management Plan is to be revised to reduce the risk to vulnerable guests, for example to not operate the accommodation during extreme bushfire conditions;
- ii. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act, 1911* and the *Building Act 2016*;
- iii. The development the subject of this development approval is required to comply with the Shire of Manjimup's Health Local Laws 2020;
- iv. Prior to the commencement of the use hereby approved, a Building Approval Certificate is required to be obtained from Building Services for the reclassification of a Class 1a building to a Class 1b building at least 10 days before the proposed change;
- v. The Department of Biodiversity Conservation and Attractions advises that the following activities may take place in the adjacent Warren National Park:
 - a. Prescribed burning for conservation and/or fire hazard reduction purposes;
 - b. Baiting of poison, shooting and trapping to control predators of native fauna;
 - c. Application of chemicals for weed and plant disease control; and
 - d. Road upgrade and maintenance.
- vi. The Department of Biodiversity Conservation and Attractions advises that the track along the subject property's southern boundary is maintained on an as needs basis and there should be no expectation that the department will maintain the track to a suitable standard for private property access or fire control purposes;
- vii. In all buildings approved for Hosted Holiday Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:-
 - a) be activated by a smoke alarm(s); and

b) consist of:

- **lights incorporated into the smoke alarm itself; and**
- **lighting located in the corridor, hallway or area served by the required smoke alarm(s).**

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT APPENDIX

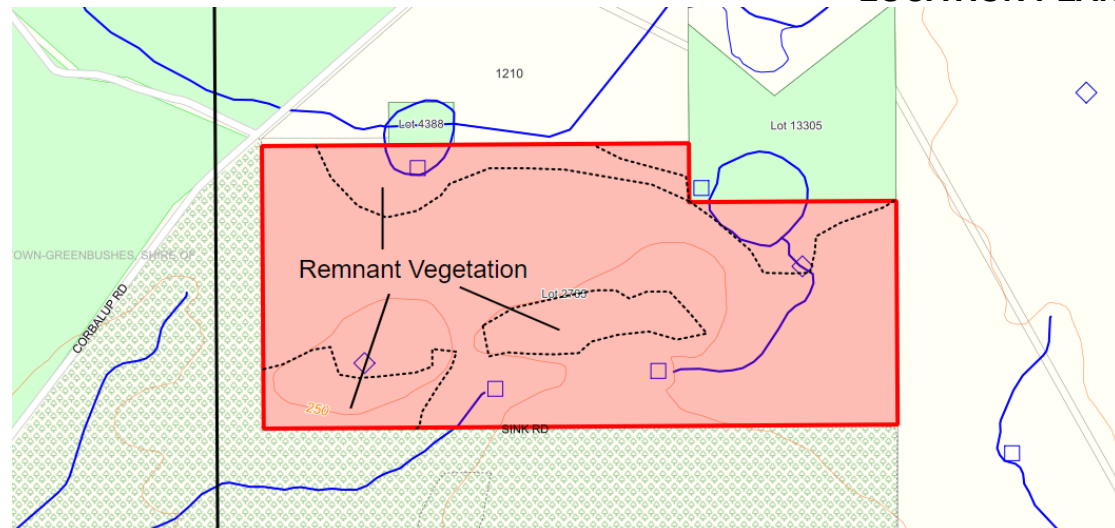
9.5.5 Request for Reconsideration of Conditional Approval Proposed Plantation at Lot 2765 Corbalup Road, Perup

PROPONENT	Simcoa Operations Pty Ltd
OWNER	Simcoa Operations Pty Ltd
LOCATION / ADDRESS:	Lot 2765 Corbalup Road, Perup
WARD:	East
ZONE:	General Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/43 P52620
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its Ordinary Meeting held on 15 June 2023, Council resolved (Resolution 29169) to conditionally approve a proposed Plantation on the subject land, being a 121.41ha property located 27km from the Manjimup town centre. A location plan is provided below.

LOCATION PLAN



The applicant has requested that Council reconsider Condition No. d) as imposed by Council, which requires fencing to be installed and maintained for the life of the development to protect the remnant vegetation and wetland and associated buffers. By way of summary, there was incorrect advice received from the Department of Biodiversity Conservation and Attractions (DBCA) with regards to declared rare flora being located on the subject property.

A copy of the request is attached and the minutes of the June meeting are appended.

ATTACHMENT: 9.5.5 (1)
APPENDIX: 9.5.5 (A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The subject land is zoned General Agriculture under the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme). The purpose of this zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

Request for Reconsideration

The Scheme's Clause 10.9 enables applicants that are dissatisfied with a refusal or condition of approval the ability to request the local government in writing to reconsider its decision.

The applicant was offered the opportunity for a reconsideration in accordance with the procedure in Clause 10.9. As required by that clause the local government shall within 60 days, consider the reconsideration by either refusing the request and re-affirming the original decision; revoke its original decision and issue a new determination; or delete, amend or replace the condition or conditions subject of the request.

Condition d) was imposed on the advice from DBCA that *"A population of endangered flora species (bossiaea reptans) exists adjacent to the property and encroaches into Lot 2765. To ensure the protection of this population, the department will contact the proponents to discuss management strategies. The remnant vegetation is likely to contain suitable habitat for several threatened fauna species. The department recommends minimizing activities in these areas to lessen the likelihood of possible negative impacts on these species."*

It was the understanding of Shire Officers that as part of the management strategy for the population, all parties had agreed that fencing the vegetation on the property would be the best outcome.

In accordance with 10.9.2(ii) the request for reconsideration is valid as new information is provided with the request and as the decision has been made in error, sub-clause (iv) states that the payment of fee is not required.

DBCA has provided updated information as follows:

"The statement "A population of endangered flora species (bossiaea reptans) exists adjacent to the property and encroaches into Lot 2765. To ensure the protection of this population, the department will contact the proponents to discuss management strategies" is incorrect there is no endangered flora species recorded on the property.

Therefore the remnant vegetation would not need any special management strategies as previously indicated."

A copy of the advice is provided attached.

ATTACHMENT: 9.5.5(2)

Conclusion

Given the Shire has received updated information from DBCA which removes the basis for which Condition d) was imposed, it is recommended that Condition d) be deleted from the determination.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The request for reconsideration has been processed in accordance with Clause 10.9 of the Scheme.

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: The applicant has proposed appropriate firebreaks and buffers around the existing remnant vegetation, which should assist in the protection of vegetation and wetlands.

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

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

- 1) Notwithstanding the decision of 15 June 2023, Resolution 29169, that Council in accordance with Clause 10.9 resolves to delete Condition d) of Development Approval TP47/2023 at Lot 2765 Corbalup Road, Perup; and

- 2) A new determination notice for Application TP47/2023 be issued with the following conditions:
- a) The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.

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

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

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

Advice to Applicant:

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

COUNCIL RESOLUTION:**MOVED: Dawson Vidovich, S SECONDED: Eiby, W****29201**

- 1) Notwithstanding the decision of 15 June 2023, Resolution 29169, that Council in accordance with Clause 10.9 resolves to delete Condition d) of Development Approval TP47/2023 at Lot 2765 Corbalup Road, Perup; and
- 2) A new determination notice for Application TP47/2023 be issued with the following conditions:
 - a) The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.

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

- b) Notwithstanding condition a) Prior to the commencement of the use hereby approved, the applicant shall submit a revised Plantation Management Plan addressing fire management measures to the satisfaction the Shire of Manjimup in consultation with the Department of Fire and Emergency Services;
- c) Fire management measures outlined in the approved Plantation Management Plan are to be implemented so as to meet the performance standards outlined in the Department of Fire and Emergency Services *Guidelines for Plantation Fire Protection* to the satisfaction of the Shire of Manjimup;
- d) In conducting the activity hereby approved the plantation Operator/Manager is required to comply with all relevant legislation, and to have particular regard to the general and reasonable amenity expectations of those who may be resident in the vicinity;
- e) A separate 'Harvesting Plan' is to be submitted to the Shire of Manjimup a minimum of 24 months prior to the anticipated commencement of the harvesting of the subject Plantation and not less than 12 months prior to the commencement of harvesting operations formal notification of the intention to harvest shall be given to Shire of Manjimup. The 'Harvesting Plan' is to be prepared in accordance with the latest "Code of Practice for Timber Plantations" (or equivalent) that is applicable at that time;
- f) Prior to the commencement of harvesting, a Transport Management Plan identifying heavy vehicle movement network shall be prepared, approved and implemented to the satisfaction

of the Shire of Manjimup;

- g) Prior to the commencement of harvesting, a Road Condition Report is to be prepared by the applicant following an inspection of the proposed haulage route, in conjunction with the Shire of Manjimup;
- h) During harvest, the local road network is to be maintained in a safe and drivable condition to the satisfaction of the Shire of Manjimup;
- i) Any proven damage to the local road network caused by vehicles associated with the Plantation is to be repaired at the applicant's cost to the satisfaction of the local government.
- j) At the completion of any harvesting, the area which has been harvested shall be reinstated to the requirements and satisfaction of the responsible authority. In particular:
 - i. all waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;
 - ii. any surplus tree branches shall be adequately disposed and shall not be left on site if they constitute a fire hazard; and
 - iii. all temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.

Advice to Applicant:

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

Operator / Manager is required to advise Shire of Manjimup of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.

ADOPTED BY EN BLOC RESOLUTION: 11/0

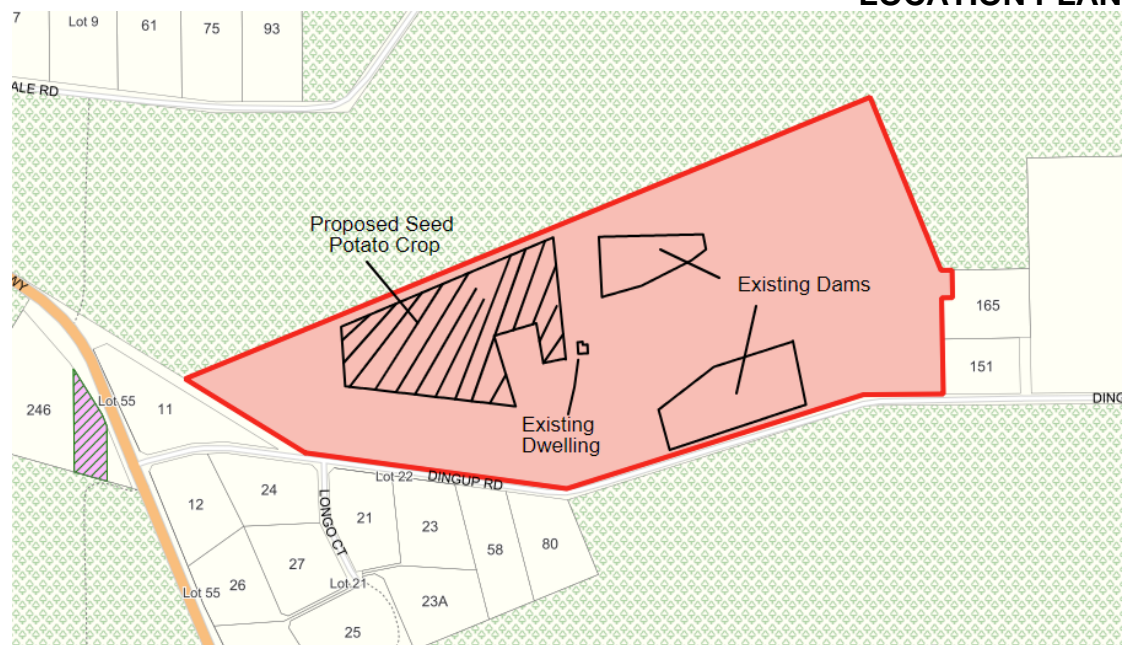
ATTACHMENT

9.5.6 Proposed Rural Pursuit at Lot 60 Dingup Road, Dingup

PROPONENT	Mr B L Nicol
OWNER	Mr B L Nicol
LOCATION / ADDRESS:	Lot 60 Dingup Road, Dingup
WARD:	East Ward
ZONE:	Rural Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/78 P58154
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	12 July 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

Council is requested to consider a proposal for a Rural-Pursuit, being a Seed Potato Crop) on Lot 60 (No 87) Dingup Road. The property which has an area of 53.12ha is located on the northern side of Dingup Road. The land previously consisted of two titles which have recently been amalgamated. As shown on the location plan below substantially smaller Rural-Residential properties are located to the south-west and east of the property, with the balance of the property abutting or being adjacent to State Forest.

LOCATION PLAN

The property currently contains a dwelling, various rural outbuildings, several small dams, a more substantial dam that was approved by Council in January 2020 and a Feijoa Orchard that the landowner has stated is for personal use.

The applicant is also in the process of rezoning the subject to Priority Agriculture which commenced public advertising 12 July 2023.

At its Ordinary Meeting 29 September 2022, Council considered an application for a similar development at the property and resolved to approve the planting of seed potatoes subject to the crop being limited to single crop.

Approval is now being sought to plant a new seed potato crop with an approximate area of 6ha abutting the northern boundary with a setback of 7 metres to the State Forest. A copy of the submitted application is shown attached.

ATTACHMENT: 9.5.6 (1)

The matter is being brought to Council for determination due to previous considerations and neighbours prior objections.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to the abutting landowners and relevant government agencies for comment. In response to the referrals, submissions were received from the Department of Biodiversity, Conservation and Attraction (DBCA) and support from one of the adjoining landowners. DBCA had no objection to the proposal.

Copies of the submissions received are provided attached.

ATTACHMENT: 9.5.6 (2)

COMMENT (Includes Options):

The provisions of Local Planning Scheme No 4 (the Scheme) include the land with Rural-Residential Zone, the land originally being rezoned from "Rural" to "Special Rural" through Amendment No 133 to the Shire's previous Town Planning Scheme No 2 at the request of the previous landowner.

In determining application for Development Approval, clause 10.2 of the Scheme requires that due regard is given to various matters. The following matters are considered the most relevant to this proposal:

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

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

Zone Purpose and Objectives

As outlined within Part 4.6 of the Scheme, the purpose of the Rural Residential Zone is to provide for *“low residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.”* Provided that the proposed use does not detrimentally impact on the amenity of the adjacent land, it is considered consistent with a rural setting and the purpose of the Rural-Residential Zone.

Land Use Classification and Permissibility

The purpose of the proposed seed potato crop is to produce seed potato's which are then harvested and on-sold to third parties for replanting to grow a potato crop. By its definition a Seed Potato crop is consistent with part (c) of the land use of “Rural Pursuit” as defined by the Scheme, being:

Rural Pursuit – means any premises used for-

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

Potential Impacts on Amenity

Many rural activities have the potential to impact on the amenity of adjacent dwellings and the area generally through noise, dust, spray drift and odours associated with both horticultural and stock related activities.

Environmental Protection Authority Guidelines

In June 2005, the Environmental Protection Authority (EPA) produced the current Guidelines entitled “Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses”. These guidelines provide advice on the *“use of generic separation distances (buffers) between industrial and sensitive land uses to avoid land use conflicts between incompatible land uses.”*

In terms of rural land uses, the Guidelines recommend minimum buffer distances for various uses including but not limited to Animal Feedlots, Aquaculture, Extractive Industries, Dairies, Dog Kennels, Food Processing, Horse Stables, Livestock Saleyard or Holding Pens, Market Gardens, Nurseries, Orchards, Piggeries (which vary depending on size and form), Turf Farms and Vineyards.

The most comparable land use listed within the EPA Guidelines is that of a Market Garden which the EPA recommends a minimum buffer of between 300 and 500 metres depending on size. In this case, it is noted that the proposed crop will be located just under 270 metres from the nearest dwelling, being located on Lot 12 (23) Longo Court, Dingup. A submission was not received from this land owner.

In assessing the proposal it is noted that there is existing roadside and private vegetation located between the proposed crop and the neighbouring properties which may assist in visual screening and shielding from agricultural activities.

Conclusion

Given no objections have been received and the previous years seed crop received no complaints, it is recommended that the subject application be approved subject to applicable conditions.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and Environmental Protection Act 1986.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application as submitted would be consistent with the following recommendation, as contained within the Shire of Manjimup's Strategic Community Plan 2021-2031:

B4 *Support sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agri-tourism, land protections, and continued support for the Southern Forests Food Council.*

ORGANISATIONAL RISK MANAGEMENT:

Appropriate conditions of approval are recommended to address potential risks associated with impact on the adjacent landowners and/or the environment.

FINANCIAL IMPLICATIONS:

The proponent paid the required fees at the time of lodging the application

SUSTAINABILITY:

Environmental: The area of the proposed seed crop is clear of native vegetation.

Economic: The proposed land use has the potential of generating economic activity within the Manjimup area.

Social: Due care will need to be exercised by the land owner to ensure that any intensification of the agricultural or horticultural use of the property will not detrimentally impact on the amenity of the adjacent and nearby Rural-Residential land and dwellings.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Clause 5.5, and Part 10 of the Shire of Manjimup Local Planning Scheme No 4 grants approval for the proposed Rural Pursuit – planting of Seed Potato's on Lot 60 Dingup Road, Dingup (TP75/2023) as outlined in the submitted plans and specifications, subject to compliance with the following conditions:

1. This approval relates to the planting of a single seed potato crop to be planted and harvested in the time frames identified within the application;
2. The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Application for Development Approval	6 June 2023
2.	Supporting Correspondence outlining proposal details	6 June 2023
3.	Site Plan	6 June 2023

3. The hours of operation shall comply with those hours identified by the applicant within the submitted application and shall not be varied without the prior written consent of the Shire of Manjimup being obtained; and
4. The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants to the satisfaction of the Shire of Manjimup.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29202

That Council in accordance with Clause 5.5, and Part 10 of the Shire of Manjimup Local Planning Scheme No 4 grants approval for the proposed Rural Pursuit – planting of Seed Potato's on Lot 60 Dingup Road, Dingup (TP75/2023) as outlined in the submitted plans and specifications, subject to compliance with the following conditions:

1. This approval relates to the planting of a single seed potato crop to be planted and harvested in the time frames identified within the application;
2. The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Application for Development Approval	6 June 2023
2.	Supporting Correspondence outlining proposal details	6 June 2023
3.	Site Plan	6 June 2023

3. The hours of operation shall comply with those hours identified by the applicant within the submitted application and shall not be varied without the prior written consent of the Shire of Manjimup being obtained; and
4. The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants to the satisfaction of the Shire of Manjimup.

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.9.1 Quarterly Report April - June 2023 - Community Services Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Shire of Manjimup
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F160966
LEGISLATION:	Various
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	5 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Documentation outlining activities, grants, and donations data for the April - June 2023 quarter for the Community Services Directorate is attached for Councillors information.

ATTACHMENT: 9.9.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Various.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

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

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

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Community Services Directorate Quarterly Report April - June 2023 as contained in the Attachment: 9.9.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29203

That Council receive the Community Services Directorate Quarterly Report April - June 2023 as contained in the Attachment: 9.9.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

9.9.3 Replacement of Circulation Pumps at the Manjimup Regional AquaCentre

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Rutherford St, Manjimup
WARD:	Central
ZONE:	Public Purposes
DIRECTORATE:	Community Services
FILE REFERENCE:	F161088
LEGISLATION:	<i>Local Government Act (1995)</i>
AUTHOR:	Emily O'Neil; Evy Apeldoorn
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Following the failure of two circulation pumps at the Manjimup Regional AquaCentre (AquaCentre), the acquisition of replacement circulation pumps is required. Temporary solutions are currently in place to maintain the facility with some operational issues. Full failure of the circulation systems would force the AquaCentre to close.

The Department of Health Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities (2020) identifies circulation systems as essential in maintaining water quality and a general requirement for all aquatic facilities. The Code articulates requirements for circulation systems to ensure effective removal of pollutants and micro-organisms, including sufficiently capacity to decontaminate the pool, efficiently remove pollutants, and efficiently distribute filtered/disinfected water throughout the pool.

Interim to the adoption of the 2023/24 budget and in accordance with the *Local Government Act 1995* (Part 6, Division 4, 6.8), an emergency expenditure request for the time critical replacement of the pool pumps was requested, and subsequently approved by the Shire President and Interim Chief Executive Officer (CEO) on 29 June 2023.

The purpose of this report is to formally advise Council of the emergency funding request and its subsequent approval by the Shire President and CEO for the purchase of the pump replacements for the AquaCentre.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The two pumps at the AquaCentre that failed are:

1. Main Circulation Pump which circulates 1.1 million litres of water every 4 hours from the pool through filters and back into the pool; and

2. Pool Heating Circulation Pump which circulates water from the pool through a heat exchanger and back into the pool.

These pumps were beyond their expected lifespan and could not be further repaired.

Backup circulation solutions have been put in place to provide temporary pool hygiene maintenance. These solutions are insufficient for the long-term needs of the facility, resulting in operational issues including reduced pool heating and significant water loss (due to leaks in pump casing). The pumps have been ordered and are expected to arrive in September 2023.

Due to the insufficiency of the backup solutions and a 6-week lead time on the replacement pumps, the purchase of the replacement pumps, quoted at \$15,750 ex. GST, was approved as an emergency expenditure by the Shire President and Interim Chief Executive Officer as per the Local Government Act 1995 (Part 6, Division 4, 6.8).

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Expenditure from municipal fund not included in annual budget (Part 6, Division 4: Financial Management, 6.8):

“(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except when the expenditure – (c) is authorised in advance by the mayor or president in an emergency”.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

- Our Infrastructure Community Goal 4.1: Infrastructure gaps in regard to energy, water, sewerage, and information and communication technology services are resolved.
- Our Infrastructure Community Goal 4.2 Community infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future.

ORGANISATIONAL RISK MANAGEMENT:

Aquatic facility water treatment is required continuously to ensure the facility is available for use. Insufficient circulation and filtration of aquatic facilities presents risks including significant health and safety risks to community through inadequate filtration or chemical distribution.

There is also the risk of incurring substantial operational costs due to continued heating and water loss, pool chemical wastage, and potential closure of facility until adequate circulation is re-established.

FINANCIAL IMPLICATIONS:

The expenditure of \$15,750 ex. GST will come from the AquaCentre Plant Reserve funds in accordance with the Reserve definition and purpose. To accommodate potential associated costs, a total expenditure of up to \$20,000 (ex. GST) has been accounted for.

SUSTAINABILITY:

Environmental: Reduce water, energy, and chemical use.

Economic: Energy, water and pool chemical savings through water-tight pumps, effective heat maintenance, and optimal water filtration and chemical distribution.

Social: Adequate heating and treatment of swimming pools in AquaCentre will ensure sustained customer satisfaction and meet community expectations.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1) **Note the emergency expenditure of up to \$20,000 ex. GST for the replacement of two circulation pumps at the Manjimup Regional AquaCentre; and**
- 2) **Note that the AquaCentre Plant Reserve will be used for the replacement of the two circulation pumps as identified in the 2023/24 budget presented to Council in a separate Council agenda (Item 9.1.1).**

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29204

That Council:

- 1) **Note the emergency expenditure of up to \$20,000 ex. GST for the replacement of two circulation pumps at the Manjimup Regional AquaCentre; and**
- 2) **Note that the AquaCentre Plant Reserve will be used for the replacement of the two circulation pumps as identified in the 2023/24 budget presented to Council in a separate Council agenda (Item 9.1.1).**

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.13.1 Quarterly Report April to June 2023 - Works and Services Directorate**

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

BACKGROUND:

A report outlining activities for the quarter ending 30 June 2023 for the Works and Services Directorate is attached.

ATTACHMENT: 9.13.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

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

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29205

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

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.15.1 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 28 June 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170449
LEGISLATION:	<i>Emergency Management Act 2005, Local Government Act 1995</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	29 June 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Local Emergency Management Committee (LEMC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. As stated within the Terms of Reference, the purpose of the Committee is, in accordance with *Section 39 of the Emergency Management Act 2005*:

- a) *To advise and assist the Council in ensuring that local emergency arrangements are established;*
- b) *To liaise with public authorities and other persons in the development, review and testing of Local Emergency Management Arrangements; and*
- c) *To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by regulations.*

The unconfirmed Minutes of the latest LEMC meeting held on the 28 June 2023 are attached.

ATTACHMENT: 9.15.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As reflected within the unconfirmed minutes, the committee was briefed on several matters relating to recent incidents in the South West.

The committee resolved to support three recommendations, the resolutions passed at the meeting are detailed below:

That the unconfirmed minutes of the General Meeting held Wednesday 15 March 2023 be received as a true and correct record.	The LEMC resolution is supported.
That Council confirm and accept the amendments to Appointments of the <i>Local Emergency Management Committee Terms of Reference</i> for the two year period that commenced 21 October 2021: 4.1 Brian Robinson to the position of Shire of Manjimup – Interim Chief Executive Officer LEMC Delegate; and 4.2 Roma Boucher and Brooke Thomas to the positions of Department of Communities LEMC Delegate and Proxy, respectively.	The LEMC resolution is supported. A separate item is prepared for Council.
That Council endorse the <i>Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023-2028</i> .	The LEMC resolution is supported. A separate item is prepared for Council.

The draft *Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023-2028* is provide attached to item 9.7.1 of this agenda.

As reflected above, agenda item 9.15.2 has been included within this agenda for the amended *Local Emergency Management Committee Terms of Reference 2021-2023* and item 9.7.1 for the endorsement of the *Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023-2028*.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005 and the *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

The operation of the Local Emergency Management Committee is consistent with the *Shire of Manjimup Strategic Community Plan 2021-2031*, with specific reference to the following Community Goals and associated Strategies:

Community Goals

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

3.5 *Residents feel safe, secure and comfortable at home, work and at play.*

Strategies

C22 *Prepare for emergencies and natural disasters.*

ORGANISATIONAL RISK MANAGEMENT:

By participating in the LEMC, Shire Officers are seeking to minimise risks to the Shire, its residents and assets associated with local level emergencies.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held on the 28 June 2023 as shown in Attachment: 9.15.1(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29206

That Council receive the Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held on the 28 June 2023 as shown in Attachment: 9.15.1(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.16.2 Unconfirmed Meeting Notes of the Manjimup Recreation Advisory Committee Meeting held 26 June 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F170452
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	11 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Recreation Advisory Committee (MRAC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

The purpose of the Committee is:

- To provide advice to Council on the development, management and promotion of sport and recreation facilities in Manjimup;
- To make recommendation to Council in regard to matters that will improve the use and sustainability of the sport and recreation facilities in Manjimup for the benefit of the broader community;
- To provide advice on trends in sport and recreation (e.g. participation rates, regulations, facilities);
- To guide & provide feedback to Council and staff in relation to strengthening key programs (such as: KidSport, GoodSport, Youth, Seniors, Club Development, Access & Inclusion);
- To provide feedback and advice in regard to financial matters pertaining to sport and recreation; and
- To provide feedback and advice in terms of Council's annual adoption of fees and charges.

The purpose of this report is to receive the unconfirmed meeting notes of the MRAC meeting held on 23 June 2023. A copy of the meeting notes is attached.

ATTACHMENT: 9.16.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst there was no quorum achieved at this meeting, the committee members present made the following suggestion to Council.

Committee Discussion	Officer Comment
That Council investigate costs and feasibility for improving car parking lighting at the Manjimup Indoor Sports Pavilion upon completion of the tennis courts and pavilion.	Supported in principle, however there was no quorum present at the meeting. The matter will be added as a standing agenda item on future MRAC meeting agendas to ensure it will be dealt with when appropriate.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed meeting notes of the Manjimup Recreation Advisory Committee Meeting held 23 June 2023 as per Attachment: 9.16.2(1).

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29207

That Council receive the unconfirmed meeting notes of the Manjimup Recreation Advisory Committee Meeting held 23 June 2023 as per Attachment: 9.16.2(1).

ADOPTED BY EN BLOC RESOLUTION: 11/0

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 13 July 2023**

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

BACKGROUND:

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

The purpose of the Committee is:

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

The purpose of this report is to present the unconfirmed minutes of the MRCR Advisory Committee meeting held on 13 July 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

This advisory committee meeting was called with the specific purpose of seeking Committee input into, and subsequent endorsement of, the Shire's proposed expression of interest to the current Growing Regions Program.

The Committee were presented with the proposed details of Stage 2 of the MRCR project, with the following project components recommended to be included:

- Upgrade of Collier Street playing fields;
- Construction of a new multipurpose playing field;
- Reserve drainage;
- New modular amenities building; and
- Event and spectator infrastructure including multi-use event area and spectator seating.

The estimated total cost of the above components is \$5.512M, which leaves \$533K of Shire funds allocated to the MRCR project, remaining for the future implementation of remaining project components.

After thorough deliberation, the Committee determined that the following project components also warrant consideration for inclusion in Stage 2:

- Drainage near the Rea Park Oval, noting that this will be required to support the installation of proposed spectator seating and an improved spectator experience at Rea Park; and
- Upgrades to the existing Rea Park amenities to ensure that they are suitable for regular use, events and overflow camping, and thus providing further economic benefit to the grant application.

There are two recommendations arising from this meeting that require a decision of Council as below:

Committee Recommendation	Officer Recommendation
That Council support an application to Round 1 of the Growing Regions Program for Stage 2 of the Manjimup Rea Park and Collier Street Redevelopment project as proposed with the addition of an upgrade of the Rea Park amenities and Rea Park drainage.	As per Committee Recommendation. This matter has been brought to Council in a separate agenda item (9.9.2).
That Council consider the additional expenditure of \$100,000 from the Shire funds allocated to the Redevelopment, for the Growing Regions application, and subject a successful grant submission be used for the upgrade of the Rea Park amenities.	Supported as per Committee Recommendation. Recommended to be taken from Loan Stage 2c - Collier Street/Rea Park Redevelopment, which will still allow for sufficient remaining contingency funds.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

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

ORGANISATIONAL RISK MANAGEMENT:

The MRCR Advisory Committee supports a funding application to be submitted under the Growing Regions Program. The risk management of this application is considered in a separate agenda item at this Council meeting.

FINANCIAL IMPLICATIONS:

The Growing Regions Program presents a unique chance to leverage funds currently allocated to the MRCR project. The financial implications of the Growing Regions Program are outlined in a separate agenda item at this Council meeting.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive the unconfirmed minutes of the Manjimup Rea Park and Collier Street Redevelopment meeting held 13 July 2023 as per Attachment: 9.16.3(1);**
2. **Acknowledge the support for an application to Round 1 of the Growing Regions Program for Stage 2 of the Manjimup Rea Park and Collier Street Redevelopment project as proposed with the addition of an upgrade of the Rea Park amenities and Rea Park drainage; and**

3. Support the additional expenditure of \$100,000 to be used for the upgrade of the Rea Park amenities from Loan Stage 2c - Collier Street/Rea Park Redevelopment towards the Growing Regions application, and subject to a successful grant submission.

COUNCIL RESOLUTION:

MOVED: Dawson Vidovich, S SECONDED: Eiby, W

29208

That Council:

1. Receive the unconfirmed minutes of the Manjimup Rea Park and Collier Street Redevelopment meeting held 13 July 2023 as per Attachment: 9.16.3(1);
2. Acknowledge the support for an application to Round 1 of the Growing Regions Program for Stage 2 of the Manjimup Rea Park and Collier Street Redevelopment project as proposed with the addition of an upgrade of the Rea Park amenities and Rea Park drainage; and
3. Support the additional expenditure of \$100,000 to be used for the upgrade of the Rea Park amenities from Loan Stage 2c - Collier Street/Rea Park Redevelopment towards the Growing Regions application, and subject to a successful grant submission.

ADOPTED BY EN BLOC RESOLUTION: 11/0

Councillor Eiby declared an Impartiality Interest in Part A of this Item as she is a member of Dingup Hall and Treasurer of the Crowea Village which have applied for community grants. Councillor Eiby declared that she would consider this matter on its merits and vote accordingly.

Councillor Eiby declared a Proximity Interest in Part B of this Item as the external art piece contribution listed in the 2023/2024 Proposed Capital Purchases listed will be located adjacent to the Northcliffe Visitor Centre which Councillor Eiby manages, outside the NIVC building. The NIVC User Group have applied for a community grant and the Northcliffe Visitor Centre is located within the NIVC building.

Councillor Eiby declared a Financial Interest in Part B of this Item as the Northcliffe Visitor Centre, which I manage, has applied for community grants and receives Shire funding for visitor servicing and Library Services. The Northcliffe Pioneer Museum and Southern Forests Arts are business members of the Northcliffe Visitor Centre and have applied for community grants and also have proposed Capital Purchases/Abnormal Expenditure Requests listed. Councillor Eiby did not speak or vote on the matter and left the Chamber at 5.55pm.

Councillor Willcox declared an Impartiality Interest in this Item as she is a member of Walpole Community Resource Centre; Walpole Nornalup Visitor Centre and Walpole Nornalup District Historical Society that are grant fund recipients. Councillor Willcox declared that she would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.1.1 Proposed Adoption of 2023/24 Annual Budget

PROPONENT	Chief Executive Officer
OWNER	N/A
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	Whole Shire
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F160187
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson; Greg Lockwood
DATE OF REPORT:	12 July 2023
DECLARATION OF INTEREST:	Authors are employees of the Shire of Manjimup and own property in the Shire of Manjimup, however this is an Interest In Common.

BACKGROUND:

The 2023/24 Annual Budget Document is tabled for Council's consideration and adoption.

DOCUMENT TABLED

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

Council has provided significant input and review of the 2023/24 Annual Budget through the following processes:

- Shire of Manjimup Strategic Community Plan 2021-2031;
- Shire of Manjimup Corporate Business Plan 2023-2027;
- The 2023/24 Annual Budget has been influenced by a need to invest in the renewal of Shire assets; and
- A program of Council information briefing sessions between March and July 2023.

Contained in the front section of the 2023/24 Annual Budget is a "Budget Overview" providing a summary of the main components of the budget including graphical presentation of trends over recent years.

Rate Rise

It is proposed that the average general rate rise across the district is **6.9%**. The Valuer General assessed Shire of Manjimup Unimproved Value (UV) properties as at 1 July 2023. This revaluation has seen an overall increase to the UV data base of approximately 20.9%. The Shire of Manjimup's 2023/24 UV rate in the dollar has been adjusted down to reflect these value changes to give an average 6.9% rates change across the UV data base in 2023/24.

The Valuer General did not undertake a revaluation of Shire of Manjimup Gross Rental Value (GRV) properties as this occurs every 6 years and GRV properties were assessed 1 July 2018. The only variations to GRV valuations will be due to individual development on properties or some form of significant change that would affect the overall valuation.

Council Rating Policy

A special rate concession continues to be applied to Clubs and Sporting Groups so that only the licensed portion of their property is rated. The total amount of concessions proposed to be granted is \$56,858. A rates exemption is proposed to be applied to disclaimed titles within the Warren River Resort, this exemption is only temporary until land tenure is finalised with the State Government. Including the Warren River Resort, rate waivers total \$33,084 in 2023/24. Details of which are contained within the attachment.

ATTACHMENT: 9.1.1(1)

Fees & Charges

For the 2023/24 annual budget Fees & Charges are proposed to have a 3.0% increase. This increase only represents a portion of the CPI figure of 5.8% to the March 2023 quarter. The 3.0% increase excludes statutory based fees

determined by external State departments, however at this point there have only been minor increases to those Fees & Charges.

One exception to the 3.0% Fees & Charges increase is Windy Harbour Lease Fees. As per Council resolution 14 August 2014 the Windy Harbour Leases are independently valued every 4 years with CPI applied on the non-valuation years. In this case the 12 months to March 2023 CPI was 5.8% and applied accordingly.

Reserves

The 2023/24 Annual Budget proposes to create a new reserve account called, Rea Park/Collier Street Development and Renewal Reserve. The purpose of the reserve is to hold funding set aside for the Rea Park/Collier Street Development as well as ongoing renewal funding to support and maintain the reserve facilities.

Loan Funds

The 2023/24 Annual Budget proposes five loans. Four of the proposed loans formed part of the 2022/23 adopted budget and due to timing of projects were not required. The new 2023/24 loan is a Self Supporting Loan for \$385,000 to Dunreath Cottages Inc.

The 2023/24 Annual Budget proposes the following loans;

- \$500,000 for Stage 2a – Recreation/Community Facilities Upgrades;
- \$2,500,000 for Stage 2b – Collier Street/Rea Park Redevelopment;
- \$2,500,000 for Stage 2c – Collier Street/Rea Park Redevelopment;
- \$250,000 Self Supporting Loan for Manjimup Tennis Club: and
- \$385,000 Self Supporting Loan for Dunreath Cottages Inc.

STATUTORY ENVIRONMENT:

Adoption of the budget

Section 6.2 of the *Local Government Act 1995* requires a Local Government to prepare and adopt an annual budget for the financial year 1 July to 30 June each year but with the adoption being no later than the 31 August in that financial year.

Granting of a discount for early payment

Section 6.46 of the *Local Government Act 1995* “Discounts” is applicable. As with previous years, it is proposed that for the 2023/24 budget, no early payment discounts apply.

Granting of rate concessions

Section 6.47 of the *Local Government Act 1995* “Concessions” prescribes circumstances where concessions and waivers can be applied. Concessions are proposed for “Clubs and Sporting Groups licensed premises concession” to a total of \$56,858. Waivers are proposed to be applied to the previously endorsed “not for profit” groups as well as the inclusion of waivers for disclaimed titles at the Warren River Resort totalling \$33,084.

POLICY / STRATEGIC IMPLICATIONS:

Various strategic initiatives identified in the Shire of Manjimup Strategic Community Plan 2021-2031 and underlying documents are included in the 2023/24 Annual Budget. These initiatives are outlined in the “Budget Overview”.

ORGANISATIONAL RISK MANAGEMENT:

Adoption of the 2023/24 Annual Budget reduces financial risk to the organisation by clearly articulating what the Shire of Manjimup’s priorities are for the coming 12 months and how rates money is to be expended in achieving those priorities.

FINANCIAL IMPLICATIONS:

The financial implications of the 2023/24 budget are summarised in the budget overview, with further details provided in the budget document.

Rate in the dollar

The proposed rates in the dollar to be applied are:

	2023/24 Proposed cents / \$	2022/23 Actual cents / \$	Difference cents / \$
GRV	10.8442	10.14425	0.69995 increase
UV	0.6735	0.76233	0.08883 decrease

Total rates to be raised

The 2023/24 Annual Budget seeks to raise the following rates:

Gross rates to be raised	\$11,395,969
<u>Less</u> Concessions granted for clubs & sporting groups	(\$89,942)
Net Rates to be raised	\$11,306,027
<u>Add</u> Interims anticipated to be raised resulting from subdivisions	\$60,000
Total Rates to be raised 2023/24 Annual Budget	\$11,366,027

After allowing for real growth in the rate base of \$20,919 it represents an increase of 6.9% over last year.

Minimum rates will increase as part of the 2023/24 to \$1,107 for both the UV and GRV rates category.

SUSTAINABILITY:

Environmental: The proposed 2023/24 Annual Budget endeavours to financially support key environmental initiatives and components of the operations of the Shire of Manjimup.

Economic: Sound financial management and accountability is the fundamental component of economic sustainability. The proposed 2023/24 Annual Budget delivers a sustainable and responsible economic outcome on behalf of Council.

Social: Local Government is a foundation of local community governance in Australia and sound financial management is required to execute responsibilities to the social betterment of the district.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council

1. **Adopt the 2023/24 Annual Budget as tabled and set the following rates, discounts, instalments and interest for the 2023/24 financial year:**

- a. **General Rates**

- (i) **Gross Rental Value 10.8442 cents in the dollar**
- (ii) **Unimproved Value 0.6735 cents in the dollar**

- b. **Minimum Rates**

- (i) **Gross Rental Value \$1,107**
- (ii) **Unimproved Value \$1,107**
- (iii) **Department of Biodiversity, Conservation & Attractions Dam Leases \$50**
- (iv) **Department of Biodiversity, Conservation & Attractions Grazing Leases \$100**

- c. **Discounts**

That no rate discount be provided on 2023/24 rates.

- d. **Due Date and Instalments**

The due date for payment of rates shall be 19 September 2023.

Ratepayers will be offered the option of paying their general rates only by four instalments, and that the following additional charges will apply on the second (2nd), third (3rd), and fourth (4th) instalments:

Interest 4.0%

Administration Charge - \$9.15 for each instalment totalling \$27.45

Further that the instalment due dates are as follows:

- | | |
|-----------------------|--------------------------------|
| 1st instalment | - Due 19 September 2023 |
| 2nd instalment | - Due 23 November 2023 |
| 3rd instalment | - Due 1 February 2024 |
| 4th Instalment | - Due 11 April 2024 |

e. Late Payment Interest

That a late payment interest charge of 7.0%* be applied to outstanding moneys to Council as follows:

- Commence accruing daily (simple interest calculation) thirty five (35) days after the date stated on the account as being the due date the account was issued.
- Late payment interest is to apply to all general rates, rubbish and waste management rates, Windy Harbour Lease fees, and sundry debtors.

*Pensioners and Seniors are exempt from penalty interest.

2. Provide in accordance with Section 6.47 of the *Local Government Act 1995*, rating concessions to rates levied on sporting and social clubs so as to effectively only rate the licensed area, in addition to rate waivers for premises previously approved by Council, as specified in Attachment : 9.1.1(1)

3. Adopt the following waste collection fees and charges for the 2023/24 financial year:

Rubbish Bin Collection Service

240Litre Bin Collection; per bin	\$423.00
240Litre Pensioner Bin Collection; per bin	\$312.00
140Litre Bin Collection; per bin	\$245.00
140Litre Pensioner Bin Collection; per bin	\$185.00
240Litre Recycling Bin Collection; per bin	\$112.00
240Litre Pensioner Recycling Bin Collection; per bin	\$83.00
360Litre Recycling Bin Collection; per bin	\$135.50

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Jenkins, D

29209

PART A

That Council

1. Adopt the 2023/24 Annual Budget as tabled and as per the Officer's Recommendation with the exception of the following:
 - All operational items relating to Northcliffe Visitor Centre;
 - Northcliffe Artwork purchase, and capital works at Northcliffe Pioneer Museum;

- **2023/2024 Community Grants Program; and**

set the following rates, discounts, instalments and interest for the 2023/24 financial year:

a. General Rates

- (i) **Gross Rental Value 10.8442 cents in the dollar**
- (ii) **Unimproved Value 0.6735 cents in the dollar**

b. Minimum Rates

- (i) **Gross Rental Value \$1,107**
- (ii) **Unimproved Value \$1,107**
- (iii) **Department of Biodiversity, Conservation & Attractions Dam Leases \$50**
- (iv) **Department of Biodiversity, Conservation & Attractions Grazing Leases \$100**

c. Discounts

That no rate discount be provided on 2023/24 rates.

d. Due Date and Instalments

The due date for payment of rates shall be 19 September 2023.

Ratepayers will be offered the option of paying their general rates only by four instalments, and that the following additional charges will apply on the second (2nd), third (3rd), and fourth (4th) instalments:

Interest 4.0%

Administration Charge - \$9.15 for each instalment totalling \$27.45

Further that the instalment due dates are as follows:

- 1st instalment - Due 19 September 2023**
- 2nd instalment - Due 23 November 2023**
- 3rd instalment - Due 1 February 2024**
- 4th Instalment - Due 11 April 2024**

e. Late Payment Interest

That a late payment interest charge of 7.0%* be applied to outstanding moneys to Council as follows:

- **Commence accruing daily (simple interest calculation) thirty five (35) days after the date stated on the account as being the due date the account was issued.**
- **Late payment interest is to apply to all general rates,**

rubbish and waste management rates, Windy Harbour Lease fees, and sundry debtors.

***Pensioners and Seniors are exempt from penalty interest.**

2. Provide in accordance with Section 6.47 of the *Local Government Act 1995*, rating concessions to rates levied on sporting and social clubs so as to effectively only rate the licensed area, in addition to rate waivers for premises previously approved by Council, as specified in Attachment : 9.1.1(1)

3. Adopt the following waste collection fees and charges for the 2023/24 financial year:

Rubbish Bin Collection Service

240Litre Bin Collection; per bin	\$423.00
240Litre Pensioner Bin Collection; per bin	\$312.00
140Litre Bin Collection; per bin	\$245.00
140Litre Pensioner Bin Collection; per bin	\$185.00
240Litre Recycling Bin Collection; per bin	\$112.00
240Litre Pensioner Recycling Bin Collection; per bin	\$83.00
360Litre Recycling Bin Collection; per bin	\$135.50

CARRIED: 11/0

Councillor Eiby left the Chamber at 5.55pm.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Jenkins, D

29210

PART B

That Council:

Adopt as part of the 2023/2024 Annual Budget:

- All operational items relating to Northcliffe Visitor Centre;
- Northcliffe Artwork purchase, and capital works at Northcliffe Pioneer Museum; and
- 2023/2024 Community Grants Program.

CARRIED: 10/0

Councillor Eiby returned to the Chamber at 5.56pm.

Councillor Eiby declared a Proximity Interest in this Item as the Recreational Vehicle site is located in the carpark adjacent to the Northcliffe Visitor Centre which she manages. Councillor Eiby did not speak or vote on the matter and left the Chamber at 5.58pm.

APPENDIX

9.1.5 Review of Overnight Parking for Self Contained Recreational Vehicles - Northcliffe Townsite

PROPONENT	Northcliffe Visitors Centre/Community Resource Centre
OWNER	Crown Land
LOCATION / ADDRESS:	Reserve 46739 Muirillup Road, Northcliffe
WARD:	Coastal
ZONE:	Public Purposes
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F160708
LEGISLATION:	<i>Caravan Park and Camping Grounds Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	17 July 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

In May 2019, Council resolved to proceed with a 12 month trial for the overnight parking of a maximum of four self contained vehicles within the Northcliffe Visitors Centre (NVC) car park, subject to a number of matters being addressed. An excerpt of the relevant minutes is appended.

APPENDIX: 9.1.5 (A)

Subsequently a design was finalised, line marking and signage installed before the trial commenced in early 2020. The trial was then temporarily suspended due to impacts of the COVID-19 pandemic.

Following operation of the facility over 12 months, Council reviewed the operation at its Ordinary Meeting held on 17 June 2021, resolving to approve the ongoing operation of the facility. An excerpt of the relevant minutes is appended.

APPENDIX: 9.1.5(B)

Council was requested to further consider the ongoing operation of the facility at its Ordinary Meeting held on 13 April 2023 given the receipt of numerous complaints from a commercial caravan park operator in the area during the summer of 2022/23. The complaints highlighted:

- a) Camping occurring in vehicles that were not self contained, including small caravans, utility vehicles and small vans, standard cars and on occasions tents/swags;
- b) More than the four permitted vehicles staying over night; and

- c) Vehicles staying more than overnight.

Council resolved to permit the continued operation of the facility until 30 June 2023, subject to the following:

- a) *The Northcliffe Visitors Centre providing additional signage on-site to ensure that all attendees are aware that in order to be considered self-contained, the vehicles must contain internal toilet, shower and laundry facilities;*
- b) *Shire Rangers, where available, attending the site to enforce the requirements for vehicles to be self contained.*

An excerpt of the relevant minute is appended.

APPENDIX: 9.1.5(C)

Temporary signage, clarifying the requirements for vehicles to be considered self-contained was erected by the Visitors Centre in accordance with Council's resolution.

As reflected at Appendix: 9.1.5(C), Council furthermore resolved to await a further agenda item on the issue of compliance at its Ordinary Meeting to be held on 6 July 2023. It is acknowledged that this date was identified in error as it was not possible to present an agenda item to that meeting with the trial closing less than 7 days prior to the meeting.

Council is now requested to consider the ongoing operation of the facility having regard to the findings of the Shire Rangers and the receipt of an additional complaint regarding the facility from a second commercial operator in the area. Details of the Ranger findings and the additional complaint are provided in the comment section of this item.

PUBLIC CONSULTATION UNDERTAKEN:

Prior to proceeding with the initial trial, the proposal was advertised for public comment over a 21 day period. In response 7 submissions were previously received. As detailed in the 23 May 2019 agenda, the submissions are summarised as follows:

- a) Four overnight bays as proposed will not be sufficient to meet the needs;
- b) A minimum period of 48 hours is required for free RV camping to maximise the money that travellers would spend within the community;
- c) There is potential for RV parking as proposed to conflict with other carparking requirements associated with the Visitors Centre/CRC/Library and events within the Town; and
- d) Suggestions that the carparking area on Wheatley Coast Road or an area opposite the Northcliffe Hotel would be more suitable.

COMMENT (Includes Options):

Camping within Western Australia is regulated by the provisions of the *Caravan Parks and Camping Ground Act 1995* and the associated 1997 Regulations. To assist Council in its determination of this matter, the following advice is offered:

Types of Caravan Park Licenses

The provisions of the *Caravan Park and Camping Grounds Regulations 1997* (the Regulations) outline three forms of caravan park being a standard caravan park, a nature based caravan park and a transit caravan park. Council's approval to the overnight parking of self contained vehicles is consistent with that of a transit park.

Transit Park Requirements

The Regulations prescribe various requirements relating to a transit park, including requirements for showers and toilets. The requirements for showers and toilets are however set aside by Schedule 7 – Clause 22, which effectively states that such facilities are not required where the sites are occupied by a “caravan with ablution, toilet and laundry facilities” (i.e. fully self contained).

In the event that vehicles are not self contained, toilets and showers are required to be provided. For a site catering for four vehicles, a minimum of one male and one female toilet are required. This ensures that appropriate ablutions are provided for guest use, avoiding inappropriate behaviour.

Given that toilets and showers are not provided on-site there is a need to ensure all vehicles utilising the facility are self contained.

Cancellation of Permit

In accordance with clause 12 of the *Caravan Parks and Camping Grounds Act 1995* a permit to operate a facility may be cancelled where the conditions of the permit have been contravened.

Shire Ranger Observations

Shire Rangers completed inspections of the site between 15 April and 30 June 2023. The inspections were focused on morning (pre 8:00am) and late afternoon (post 4:30pm), although some inspections were conducted during the day due to other Shire Officer commitments. The following is a summary of the feedback received:

- a) A total of 28 inspections were undertaken prior to 30 June;
- b) On 11 occasions no vehicles were present, potentially due to the time of year;
- c) A non self contained vehicle was identified on one occasion at 7:00am and they were asked to move on;
- d) it was not clear whether two vehicles were self contained as the driver(s) were not present to confirm this; and
- e) On 14 occasions, the vehicles present were identified as self contained.

In addition to the above, the following issues have been identified by the Shire Rangers:

- Rangers are unable to police / inspect the area consistently.
- Rangers can not respond to complaints in a timely manner. Often the camper will have moved on before a Ranger can attend.
- Rangers can not respond after-hours as the definition of a “Call Out” is an emergency.
- Night time patrols is a safety issue, it would require two Rangers. This would then impact on availability throughout the working day.
- When Rangers have been rostered on early to inspect the area, the Shire have lost that Ranger early that afternoon. As they are entitled to finish once completing 8 hours. This has placed pressure on the availability of Rangers in a critical period of the day.

As reflected above, the use of Shire Rangers to ensure compliance with the conditions of approval is problematic and reduces the availability of Shire Rangers for other essential duties. It will not be possible for the Shire Rangers to continue conducting regular inspections during the fire season, which is likely to coincide with peak tourist numbers.

Commercial Operator Complaints

As reflected within the minutes contained at Appendix: 9.1.5(C), complaints received from a commercial operator during the 2022/23 summer period identified that:

- i) Camping occurring in vehicles that were not self contained, including small caravans, utility vehicles and small vans, standard cars and on occasions tents/swags;
- ii) More than the four permitted vehicles staying over night; and
- iii) Vehicles staying more than overnight.

A written complaint has now been received from a second commercial operator. The two commercial operators have both identified that they have had a number of vacancies during times when vehicles have been observed. Both operators have expressed the view that in their opinion the operation of the facility is having a detrimental impact on their business.

Copies of the complaints are available to elected members on request.

Letter of Support

Prior to finalisation of this agenda item, correspondence was received from the Northcliffe Community Resource Centre (NCRC) regarding the ongoing operation of the facility. The correspondence outlines that whilst the NCRC initially opposed the facility in 2019, on the 18 July 2023 the NCRC passed a position to withdraw their opposition and advise that they do not object to the parking area continuing in its current form.

The NCRC correspondence further advises that in their experience:

- *The Northcliffe Visitors Centre and the Council have been diligent in the parking area;*
- *We have experienced very few problems with the parking area;*
- *We believe the parking area contributes to the economy of Northcliffe;*
- *We believe the parking area helps contain those parking overnight in Northcliffe within a defined space and reduces the burden on Council and residents of policing overnight parking, as well as reducing the environmental burdens from random camping in areas around Northcliffe.*

A copy of the NCRC correspondence is available to elected members on request.

Camping Options in Northcliffe Area

There are two commercial caravan parks that have operated in close proximity to the Northcliffe Townsite over many years and in February 2023 Council granted conditional approval to a third facility in Boorara Road, specifically aimed at self contained vehicles.

In addition to the above:

- a) The Windy Harbour Campground, Pemberton Caravan Park and several other smaller approved facilities are located within a 25km radius; and
- b) There are a large number of camp grounds located within D'Entrecasteaux National Park and surrounding State Forests.

Should Council resolve to require cessation of the overnight facilities at the NVC, numerous alternative options for camp sites are available to service the needs of self contained vehicles. It is however acknowledged that there are no other such facilities located within the Northcliffe Townsite.

Options Available to Council

In responding to the issue, the following options exist for Council:

1. Cancellation of the License – As outlined above, the permit may be cancelled due to the operators not ensuring compliance with the requirements for vehicles to be self-contained;
2. Refuse to renew a permit – Effectively requiring the facility to cease;
3. Permit the activity to continue, subject to additional conditions including a requirement for the NVC to improve its enforcement of the conditions.

Given that the facility primarily operates outside of the normal opening hours of the NVC, enforcement is proving problematic.

Conclusion

As previously stated by the Northcliffe Visitors Centre, some 95% of the time users of the facility are compliant. Notwithstanding this and the fact that additional signage was erected to improve education on the requirements for

vehicles to be self-contained, non-compliance has been observed during what must be described as a quiet tourism period.

Given that a more significant number of non-compliant issues can be expected to arise during the peak tourist season and the fact that ongoing monitoring by the Shire Rangers is not viable, it is recommended that Council require the activity to cease.

Immediate closure of the facility is likely to result in some issues with campers still attending the site until such time as it becomes public knowledge that the facility has closed. In this regard, it is recommended that the facility be required to close by 30 August 2023 and the NVC be requested to advertise closure of the facility in the interim.

STATUTORY ENVIRONMENT:

As defined by the *Caravan Parks and Camping Ground Act 1995*, a camp “means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle..”. The Act further defines that a vehicle is “a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels”. Sleeping within a vehicle is therefore classified as camping under the Act.

Regulation 11 identifies that a person may camp on land other than a caravan park or camping ground under the following circumstances:

- a) For up to 3 nights in any 28 day period on land which he or she owns, or has a legal right to occupy. Camping for more than 3 nights, but not more than 3 months in any 12 month period, may occur where the local government grants approval. Approval for a period longer than 3 months may only be granted by the Minister;
- b) Up to 24 hours in a caravan or other vehicle in a road side rest area;
- c) Up to 24 hours in a road reserve in an emergency. The regulations define an emergency as a situation where the movement of the caravan or other vehicle would constitute an immediate or serious hazard;
- d) Land held by the state (freehold, leasehold or reserve) in accordance with the permission of that instrumentality; and
- e) On any unallocated crown land with the permission of the Minister for Lands.

In accordance with the above provisions, camping (including overnight camping) may only occur on land under the care and control of the Shire with the Shire’s prior approval.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

There are several risks associated with the facility, whether on going operation of the facility is approved or not. For the benefit of elected members, these risks are summarised as follows:

- a) Should operation of the facility, there will be a need for further enforcement of the conditions of approval, including increased inspections by Shire of Manjimup Rangers after hours;
- b) There is potential for non-self contained vehicles to continue to use the facility contrary to the conditions of approval, when these vehicles should be attending an appropriately licensed commercial facility;
- c) As highlighted by the Visitors Centre/CRC, closure of the facility is likely to result in unauthorised camping in other areas within, or adjacent to the Northcliffe townsite.

FINANCIAL IMPLICATIONS:

Should Council support the ongoing operation of the facility, it is considered that there will be a requirement for Shire Rangers to inspect the facility to ensure compliance with the *Caravan Parks and Camping Grounds Act 1995* and the conditions of the Shire approval.

SUSTAINABILITY:

Environmental: Nil.

Economic: The provision of an overnight facility at Northcliffe has allowed travellers to stay overnight and further explore the area and spend money in the townsite, when they otherwise may not have stayed in the area.

Social: Social issues regularly arise with non-self-contained vehicles staying overnight with no access to suitable ablutions.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Require the Northcliffe Visitors Centre to cease the operation of the Overnight Parking Facility for Self Contained Recreational Vehicles at the Northcliffe Visitors Centre carpark on Reserve 46739 Muirillup Road, Northcliffe by the 30 August 2023;**
2. **Request the Northcliffe Visitors Centre advertise the closure in order to minimise the risk of unauthorised camping at the site; and**
3. **Request the Interim Chief Executive Officer to:**
 - a) **Arrange for notification of the decision outlined in point 1 above to displayed on site and the removal of existing signage prior to the 30 August 2023; and**
 - b) **Advertise the decision outlined in point 1 above via the Shire's electronic media.**

COUNCIL RESOLUTION:**MOVED: Skoss, K****SECONDED: Jenkins, D****29211****That Council:**

- 1. Require the Northcliffe Visitors Centre to cease the operation of the Overnight Parking Facility for Self Contained Recreational Vehicles at the Northcliffe Visitors Centre carpark on Reserve 46739 Muirillup Road, Northcliffe by the 30 August 2023;**
- 2. Request the Northcliffe Visitors Centre advertise the closure in order to minimise the risk of unauthorised camping at the site; and**
- 3. Request the Interim Chief Executive Officer to:**
 - a) Arrange for notification of the decision outlined in point 1 above to displayed on site and the removal of existing signage prior to the 30 August 2023; and**
 - b) Advertise the decision outlined in point 1 above via the Shire's electronic media.**

CARRIED: 10/0

Councillor Eiby returned to the Chamber at 5.59pm.

Councillor Dawson Vidovich declared a Financial Interest in this Item as he husband is a Director of Aquatic Resource Management Pty Ltd, trading as Blue Ridge Marron, which operates on this Property. Councillor Dawson Vidovich did not speak or vote on the matter and left the Chamber at 5.59pm.

ATTACHMENT APPENDIX

9.5.1 Request for Reconsideration of Conditions of Approval - Proposed Dam with Setback Reduction at Lot 7694 (326) Mitchelldean Road, Yanmah

PROPONENT	Mr P D McGinty
OWNER	Mr P D McGinty
LOCATION / ADDRESS:	Lot 7694 (326) Mitchelldean Road, Yanmah
WARD:	North
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/30 P54907
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	20 June 2023
DECLARATION OF INTEREST:	The Shire's Finance Support Officer is in a relationship with the applicant however has not been involved in the preparation of this item.

BACKGROUND:

At its Ordinary Meeting held 25 May 2023 Council resolved (Resolution 29149) to conditionally approve a proposed Dam with a setback reduction of 5m to Mitchelldean Road on the subject property, being a 10.9 hectare property on the eastern side of Mitchelldean Road as shown on the location plan below.

LOCATION PLAN



Notwithstanding the applicants proposed setback of 4m, Council approved an alternative recommendation to impose a 5m setback to Mitchelldean Road. A copy of the Council minutes are appended.

APPENDIX: 9.5.1 (A)

The applicant has requested that Council reconsider Condition b) as imposed by Council stating that due process had not been adhered to in relation to being notified that the alternative recommendation was proposed.

A copy of the request is shown attached with the claim regarding due process being addressed in the Comment section below.

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

At the time of processing the development application, public comments were sought and no objections were received.

COMMENT (Includes Options):

The provisions of the Shire's Local Planning Scheme No 4 (the Scheme) includes the subject land within the Priority Agriculture Zone. The purpose of this zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist.

Consistent with this purpose, the Scheme outlines the following objectives that are relevant to the application:

- (i) *require the protection of the rural infrastructure and land resource;*
- (iv) *support the improvement of resource and investment security for agricultural and allied industry production;*
- (vii) *support a wide variety of productive agricultural and rural activities.*

Scheme Provisions Relating to Dams

The Scheme provides exemptions relating to Dams where dams located within the Priority Agriculture and General Agriculture zones are exempt from requiring planning approval where the lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from the boundaries of the subject land.

Given the proposed setback of 4m, approval to the proposed development could only be granted through a relaxation of the setback requirements. The alternative recommendation was moved to ensure consistency with Council's previous decisions requiring a minimum setback of 5m to external boundaries.

Decisions of Council 2022-2023

Below is a summary of Dams recently approved by Council and the relevant setbacks proposed.

Date	Setback Approved
28 July 2022	5m from side
2 March 2023	5m from side, 100m from Seven Day Road
2 May 2023	5m setback to Middlesex Road
13 April 2023	4m setback to Angels Road

As evident in the previous table, Council has consistently approved setbacks of 4-5m when applied for.

Whilst the number of dam applications have reduced over the last few years and it is difficult to confirm compliance with setbacks of exempt or unauthorised dams until updated aerial photography is taken, the Shire can expect at least five applications for Dams over the course of a year due to the land owner seeking a setback reduction of the prescribed 20m.

Informal discussions have been held with elected members offering suggestions to amend the Scheme provisions to reduce the setback to 5m, without means to reduce the distance further through planning applications. The new Scheme text would need to be explicit in the clause that enables applicants to vary any development standard through application by specifically excluding Dam setbacks.

Grounds for Reconsideration

Clause 10.9 of the Scheme, enables applicants that are dissatisfied with a refusal or condition of approval the ability to request the local government in writing to reconsider its decision.

The Applicant was offered the opportunity for a reconsideration in accordance with the procedure in Clause 10.9. As required by that clause the local government shall within 60 days, consider the reconsideration by either refusing the request and re-affirming the original decision; revoke its original decision and issue a new determination; or delete, amend or replace the condition or conditions subject of the request.

The Applicant, as stated within their submission (refer Attachment: 9.5.1(1)) are seeking a reconsideration stating that due process was not adhered to once an alternative recommendation was proposed. The Applicant believes that they should have been informed of the alternative motion and therefore given the opportunity to address the alternative motion before Council voted on it.

There is currently no requirement under the *Local Government Act 1995* (the Act) or *Shire of Manjimup Standing Orders Local Law 2013* (the Local Law) that requires an applicant to be notified of an alternative motion. In accordance with the Act, an alternative motion may be moved at the meeting. It is recommended that the Applicant be advised accordingly.

The Applicant has provided a reply to the alternative motion stating that the proposed 4m setback would have no adverse impact on Shire infrastructure and provides sufficient area around the dam for vehicle and truck access. In summary the applicant advises that the 4m setback will:

- *“Utilise the existing common bank to its full capacity;*
- *Install effective bird netting for both dams which will be more stable, robust and effective if the anchors align at each end;*
- *Maintain an orderly and aesthetic appearance. Aesthetically the new dam is an extension of the old dam and will look out of place if offset;*
- *Utilise the available space to its full potential as we have minimal land available on this site and maximise utilisation is essential to progress the business.”*

The Applicant has not provided additional information on planning grounds as further justification for the relaxation of the setback should be supported.

Shire Officers were previously supportive of the proposed 4m setback for the proposal and therefore have no additional comments to present to Council. The risk assessment undertaken was calculated as a moderate risk, taking into account other dams downstream with the road setback being to the side wall of the dam not generating a higher risk rating.

Notification of Council Meeting

Shire records indicate that the applicant was informed 18 May 2023 of the application being presented to Council 25 May 2023 and invited to attend and/or address Council on the issue. Whilst most applicants assume that the Officer Recommendation will be voted for, some applicants will attend the meeting and address Council, requesting support for the proposal even when approval is recommended. The applicant was informed and given opportunity to attend the meeting, however did not attend.

Alternative Motions

At the time of the previous decision, Council Policy 1.1.1 Council Meeting System (the Policy) stipulated that Councillors should provide the Chief Executive Officer written alternative motions or amendments to Officer's Recommendations either prior to or at the meeting. It is encouraged that alternative motions are received at least 24 hours in advance to ensure that the terminology is consistent, clear and legally tested.

The Local Law allows alternative motions to be moved at the meeting, with no requirement to notify applicants.

Conclusion

Given due process was adhered to, it is recommended that Council reaffirm its decision and impose a minimum of 5m setback to the Dam at Mitchelldean Road, as a 5m setback is consistent with majority of the decisions made over the last 12 months.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Shire of Manjimup Standing Orders Local Law 2013 and Local Planning Scheme No. 4.

POLICY / STRATEGIC IMPLICATIONS:

The request for reconsideration has been processed in accordance with Clause 10.9 of the Scheme.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The applicant has paid the relevant fees as per the Shire's approved 2022-2023 fees and charges.

SUSTAINABILITY:

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

Economic: Establishing a water storage area will assist towards a suitable supply of water for aquaculture purposes.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

- 1) That the applicant be advised that the *Shire of Manjimup Standing Orders Local Law 2013* reflects the fact that Alternative Motions may be moved at the meeting and there is no requirement for applicants to be notified. Due process has therefore been followed.
- 2) That Council in accordance with Clause 10.9 resolves to re-affirm its decision made 25 May 2023 for the following reasons:
 - a. The imposed 5m setback to Mitchelldean Road is consistent with the majority of Council's previous decisions relating to dams; and
 - b. The applicant was given adequate notice to attend the Council meeting and speak in favour of their application.

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Jenkins, D

29212

That Council:

- 1. In accordance with clause 10.9 resolves to amend condition No b) as imposed under Council Resolution No 29149, to read as follows:
b) The setbacks as shown on the approved plans are to be to the outer edge of the dam wall; and**
- 2. The Interim Chief Executive Officer be requested to issue an amended Development Approval reflecting point 1 above.**

FOR

Cr D Buegge
Cr W Eiby
Cr D Jenkins
Cr K Lawrence
Cr K Skoss
Cr R Taylor
Cr M Ventris
Cr J Willcox
Cr C Winfield

AGAINST

Cr P Omodei

MOTION CARRIED 9/1

Reason:

Approving the dam with a 4 metre setback to Mitchelldean Road is consistent with existing dams located immediately adjacent to the proposed dam and as a result no detrimental impact on the amenity of the area will result.

Councillor Eiby returned to the Chamber a 6.14pm.

Councillor Dawson Vidovich returned to the Chamber at 6.04pm.

9.5.4 Request for Penalty Fee Waiver for Application for Retrospective Planning Approval at Lot 26 (2) Burton Close, Walpole

PROPONENT	Mr Nathan Viney
OWNER	Ms Wendy Jane Muller
LOCATION / ADDRESS:	Lot 26 (2) Burton Close, Walpole
WARD:	South
ZONE:	Residential R10
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/96
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is receipt of an application to vary the provisions of the Local Planning Scheme No. 4 (the Scheme) to enable the applicant to keep two cats in Boronia Ridge. Being a Retrospective Application the required payment of \$441 (being 3x the \$147 application fee) is due in accordance with the Shire of Manjimup Fees and Charges. To date the applicant has only paid the fee of \$147.

By way of background the applicant is a tenant at the subject property and has advised that on signing the rental application with the realestate agent, were not made aware of the prohibition on keeping cats within the Boronia Ridge Estate.

The applicant has submitted a request for the additional penalty fee to be waived by Council.

Due to the Retrospective nature of the application, application itself to keep cats in Boronia Ridge will also require determination of Council following consultation.

The request for partial fee waiver is available on request.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Scheme designates the subject property as zoned Residential with an applicable density of R10. Clause 2.7 enables the local government the power to make planning precinct statements to guide development, rezoning or subdivision within a planning precinct.

The subject property is located within the Boronia Ridge Residential Estate Planning Precinct and therefore the associated provision applicable to the application is as follows:

- (xiv) *No domestic cat or cats (felis catus) shall be kept or be caused to be kept on the land.*

It is Shire Officers understanding that the provision was included by the State environment department due to the environmentally sensitive area dedication and to ensure the protection of native wildlife.

Consideration of Request

The *Local Government Act 1995* specifically excludes Council from delegating the ability to make decisions contrary to the approved budget to the Chief Executive Officer and instead requires these types of matters to be considered by Council utilising an Absolute Majority in the decision-making process.

As outlined in the applicant's request below, they signed the lease agreement unaware of any cat rules and paid a pet bond, however the realestate agent has refused to assist with the payment of the fees.

"We signed our lease unaware of any cat rule, even including in our lease agreement that we have 2 indoor cats and paying the required pet bond. Now we are being asked to pay a large fee just to keep our family together. The fee asked of us is \$441. An amount we would struggle to pay.

In signing our rental lease for 2 Burton Close in 2021, we were not made aware of any 'Cat Act' restrictions. We were transparent with the Real Estate, noting we had 2 indoor cats on our lease and paying the required pet bond. To further support our case, our cats have been indoor living (as stated clearly in our 2021 lease agreement, see attached.) Our cats have lived inside since way before we moved to Walpole in 2020. We abide by our own strict rules for the good of the surrounding wildlife. In 2023, inspired by other responsible cat owners, we erected a secure cat enclosure. This was a way of letting our cats experience the outside world without causing any harm to the environment."

It is common Shire procedure, to provide new owners of land in the Shire, with the details relating to their property including special provisions of the Scheme. In 2021, the Shire provided advice to the settlement agent regarding the Planning Precinct and the restriction on keeping cats. There is unfortunately no guarantee that landowners pass this information on to future tenants.

Conclusion

It is reasonable to assume that the tenant was not made aware of the restrictions to keeping cats in Boronia Ridge, it is therefore recommended that Council support the applicants request to waive the payment of the penalty fee portion of the application fees.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The penalty imposed with a retrospective application is three times the standard application fee. If the penalty is not imposed the difference in fee payment received will be \$294.

SUSTAINABILITY:

Environmental: The keeping of cats in enclosures will assist in the protection of the wildlife of Boronia Ridge.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council waive the penalty fee associated with retrospective applications for planning approval for the proposed keeping of cats at Lot 26 (2) Burton Way, Walpole for the following reason:

- The applicant is a lessee of the subject property and therefore was not made aware of the restrictions for the keeping of cats in Boronia Ridge as part of the normal land sale process.

COUNCIL RESOLUTION:

MOVED: Willcox, J

SECONDED: Lawrence, K

29213

That Council waive the penalty fee associated with retrospective applications for planning approval for the proposed keeping of cats at Lot 26 (2) Burton Way, Walpole for the following reason:

- The applicant is a lessee of the subject property and therefore was not made aware of the restrictions for the keeping of cats in Boronia Ridge as part of the normal land sale process.

MOTION CARRIED 10/1

FOR

Cr D Buegge
Cr S Dawson Vidovich
Cr W Eiby
Cr D Jenkins
Cr K Lawrence
Cr P Omodei
Cr K Skoss
Cr R Taylor
Cr M Ventris
Cr J Willcox

AGAINST

Cr C Winfield

ATTACHMENT

9.7.1 Proposed Shire of Manjimup - Local Emergency Management Arrangements - Local Animal Welfare Plan 2023 - 2028

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160152
LEGISLATION:	<i>Emergency Management Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Ashleigh Reeve
DATE OF REPORT:	12 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In November 2019, the *State Support Plan Animal Welfare in Emergencies* (State Support PAWE) was released by the State Emergency Management Committee (SEMC) and the Department of Primary Industries and Regional Development (DPIRD).

In an emergency, when the capability of the owner or carer and any local arrangements are no longer sufficient or effective, DPIRD has the role and responsibility for coordinating animal welfare services, as prescribed in the *State Emergency Management Policy Statement 5.9.7* and detailed in State Support PAWE.

Local governments are required to manage recovery pursuant the *Emergency Management Act 2005*. To assist in the recovery process, DPIRD and Western Australian Local Government Association (WALGA) highly recommend local governments develop a Local Animal Welfare in Emergencies Plan to assist their community in responding to and therefore recovering from emergencies they may face, as part of building community resilience.

As a result, Western Australian local governments are urged to draft and implement an animal welfare plan to be used in conjunction with their *Local Emergency Management Arrangements* (LEMA).

PUBLIC CONSULTATION UNDERTAKEN:

Whilst no public consultation was undertaken, the draft *Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023 – 2028* (the draft Plan) was presented to the Local Emergency Management Committee.

Members of that Committee include representatives from the Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions, Western Australian Police, DPIRD, Warren Health Service,

Department of Communities, Shire of Manjimup Volunteer Bush Fire Brigade network and the Shire of Manjimup.

COMMENT (Includes Options):

Local governments has a responsibility to develop and maintain a relevant LEMA in accordance with the State Emergency Management Arrangements. The SEMC – Local Emergency Management Arrangements Guideline and Model suggests local governments create a Local Animal Welfare in Emergencies Plan. The draft Plan was developed using the DPIRD guide and template.

Due to the effect animal welfare has on the social and economic wellbeing of the community, integrating an Animal Welfare Plan into LEMA can positively influence a community's resilience for and recovery from an emergency. As the role for recovery falls to Local Governments, the early consideration of animal welfare in preparedness and response can greatly improve the recovery of the community and economy.

At the Local Emergency Management Committee (LEMC) meeting held on the 28 June 2023, LEMC resolved to support the recommendation "That Council endorse the draft Plan".

Council is now requested to accept and endorse the draft Plan as attached.

ATTACHMENT: 9.7.1 (1)

STATUTORY ENVIRONMENT:

Emergency Management Act 2005 and the Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Adoption of the draft Plan which is to be read in conjunction with the *Shire of Manjimup Local Emergency Management Arrangements 2019 – 2024* is consistent with the following recommendations contained within the *Shire of Manjimup Strategic Community Plan 2021 – 2031*:

Community Goals

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

Strategies

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

ORGANISATIONAL RISK MANAGEMENT:

Without an approved plan or procedure relating to domesticated pets and livestock during the event of an emergency leaves the Shire of Manjimup, stakeholders and the community vulnerable. The draft Plan clarifies roles and responsibilities between the various stakeholders for the delivery of emergency response and recovery activities in relation to animal welfare in emergencies.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The draft plan allows and creates structure for the Shire of Manjimup to assist members of the public and their pets / livestock during the event of an emergency where evacuations have occurred.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council endorse the draft *Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023 – 2028* shown at Attachment 9.7.1 (1).

COUNCIL RESOLUTION:

MOVED: Buegge, D SECONDED: Eiby, W

29214

That Council endorse the draft *Shire of Manjimup - LEMA - Local Animal Welfare Plan 2023 – 2028* shown at Attachment 9.7.1 (1)

CARRIED: 11/0

9.9.2 Proposed Funding Application under the Growing Regions Program for the Rea Park and Collier Street Redevelopment

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Rea Park, Collier Street, Lot 783, Manjimup, Reserve 19552
WARD:	Central
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F170109
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Evy Apeldoorn
DATE OF REPORT:	7 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Rea Park and Collier Street Redevelopment (MRCR) will result in the Rea Park and Collier Street Reserve (Reserve) transformed into a premier level facility catering for high level sporting events, in addition to regular club usage and non-sporting events. It will also accommodate regional sporting carnivals and competitions that require multiple sporting fields and draw large crowds. The implementation of the MRCR is a key component of the Shire's efforts in striving towards meeting the future direction of the town's future sport and recreational facilities mix.

Stage 1 of the MRCR redevelopment, which includes the power upgrade to the Reserve and installation of new field lighting, is fully funded and currently being implemented. The Australian Government Growing Regions (GR) Program has been identified as a suitable fund for Stage 2 of the MRCR redevelopment. At the Council Information Briefing session on 6 July 2023 Shire Officers presented a proposal for an application under the GR Program.

The purpose of this report is to seek Council's support to submit a grant application under Round 1 of the GR Program for the implementation of Stage 2 of the MRCR project, and to make a forward financial commitment towards this application in the 2023/24 financial year budget.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Growing Regions Program

The Australian Government has committed \$600 million towards the Growing Regions (GR) Program. Funding will be provided through two \$300 million rounds. Round 1 opened for expressions of interest on 5 July 2023 and closes on 1 August 2023. Round 2 is expected to open later this year. The GR Program provides grants of between \$500,000 and \$15 million to local government entities and not-for-profit organisations, for capital works projects

that deliver community and economic infrastructure projects across regional and rural Australia. The program is 'open competitive' with grants awarded on a merit basis. Co-funding requirements are dependent on the project location and applicant; with a minimum of 50% matching cash contribution required from the Shire of Manjimup as applicant.

There will be a two-step application process. Under Step One, applicants will be required to submit Expressions of Interest which will be assessed to ensure projects meet eligibility requirements, project readiness and program suitability, and are aligned with regional priorities for the area. Expressions of Interest that are assessed as meeting requirements and approved to proceed will be invited to submit a full application (Step Two). If successful, the project must commence no later than 15 May 2024 and be completed by 31 December 2025.

The objectives of the program are:

- Constructing or upgrading community infrastructure that fills an identified need;
- Contributing to achieving a wide range of community socio-economic outcomes; and
- Strategically aligned with regional priorities.

Rea Park and Collier Street Redevelopment

The MRCR meets the Shire's priorities that have been identified during the master planning process and is aligned with the needs of the various Rea Park and Collier Street Reserve stakeholder groups and considers the requirements of a wider spectrum of future sport, recreation, and community stakeholders.

The Reserve is currently being shared/used by a large number of sporting and non-sporting community groups as shown in below table.

Warren Blackwood Cricket Association	Warren Women's Hockey Association	Tigers Football & Sporting Club
Manjimup Cricket Club	Warren Men's Hockey Association	Lions Club Manjimup
Forestry Cricket Club	Manjimup Rovers Soccer Club	1st Manjimup Scout Group
Manjimup Junior Cricket Club	Manjimup United Soccer Club	Warren Art and Craft Group
Warren District Agricultural, Horticultural and Industrial Society	Manjimup Rinbukan Goju Ryu Karate Do Club	Schools, Personal Training, Dog Training, Events, Overflow Camping, Emergency Support, and other.

Although the Reserve is a well-utilised precinct, many of its facilities are out of date and do not meet current standards for accessible compliant access or club needs. There is a documented need for redevelopment and optimisation of existing facilities to bring this infrastructure up to a modern and regional

standard. Additional and upgraded sports facilities are also needed to support the current community needs and the future needs that come with the aspired population growth of Manjimup.

Stage 1 of MRCR

Stage 1 of the MRCR includes the pre-requisites for further development of the Reserve, which are the power upgrade to the Reserve and the amalgamation of the northern section of Collier Street with the Reserve. The power upgrade is required to accommodate new infrastructure (e.g. lighting and amenities), whilst the road amalgamation will allow for seamless integration of the whole sporting precinct. Furthermore Stage 1 includes the installation of new lighting to all three existing playing fields, as well as electrical enclosures for events.

At the Council meeting of 23 March 2023 Council awarded the tender for the power upgrade, the field lighting and electrical event enclosures. Stage 1 is fully funded and currently being implemented, with the installation of the power upgrade and field lighting in progress, and the amalgamation of Collier Street nearing completion.

Proposed Stage 2 of MRCR

The MRCR high priority project components to be considered for inclusion in Stage 2 are:

- Playing fields upgrade, with the Collier Street playing fields having the highest priority;
- Amenities improvements, in particular changerooms and public toilets; and
- Installation of events infrastructure.

The author of this report presented a proposal to Council during the Information Briefing on 6 July 2023 for an expression of interest under Round 1 of the GR Program to seek funding for the implementation of Stage 2. As Council supported the proposal, an MRCR Advisory Committee meeting was called with the purpose of seeking Committee input into, and subsequent endorsement of, the Shire's proposed expression of interest. The Committee supported the proposal with a number of recommended amendments as included in a separate agenda item (Item 9.16.3) for this Council meeting.

The proposed staging of the MRCR project components is outlined in the following table.

Components	Stage 1	Stage 2	Stage 3
<i>Prerequisites for development</i>			
Power upgrade	\$1,411,466		
Collier St road amalgamation	Minor		
<i>Playing fields</i>			
Playing field lighting	\$1,133,010		
Collier St fields upgrade		\$3,200,000	
Rea Park field upgrade			\$2,237,000
New multipurpose field		\$850,000	
Connect new field with northern Collier St field			\$150,000
Reserve drainage		\$175,000	\$75,000
<i>Amenities</i>			
Amenities upgrade/renewal		\$1,242,000	
New Collier St pavilion			\$6,000,000
New entry road & car park to new pavilion			\$1,000,000
New storage units			\$250,000
<i>Events infrastructure</i>			
Event power enclosures	\$124,959		
Multipurpose turf area		\$100,000	
Spectator seating and events facilities		\$170,000	
<i>Other</i>			
Extension Richmond St to connect with Reserve			\$150,000
Landscaping, signage, paths & reserve fencing			\$250,000
Upgrade other roads & car parking			\$300,000
Total	\$18,818,435	\$2,669,435	\$5,737,000
			\$10,412,000

The following should be noted regarding the above proposed staging:

- The implementation of Stage 2 is subject to a successful application under the Growing Regions Program;
- Should this application be unsuccessful alternative funding opportunities need to be sought, and the proposal for Stage 2 (and further stages) may need to be reconsidered, as each grant program has its own specified objectives, criteria and eligible project costs;
- All remaining project components which are not funded in Stage 1 and cannot be included in the proposed Stage 2, are pooled together as Stage 3;
- A number of the project components listed under Stage 3 are still under development (e.g. the design for a new Collier Street pavilion), and as such the amounts indicated are high level estimates. These cost

estimates will be refined as the planning for these components progresses; and

- It is possible that due to the estimated costs of the project components listed under Stage 3 that these components may need to be further prioritised, and divided over two or more stages, as funding opportunities arise.

Taking into account a required co-contribution of 50% towards a GR application, the proposed funding sources for Stage 2 are shown in below table.

Source of funding	Amount (ex GST)
Shire of Manjimup – MRCR Loan	\$2,868,500
Growing Regions Program – Round 1	\$2,868,500
TOTAL PROJECT COSTS STAGE 2	\$5,737,000

Recommendation

Based on the full weight of the above discussion it is recommended that Council supports the proposed MRCR Stage 2 as follows:

1. Supports the submission of an expression of interest, and subsequent application, to Round 1 of the Growing Regions Program; and
2. Agrees to the expenditure of \$2,868,500 of the MRCR loan funds in the 2023/24 financial year.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Shire of Manjimup Strategic Community Plan 2021-2031:

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

ORGANISATIONAL RISK MANAGEMENT:

The purpose of the MRCR is to strategically plan and establish future facility developments, including the rationalisation of assets and resources and avoidance of possible facility duplication, with the aim to ensure community needs are met in a sustainable way.

Stage 2 is not without organisational risk that needs to be acknowledged and considered by Council. The risks and mitigation strategies that have been identified are shown in the table below.

Potential Risk	Mitigation Strategies Undertaken/Proposed
Insufficient grant funding obtained for project	<ul style="list-style-type: none"> – Delay project components until funding is obtained. – Re-scope or re-design to meet obtained funding.
Budget and time control	<ul style="list-style-type: none"> – Include contingencies in cost estimates. – Commence planning of project components early. – Engage specialist consultants to confirm project scope, budget, and realistic timeline.
Potential for costs to increase after quote/estimate received.	<ul style="list-style-type: none"> – Include contingencies in cost estimates. – Shire has ability to consider covering potential cost increase or reducing the scope.
Timeframes determined by funding body, weather, or activity dependent	<ul style="list-style-type: none"> – Appropriate planning and sequencing of project components. – Comprehensive engagement with stakeholders. – Facilitate alternative venues to be made available for impacted stakeholders, sports seasons and scheduled events.

A number of risks are being reduced by funding and undertaking the proposed project components of Stage 2, it will:

- Improve the playing fields on Collier Street, thereby making the field dimensions compliant with the relevant sporting guidelines, reducing the number of cancelled games/training sessions due to the fields being unplayable at certain times, and reducing safety hazards for players;
- Allow for increased recovery times for the playing fields at the Reserve by adding a new multipurpose playing field;
- Improve the Reserve amenities, which do not comply with (sporting) standards, thereby reducing current issues of accessibility, gender equity, inclusion, and safety;
- Reduce prevalent storm water issues through improved drainage;
- Improve user and visitor experience to sports, community activities and large-scale events; and
- Reduce safety hazards and long-term maintenance risks.

FINANCIAL IMPLICATIONS:

With Council having made a commitment of a \$5,000,000 loan contribution towards this project, it is apparent that other funding will need to be sought to implement the MRCR project. One way to maximise Council's contribution, is

to leverage on funding opportunities, with the Growing Regions Program offering such an opportunity.

The total project costs for Stage 1 are \$2,669,435 as approved by Council on 23 March 2023, with the confirmed funding contributions outlined in below table. It should be noted that a grant application submitted under the Australian Cricket Infrastructure Fund for \$30,000 was announced successful after the abovementioned Council meeting date, and as such this amount is bolstering the contingency for Stage 1. Furthermore, as explained in the Council agenda item of 23 March 2023, there is a potential cost saving (of approximately \$175,000) for the Western Power (WP) headworks, which will be confirmed when Western Power undertakes the economic test as part of the design process (expected in February 2024).

Source of funding MRCR Stage 1	Amount (ex GST)
Shire of Manjimup – Loan 2b Collier Street/Rea Park Redevelopment	\$ 1,510,275
Local Roads and Community Infrastructure Program Phase 3.	\$675,685
Club Night Lights Program 2022/23	\$483,475
Australian Cricket Infrastructure Fund	\$30,000
TOTAL FUNDING - MRCR STAGE 1	\$2,699,435

Taking into account the approved allocation of Shire funds towards Stage 1 and further planning costs for preparing other project components, the remaining amount available of Council's \$5,000,000 commitment, should Council support the Officer's recommendation to support the implementation of Stage 2, is \$421,225 (see table below).

Allocated Shire Funds	Loan 2b \$2,500,000 (ex GST)	Loan 2c \$2,500,000 (ex GST)
Stage 0 (Planning)	\$200,000	
Stage 1 (Power & Lighting)	\$1,510,275	
Stage 2 (Playing Fields, Amenities, Events)	\$789,725	\$2,078,775
REMAINING FUNDING	\$0	\$421,225

If supported the proposed implementation of Stage 2 will include the project components as outlined in below table.

Proposed Costs MRCR Stage 2	Amount (ex GST)
Collier St playing fields upgrade	\$3,200,000
New multipurpose playing field	\$850,000
Reserve drainage	\$175,000
Amenities upgrade/renewal	\$1,242,000
Multipurpose turf area	\$100,000

Spectator seating and events facilities	\$170,000
TOTAL COSTS – MRCCR STAGE 2	\$5,737,000

Subject to a successful Growing Regions application, the funding sources for Stage 2 are shown in below table.

Proposed Source of Funding MRCCR Stage 2	Amount ex GST
Shire of Manjimup	\$2,868,000
Growing Regions Program	\$2,868,000
TOTAL	\$5,737,000

The ongoing financial implications for the project components included in Stage 2 are as follows:

- The playing fields, once upgraded, are anticipated to:
 - Require a similar maintenance cost as what is currently being spent on these playing fields;
 - Have a reduced water consumption;
 - Allow for increased field use;
 - Potentially require more maintenance expertise or a standalone maintenance regime; and
- All infrastructure, proposed to be upgraded or renewed under Stage 2 is currently, and will be once upgraded, owned, and maintained by the Shire. Most of current infrastructure is beyond its life expectancy, whilst other infrastructure is lacking (e.g. drainage) and thereby causing additional maintenance and upkeep costs.

Total MRCCR costs

Where earlier cost estimates indicated the total project costs for the MRCCR to range between \$10,000,000 and \$15,000,000, based on the current cost estimates this total may be higher (over \$18,000,000 as shown in the Comment section above). It should be noted that these cost estimates include contingencies to allow for some potential future cost escalation of materials and contractors. As the planning of the various project components progresses, and components are being implemented these cost estimates are being refined. The implementation of further project components is not achievable without grant funding, potential other funding support, and further Shire investment.

SUSTAINABILITY:

Environmental: The playing fields upgrade would include a new irrigation system, which will be more effective and utilise less water than the existing system. A solar system on the amenities building will reduce the energy use.

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

Social: The proposed project would see the implementation of Stage 2 of the Manjimup Rea Park and Collier Street Redevelopment. The Rea Park and Collier Street Reserve facilities are shared by a large number of clubs,

community groups and other users, which will benefit from the proposed project.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council supports the implementation of Stage 2 of the Manjimup Rea Park and Collier Street Reserve Redevelopment by:

- 1. Supporting the submission of an Expression of Interest to the Growing Regions Program Round 1;**
- 2. Supporting the submission of a subsequent application to the Growing Regions Program Round 1 should the Expression of Interest be successful;**
- 3. Pending a successful application to the Growing Regions Program Round 1, agreeing to allocate the expenditure of:**
 - i. \$789,725 of the Council approved Stage 2b – Collier Street/Rea Park Redevelopment Loan in the 2023/24 financial year; and**
 - ii. A further \$2,078,775 of the Council approved Stage 2c – Collier Street/Rea Park Redevelopment Loan in the 2023/24 financial year, to be expended before 30 December 2025.**

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Dawson Vidovich, S

29215

That Council supports the implementation of Stage 2 of the Manjimup Rea Park and Collier Street Reserve Redevelopment by:

- 1. Supporting the submission of an Expression of Interest to the Growing Regions Program Round 1;**
- 2. Supporting the submission of a subsequent application to the Growing Regions Program Round 1 should the Expression of Interest be successful;**
- 3. Pending a successful application to the Growing Regions Program Round 1, agreeing to allocate the expenditure of:**
 - i. \$789,725 of the Council approved Stage 2b – Collier Street/Rea Park Redevelopment Loan in the 2023/24 financial year; and**
 - ii. A further \$2,078,775 of the Council approved Stage 2c – Collier Street/Rea Park Redevelopment Loan in the 2023/24 financial year, to be expended before 30 December 2025.**

CARRIED: 11/0

Councillor Eiby declared a Financial Interest in this Item as she is the Manager of the Northcliffe Visitor Centre. Councillor Eiby did not speak or vote on the matter and left the Chamber at 6.11pm.

ATTACHMENT APPENDIX

9.9.4 Request for Consideration of Supplementary Payment to Northcliffe Visitor Centre

PROPONENT	Northcliffe Visitor Centre
OWNER	Northcliffe Visitor centre
LOCATION / ADDRESS:	Northcliffe
WARD:	Coastal
ZONE:	Whole
DIRECTORATE:	Community Services
FILE REFERENCE:	F160244
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	17 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Ordinary meeting of Council held on the 25 May 2023 Shire Officers presented a report pertaining to financial concerns being faced by the Walpole-Nornalup Visitor Centre (WVC) and the Northcliffe Visitor Centre (NVC). Both Centres have struggled to recover post pandemic. At the time both centre managers had requested additional financial support.

Council at the Ordinary Meeting of 25 May 2023 Minute Number 29151 resolved as follows:

- “1. That consideration of the item as presented to Council be deferred pending further information being provided in respect of the projected financial position of the Walpole-Nornalup and Northcliffe Visitors Centres for the 2022/23 financial year; and**
- 2. Council carry forward \$25,000 of the 2022/23 Promotional Plan Budget Allocation to the 2023/24 financial year to allow for the Officers Recommendation to be considered following the receipt of the additional information referred to in point 1 above.”**

Council will note that traditionally a deferred item will come back to Council ‘as is’ with the additional information as requested. However, in this case the report intent and recommendations have changed to the extent that a new report has been prepared and the report of 26 May 2023 appended for Councillor reference.

APPENDIX: 9.9.4 (A)

Councillors may recall that advice was given at the 26 May 2023 that an email had been received from the WVC Manager advising that the WVC was now on track to make a small profit as opposed to the loss that had been envisaged at their 6-month financial review. As such the WVC request no longer forms part of this supplementary funding request. A copy of the email is tabled for Council reference.

TABLED

The purpose of this report is to seek Council decision regarding a formal request received from the NVC Board seeking supplementary funding.

ATTACHMENT: 9.9.4(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

For the year ending June 2022 the NVC recorded a deficit of \$36,295 and at end June 2023 a deficit of \$21,273. The NVC run the historic Karri Cup as a major fundraiser and coordinate the Blooming Wild Festival as wildflowers and nature-based tourism are the heart of the Northcliffe visitor economy. In addition, the Shire of Manjimup have partnered with the NVC, for a small service fee, to operate the public library. The end of year financials (not audited) and visitor data is tabled.

TABLED

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

Further to the above Northcliffe, as a visitor servicing hub, being strategically located for several State owned, managed, and marketed assets there is arguably a case to be made for the State to contribute financially for the services provided.

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

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

It is recommended that that NVC be allocated a supplementary payment of \$20,000 from the Shire of Manjimup in 2023/24. The allocation being from that carried forward from the Promotional budget which complements the purpose of the funds. Further it is recommended that the NVC continue to explore sustainable visitor servicing options and that contact be made with the Minister for Tourism and the Department of Biodiversity Conservation and Attractions to determine the States willingness to contribute to visitor servicing.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Manjimup Corporate Business Plan 2023 – 2027: B14.2 allocates annual funding support to Local Visitor Centres. Further, the Shire of Manjimup Strategic Community Plan 2021-2031 recognises the importance of tourism and servicing across various actions including, but not limited to:

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

The recommendations as contained within this report will have no additional funding implications as the recommendations from the 25 May Council meeting moved to carry forward \$25,000 of Promotional budget allocated funding for the purpose in question. The purpose of the Promotional Plan is to attract and promote visitors to the region and to market the destination opportunities within the Shire of Manjimup.

The Promotional Plan budget had previously held carry forward funds for the purpose of post pandemic recovery. Due to the saturation of the tourism market and limited accommodation availability, marketing and promotion has been moderated throughout the year.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Acknowledges the important role all visitor centres play in servicing visitors to the Southern Forests region;
2. Approve a supplementary payment of \$20,000 in the 2023/2024 Financial Year to the Northcliffe Visitor Centre from the Promotional Budget allocation;
3. Encourage the Northcliffe Visitor Centre to continue to explore sustainable models of visitor servicing; and
4. Endorse an approach by the Interim Chief Executive Officer to write to the Minister for Tourism and the Department of Biodiversity, Conservation and Attractions regarding financial support to visitor centres, especially where that support relates to State tourism assets.

COUNCIL RESOLUTION:

MOVED: Jenkins, D SECONDED: Skoss, K

29216

That Council:

1. Acknowledges the important role all visitor centres play in servicing visitors to the Southern Forests region;
2. Approve a supplementary payment of \$20,000 in the 2023/2024 Financial Year to the Northcliffe Visitor Centre from the Promotional Budget allocation;
3. Encourage the Northcliffe Visitor Centre to continue to explore sustainable models of visitor servicing; and
4. Endorse an approach by the Interim Chief Executive Officer to write to the Minister for Tourism and the Department of Biodiversity, Conservation and Attractions regarding financial

support to visitor centres, especially where that support relates to State tourism assets.

CARRIED: 11/0

ATTACHMENT APPENDIX

9.15.2 Proposed Amendments to the Local Emergency Management Committee Terms of Reference

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170496
LEGISLATION:	<i>Emergency Management Act 2005 and Local Government Act 1995</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	29 June 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Local Emergency Management Committee (LEMC) is required to be formed under clause 38 of the *Emergency Management Act 2005* with the following functions in accordance with clause 39 of that Act:

- a) To advise and assist Council in ensuring that local emergency arrangements are established;*
- b) To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- c) To carry out other emergency management activities as directed by the SEMC or prescribed by regulations.*

Membership of LEMC consists mainly of Emergency Management staff and volunteers from the Shire of Manjimup and Departments or Agencies that may have a role in emergency management throughout the Shire of Manjimup.

The appointment of elected members to the Committee, conduct of the committee including frequency of meetings and delegations are reflected within the Terms of Reference adopted under the *Local Government Act 1995*. The current *Local Emergency Management Committee - Terms of Reference 2021-2023 version 3* can be found in the attached Appendix.

APPENDIX: 9.15.2 (A)

Council is requested to consider modification of the current Terms of Reference to adjust the composition of the committee in accordance with a resolution of LEMC at its 28 June 2023 meeting. A copy of the new draft *Local Emergency Management Committee - Terms of Reference 2021-2023 version 4* is shown attached.

ATTACHMENT: 9.15.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As reflected within this Council Meeting agenda, LEMC reviewed the Terms of Reference at its meeting held on the 28 June 2023 and recommended that Council confirm and accept the amendments to Appointments of the *Local Emergency Management Committee Terms of Reference* for the two year period that commenced 21 October 2021. The following is a summary of the new nominated Appointments for amending:

1. Brian Robinson to the position of Shire of Manjimup – Interim Chief Executive Officer LEMC Delegate; and
2. Roma Boucher and Brooke Thomas to the positions of Department of Communities LEMC Delegate and Proxy, respectively.

STATUTORY ENVIRONMENT:

The LEMC is established in accordance with *Emergency Management Act 2005* and governed by the *Local Government Act 1995* as a Committee of Council.

POLICY / STRATEGIC IMPLICATIONS:

The operation of the Local Emergency Management Committee is consistent with the *Shire of Manjimup Strategic Community Plan 2021-2031*, with specific reference to the following Community Goals and associated Strategies:

Community Goals

- 3.3 *Our whole community participates in strategies to ensure we are minimising risks in regards to bushfire and other natural emergencies.*
- 3.5 *Residents feel safe, secure and comfortable at home, work and at play.*

Strategies

C22 *Prepare for emergencies and natural disasters.*

ORGANISATIONAL RISK MANAGEMENT:

By participating in the LEMC, Shire Officers aim to minimise risks to the Shire, its residents and assets associated with local level emergencies.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council confirm and accept the amendments to Appointments of the *Local Emergency Management Committee Terms of Reference* for the two year period that commenced 21 October 2021 as follows:

1. Brian Robinson to the position of Shire of Manjimup – Interim Chief Executive Officer LEMC Delegate; and
2. Roma Boucher and Brooke Thomas to the positions of Department of Communities LEMC Delegate and Proxy, respectively.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Dawson Vidovich, S

29217

That Council confirm and accept the amendments to Appointments of the *Local Emergency Management Committee Terms of Reference* for the two year period that commenced 21 October 2021 as follows:

1. Brian Robinson to the position of Shire of Manjimup – Interim Chief Executive Officer LEMC Delegate; and
2. Roma Boucher and Brooke Thomas to the positions of Department of Communities LEMC Delegate and Proxy, respectively.

CARRIED: 11/0

ATTACHMENT APPENDIX

9.16.1 Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting Held 30 June 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	Whole of Shire
DIRECTORATE:	Community Services
FILE REFERENCE:	F210319
LEGISLATION:	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	5 July 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

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

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

The purpose of this agenda item is for Council to receive the unconfirmed minutes of the meeting held on 30 June 2023 and to consider the adoption of the amended Terms of Reference for the RAPAC as attached. The current Terms of Reference are also appended for Council review.

ATTACHMENT: 9.16.1(1)

ATTACHMENT: 9.16.1(2)

APPENDIX: 9.16.1(A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

Notwithstanding the above, external to the RAPAC meeting two amendments to the Terms of Reference are submitted for Council consideration:

- a) the Shire President Paul Omodei submitted his resignation as Councillor representative and Chair of the RAPAC to the Interim Chief Executive Officer. To reflect this resignation; and
- b) Emily O'Neil, Community Development Officer, will be facilitating the delivery of the Reconciliation Action Plan (RAP) and will be included as a non-voting member replacing the vacant RAP Project Officer position.

With only one meeting remaining before the Council elections in October 2023 it is recommended that the Councillor representative position remain vacant until the new biennial Committee appointments are made.

STATUTORY ENVIRONMENT:

Aboriginal Heritage Act 1972 and;

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

POLICY / STRATEGIC IMPLICATIONS:

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

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

The Shire of Manjimup Corporate Business Plan 2023-2027 includes the action below:

- Implement the outcomes as identified in the Reconciliation Action Plan.

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS:**ABSOLUTE MAJORITY****OFFICER RECOMMENDATION:**

That Council:

1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 30 June 2023 as per Attachment: 9.16.1(1);
2. Accept the resignation of Shire President Paul Omodei as Councillor representative on the Reconciliation Action Plan Advisory Committee;
3. Accept the inclusion of Emily O'Neil, Shire of Manjimup Community Development Officer, to replace the vacant 'RAP Project Officer' position on the Reconciliation Action Plan Advisory Committee; and
4. Adopt the amended Terms of Reference for the Reconciliation Action Plan Advisory Committee as per Attachment: 9.16.1(2)

COUNCIL RESOLUTION:**MOVED: Winfield, C****SECONDED: Eiby, W****29218**

That Council:

1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 30 June 2023 as per Attachment: 9.16.1(1);
2. Accept the resignation of Shire President Paul Omodei as

Councillor representative on the Reconciliation Action Plan Advisory Committee;

- 3. Accept the inclusion of Emily O'Neil, Shire of Manjimup Community Development Officer, to replace the vacant 'RAP Project Officer' position on the Reconciliation Action Plan Advisory Committee; and**
- 4. Adopt the amended Terms of Reference for the Reconciliation Action Plan Advisory Committee as per Attachment: 9.16.1(2)**

CARRIED: 11/0

ATTACHMENT**9.16.4 Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held 12 July 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170451
LEGISLATION:	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	14 July 2023
DECLARATION OF INTEREST:	Nil.

BACKGROUND:

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

At its latest meeting the BFAC passed several recommendations relating to bushfire operational procedures.

The purpose of this report is to present the unconfirmed minutes of the BFAC meeting held on 12 July 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.4 (1)

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The BFAC resolved to support eight recommendations, five of which require a formal decision of Council.

The resolutions passed at the meeting are reflected within Table 1 and detailed below:

Table 1.	
Bush Fire Advisory Committee Resolutions	Officers Comments
That the unconfirmed minutes of the Bush Fire Advisory Committee Meeting held Wednesday, 22 March 2023 be confirmed as a true and correct record.	The BFAC resolution is noted.
That Shire administration, on behalf of the Bush Fire Advisory Committee, write to the Australian Fire Danger Rating System and the Department of Fire and Emergency Services Rural Fire Division with concerns raised on the new Fire Danger Ratings and the impact during the fire season with an invitation to attend a BFAC Meeting to address these concerns.	The BFAC resolution is supported. Administration to write to Australian Fire Danger Rating System and the Department of Fire and Emergency Services Rural Fire Division with concerns raised on the new Fire Danger Ratings and the impact during the fire season with an invitation to attend a BFAC Meeting to address these concerns. No action required by Council.
That Council approve the increase to the honorarium payment for Chief Bush Fire Control Officer to \$4,000 for the 2023/2024 Budget year.	The BFAC resolution is supported. That Council approve the increase to the honorarium payment for Chief Bush Fire Control Officer from \$3,000 to \$4,000 for the 2023/2024 Budget year.
That Council approve the increase to the honorarium payment for Deputy Chief Bush Fire Control Officer to \$3,500 for the 2023/2024 Budget year.	The BFAC resolution is supported. That Council approve the increase to the honorarium payment for Deputy Chief Bush Fire Control Officer from \$2,500 to \$3,500 for the 2023/2024 Budget year.
That Council approve the increase to the Volunteer Training Officers Honorarium Payment Budget by \$500 for the 2023/2024 Budget year.	The BFAC resolution is supported. That Council approve the increase to the Volunteer Training Officers Honorarium Payment Budget by \$500 for the 2023/2024 Budget year.
That Council endorse the <i>Shire of Manjimup Firebreak and Fuel Hazard Reduction Notice 2023-2024</i> .	The BFAC resolution is supported. A separate agenda item will be prepared for Council consideration.

<p>That the Bush Fire Advisory Committee endorse the following BFAC Membership nominations en bloc:</p> <p>10.5.1 Remo Pessotto to the position of Shire of Manjimup – Chief Bush Fire Control Officer for a term of two years from 2023-2025, no Council Resolution required; and</p> <p>10.5.2 Bradley Wren to the position of Shire of Manjimup – Deputy Chief Bush Fire Control Officer for a term of two years from 2023-2025, no Council Resolution required</p>	<p>That Council note the BFAC resolution is supported.</p> <p>BFAC endorse the Chief and Deputy Chief Bush Fire Control Officer's, Council issue the appropriate delegations when appointing Fire Control Officers.</p> <p>A separate agenda item will be prepared for Council consideration.</p>
<p>1. That Shire administration, on behalf of the Bush Fire Advisory Committee, write to all Bush Fire Brigades with ESL appliances and request they provide the following information:</p> <ol style="list-style-type: none"> The number of trained members with the appropriate class of Driver Licence; and If their Brigade has the means to crew their allocated appliance outside of the Brigade area but within Shire Boundaries. <p>2. That Shire Administration report back to BFAC on the findings of that request and supply the Chief's with a list of trained members with truck driver licences.</p>	<p>The BFAC resolution is supported.</p> <p>Administration write to all Brigades with ESL appliances requesting the number of trained members with appropriate class of Driver Licence and if they have the means to crew the appliance outside of Brigade area but within Shire Boundaries and then report back to BFAC on the findings.</p> <p>No action required by Council.</p>

As reflected above, separate agenda items will be prepared for the annual *Shire of Manjimup Firebreak and Fuel Hazard Reduction Notice 2023-2024* and the Appointments of the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officers for the 2023-2025 two year term.

STATUTORY ENVIRONMENT:

Bushfires Act 1954 and Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Policy 5.3.2 Chief and Deputy Chief Bush Fire Control Officer Honorarium and Volunteer Training Officer allows Council to set the Annual payment amount and is consistent with the following recommendations contained within the Shire of Manjimup Strategic Community Plan 2021-31.

Community Goals

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

Strategies

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The Shire of Manjimup 2023/24 draft Budget anticipated an increase and set aside a value of \$7,000 in total or honorarium payments. The \$1,000 shortfall can be made up in 2023/24 budget from the Maintenance non ESL Equipment budget allocation.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held Wednesday 12 July 2023 as contained in Attachment: 9.16.4 (1);**
2. **Approve the increase to the honorarium payment for Chief Bush Fire Control Officer from \$3,000 to \$4,000 for the 2023/2024 Budget year;**
3. **Approve the increase to the honorarium payment for Deputy Chief Bush Fire Control Officer from \$2,500 to \$3,500 for the 2023/2024 Budget year; and**
4. **Approve the increase to the Volunteer Training Officers Honorarium Payment Budget by \$500.00 for the 2023/2024 Budget year.**

COUNCIL RESOLUTION:

MOVED: Skoss, K

SECONDED: Buegge, D

29219

That Council:

1. **Receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held Wednesday 12 July 2023 as contained in Attachment: 9.16.4 (1);**
2. **Approve the increase to the honorarium payment for Chief Bush Fire Control Officer from \$3,000 to \$4,000 for the 2023/2024 Budget year;**
3. **Approve the increase to the honorarium payment for Deputy Chief**

Bush Fire Control Officer from \$2,500 to \$3,500 for the 2023/2024 Budget year; and

- 4. Approve the increase to the Volunteer Training Officers Honorary Payment Budget by \$500.00 for the 2023/2024 Budget year.**

CARRIED: 11/0

10. LATE REPORTS

L.1 Request for Additional Funding Allocation - Pemberton Community Co-location Project/Balang Maya - Lot 500 (Reserve 46734) Brockman Street, Pemberton

PROPONENT	Shire of Manjimup
OWNER	Crown vested
LOCATION / ADDRESS:	Lot 500 (Reserve 46734) Brockman Street, Pemberton
WARD:	West
ZONE:	Public Purposes
DIRECTORATE:	Office of the Chief Executive Officer
FILE REFERENCE:	F200384
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	25 July 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Pemberton Community Co-location Project relates to the establishment of a “fit for purpose” development to house a number of community groups and the Shire Library within the Pemberton townsite. The project is a collaboration between six Pemberton community groups and the Shire.

In January 2021, Council resolved to award a Tender for the construction of a substantial new development (Balang Miya) incorporating the existing Returned Service League (RSL) and Pemberton Infant Health Clinic buildings.

During the informal Council briefing session held in March 2023, Councillors undertook a brief inspection of the site. During that meeting, some flooring issues were noted within the RSL Hall, although it was assumed that the issue partially related to the building not being used. Since that time, the appointed builder has progressed works to finalise the development and an occupancy permit has been issued.

More recently, it has been observed that substantial areas of the newly installed flooring within the RSL Hall are lifting. A small portion of floor covering is also lifting within the Old Infant Health Clinic. The state of the flooring within the original RSL Hall is now preventing the Pemberton Visitors Centre (PVC) and the Pemberton Community Resource Centre (PCRC) from moving into the building until a solution is identified and implemented.

The author of this report, together with the Shire’s Manager of Building Services have been investigating the issue in consultation with the Shires contract Building Supervisor, the Director of Community Services and the appointed building contractor. The investigations have identified that some

substantial works are required to ensure the issues and their underlying causes are addressed. Left unaddressed, these issues are likely to continue, impacting on the future use of the building.

Council is requested to consider endorsing the allocation of additional municipal funding to allow a long-term solution to be implemented. Further information regarding the issue and proposed solution is provided in the comment section below.

PUBLIC CONSULTATION UNDERTAKEN:

Nil. Information regarding consultation with the PVC and PCRC is provided within the comment section below.

COMMENT (Includes Options):

Undertaking the redevelopment of a building the age of the RSL Hall is not without risk. Issues that are not visible to the eye can often be unearthed during the process. For example, non-compliant electrical wiring located sub floor.

The RSL Hall is constructed with a timber sub floor structure covered with a chipboard material on which the floor coverings are installed, previously carpet. Air vents are installed below the floor level assisting with cross ventilation and reducing moisture levels under the building. As part of their contract, the appointed building contractor was required to “make good” the existing floor. To do so, a material (Masonite) was fitted to the chipboard flooring, with the floor covering then fixed to the Masonite.

Prior to elected members attending the site in March 2023, there was some evidence that portion of the floor covering had lifted or bubbled. At the time, it was considered that with some attention from the flooring contractor and heat associated with occupation of the building, the floor would potentially settle.

Whilst the author of this report was in attendance at an inspection of the RSL Hall earlier this month, the appointed building contractor took moisture readings. These readings together with inspection of the outside of the building demonstrated that:

- a) Sub floor moisture levels were substantially higher than those taken earlier in the year when the flooring was being installed;
- b) Moisture has penetrated the chipboard material, which is impacting on the Masonite material and the floor covering;
- c) The types of flooring material selected, being impervious, prevents internal heating having any impact on drying the sub floor structure; and
- d) A number of the external sub floor vents had been covered over by soil associated with the new external paving, effectively preventing cross flow ventilation and exacerbating the moisture issues. It is considered that this is likely the most significant factor in rising moisture.

Notwithstanding that there appears to be some evidence that the Masonite and floor coverings may not have been installed exactly as per the manufacturer's standards, this does not change the fact that moisture levels have substantially increased.

In order to ensure a long-term solution, it is recommended that:

- i) The now installed paving abutting the building needs to be temporarily lifted so as to:
 - Allow the re-establishment of the external vents to facilitate cross ventilation; and
 - Ensure that an appropriate water proofing material has been applied to the masonry walls of the RSL Building to prevent water passing through wall;
- ii) As the paving needs to be temporarily lifted abutting the building, take that opportunity to install sub-surface drainage so as to direct sub-soil water flows away from the building;
- iii) That appropriate mechanical ventilation is installed on the Doc Ryan Place side of the building, running on a timer to increase cross ventilation; and
- iv) Removing and replacing the existing chipboard material with a water proofing material laid beneath non-porous particle board before the new carpet and vinyl planks are re-laid.

Similar to the RSL Hall, inspection of the Old Infant Health Clinic has confirmed that two sub-floor vents on the Brockman Street side of the building have been covered over. It is Shire Officers opinion that the moisture issues at that location can be addressed through sub-surface drainage and mechanical ventilation.

It should be noted that sub-surface drainage, the installation of mechanical ventilation and replacement of the subfloor structure did not form part of the scope of works for the building contractor. To minimise cost and the associated disruption, it is recommended that the Shire's Manager of Building Services proceed to procure the materials as a matter of urgency and appoint/supervise appropriate local contractors. Initial enquiries indicate that appropriate local contractors are prepared to make themselves available.

Estimated Cost

Cost estimates obtained indicate that the purchase of materials is likely to exceed \$25,000. In total the replacement of the chipboard sub floor material with a more appropriate material, water proofing, the introduction of mechanical ventilation and sub-surface drainage is likely to cost between \$50,000 and \$70,000.

Likely Timeframe for Works

As mentioned above, initial contact has been made with appropriate contractors who have indicated that they can make themselves available. Given that there is an available supply of materials and the contractors are available, it is expected that the works should take no longer than 3-4 months

to complete. Shire Officers will of course be aiming for the shortest time frame possible.

Alternative Solutions

In addition to the recommended being recommended, Shire Officers examined three other possible options. These options are summarised as follows:

- a) Request the contractor to lift and relay sections where lifting/bubbling in the floor material is observed;
- b) Option a), with the addition of mechanical ventilation; or
- c) Replace the current sub floor structure with a concrete floor.

The above options are not recommended given that option a) will not address the sub floor moisture issues and cross ventilation and option b) would rely in the existing flooring settling down after the moisture level is reduced. Option c) outlined above has the potential to cost substantially more and will involve a greater delay due to the need for the concrete to cure prior to the laying of floor covering materials.

Consultation with PVC and PCRC

A meeting has been held with both the PVC and PCRC today (25 July) whereby they have been briefed on the situation and the proposed solution. Whilst both parties have rightly expressed disappointment with the current situation, they are supportive of a long-term solution being implemented.

This is likely to result in both parties needing to remain in their current location until the new works are completed.

Conclusion

It appears that moisture issues underneath the existing flooring of the RSL Hall have been substantially exacerbated due to water inundation and the loss of sub floor ventilation which previously allowed cross air flow.

It is strongly recommended that prior to allowing occupation of the building, replacement flooring, sub surface drainage and mechanical ventilation be installed. To facilitate this, Council is requested to an additional allocate \$70,000 to the project.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The preferred option of replacing the existing floor and other associated works should ensure that flooring within the RSL Hall will be in good serviceable condition for the remainder of the building's life.

ORGANISATIONAL RISK MANAGEMENT:

Failure to implement a long-term solution has the potential to impact on the short-term operations of the PVC and PCRC and result in damage to organisations reputation should failure occur.

FINANCIAL IMPLICATIONS:

Discussion with the Shire's Director of Business has identified that within the 2023/24 Adopted Budget, there is a line item of unallocated General Purpose Grant (\$131,804). It is recommended that the \$70,000 required be sourced from that line item.

This will represent a one-off budget expenditure, with no implications for future budgets.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per Comment Section and comments included under Financial Implications.

Social: The Pemberton Visitors Centre and Pemberton Community Resource Centre provide invaluable social and visitor services in Pemberton. Flooring Issues associated with moisture must be addressed prior to those services relocating into the Old RSL

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

Acknowledge that increased moisture levels located sub-floor within the previously Returned Service League Hall/Library must be addressed prior to the Pemberton Visitors Centre and Pemberton Community Resource Centre occupying the building; and

Amend the 2023/24 Shire of Manjimup adopted budget by:

- a) Allocating \$70,000 to Pemberton Co-location Project – Flooring Repair; and**
- b) Reduce the line item “General Purpose Grant Unallocated” from \$131,804 to \$61,804.**

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: Dawson Vidovich, S

29220

That Council:

Acknowledge that increased moisture levels located sub-floor within the previously Returned Service League Hall/Library must be addressed prior to the Pemberton Visitors Centre and Pemberton Community Resource Centre occupying the building; and

Amend the 2023/24 Shire of Manjimup adopted budget by:

- a) Allocating \$70,000 to Pemberton Co-location Project – Flooring Repair; and**
- b) Reduce the line item “General Purpose Grant Unallocated” from \$131,804 to \$61,804.**

CARRIED: 11/0

:

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. MEETING CLOSED TO THE PUBLIC:

14.1 Matters for which the meeting may be closed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

MOVED: Buegge, D SECONDED: Jenkins, D

29221

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (a) (b) it deals with a matter affecting an employee or employees; AND the personal affairs of any person.

CARRIED: 11/0

Staff not required and people in the Gallery left the Chamber at 6.30pm.

14.1.1 Compliance with the Code of Conduct and Proposed Review of Council Policy 1.1.3 - Complaints Against Shire Councillors and the Chief Executive Officer

PROPONENT	N/A
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of the Chief Executive Officer
FILE REFERENCE:	F230004
LEGISLATION:	<i>Local Government Act 1995 and Shire of Manjimup Standing Orders Local Law 2013</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	17 July 2023
DECLARATION OF INTEREST:	Nil

MOVED: Buegge, D SECONDED: Eiby, W

29222

That Council come from behind closed doors.

CARRIED: 11/0

Staff and people from the Gallery returned to the Chamber at 7.03pm.

14.2 Public reading of resolutions that may be made public.

RESOLUTION WAS READ OUT

That Council:

- 1. Acknowledge that the existing dam straddling the boundary between Lots 5 and 6 Graphite Road, Glenoran was established within the legal framework in place at the time of construction and request that an apology be offered to the landowners regarding statements made to the contrary;**
- 2. In order to improve knowledge on the obligations with respect to the Shire's Code of Conduct and Standing Orders Local Law, request the Interim Chief Executive Officer arrange for a presentation from a relevant officer associated with the Department of Local Government; and**
- 3. Request that the soon to be appointed Chief Executive Officer be requested to review the provisions of Council Policy 1.1.3 following their commencement.**

15. APPLICATIONS FOR LEAVE OF ABSENCE:

COUNCIL RESOLUTION:

MOVED: Taylor, R SECONDED: Buegge, D

29223

That Council grant Councillor Wendy Eiby a Leave of Absence for the Council Meeting scheduled for Thursday 7 September 2023.

CARRIED: 11/0

16. CLOSURE:

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

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 7.06pm.

SIGNED:.....DATE:

**Paul Omodei
Shire President**

Un

Request for Reconsideration.

o You could be forgiven for thinking we are here to debate Due Process

- despite wording of our letter requesting this opportunity this is not the case

- we do in fact agree that due process has been followed by all parties.

- we understand we had every opportunity to present our case at previous meeting but chose not to given officers recommendation was seen to be in our favour Kaylen & Roberts.

→ The Alternative Resolution put by The Chair 25/5/23

o What we have here is a matter of "Natural Justice" where by my reckoning a party or entity has a right to be made aware ~~that~~ when information has been presented that is likely to adversely affect a decision which concerns them.

o On this we ~~also~~ ^{unanimous} are also in agreement as evidenced by the council's support for councillor Skoss's notice of motion from the last meeting ^{6/7} which was supported by all present relating to Alternate Motions and amendments

★ *Technicality*.

o We appreciate there is good reason for any planned changes that setbacks be a minimum of 5m going forward but realise also that any future applications will be open to amendment and need to be considered on their merits on a case by case basis.

* We ask that council not view this case as some sort precedent but accept that

Subject: Fwd: Notice of Determination DA23/30**From: "Aquatic Resource Management P/L" <aquatic@westnet.com.au>****To: pmmcevoy@iinet.net.au****Thu, 15 Jun 2023 12:12:33 +0800**

Thankyou for your letter dated 29th May 2023 re: DA23/30.

We were unaware that a change (5m setback) to the advised recommendation (4m setback) to Council was being presented at the meeting.

We request reconsideration of this decision by Council under Clause I 0.9 of Shire of Manjimup Local Planning Scheme No. 4 for the following reasons.

1. The existing dam has a 4m setback and we wish to align the proposed new dam so that we can utilise the existing common bank to it's full capacity.
2. Bird netting of both dams will be more functional if the anchors align at each end.
3. Aesthetically the new dam is an extension of the old dam and will look out of place if offset.
4. We have minimal land available on this site and maximum utilization is essential to progress the business.. ~~I cannot find any logical reason for not allowing a 4m setback.~~ *→ ALTERNATIVE RESOLUTION*
5. There will still be more than sufficient area around the dam for vehicle and truck access at 4m. **MITCHELDEAN Rd Runs along Side*
6. There will be no adverse impacts on either Shire verges/roads or neighbours land as is demonstrated by the existence of the current dam.
7. The 1m loss of setback will mean a 100M2 loss of water surface area which will not only have a production loss associated it will also mean netting 100m2 of dry land if we intend to keep straight alignments. *with EXISTING Netting*

** Precidents all along Grapelite Rd & within MJP SHIRE.
DAMS Build right up to Boundaries.
CASE BY CASE*

PETER MCGINTY
EXECUTIVE DIRECTOR

Aquatic Resource Management Pty Ltd t/a Blue Ridge Marron
323 Mitchelldean Rd Manjimup 6258 Western Australia

www.blueridgemarron.com

Phone/Fax: +618 97721195 Mobile: +61-407389674

----- Original Message -----

From:

"Kaylee Blee" <kaylee.blee@manjimup.wa.gov.au>

To:

"Aquatic Resource Management P/L" <aquatic@westnet.com.au>

Sent:

Mon, 29 May 2023 08:57:02 +0000

Subject:

Notice of Determination DA23/30

Good Afternoon

Please see attached your approval following on from the Council meeting on Thursday 25/5/2023.

Jocelyn Baister

From: Aquatic Resource Management P/L <[REDACTED]>
Sent: Thursday, 15 June 2023 3:34 PM
To: Kaylene Roberts; Jason Giadresco; Brian Robinson; Info; jocelyn.baister@manjimup.wa.go.au
Subject: [External] Notice of Determination DA23/30

Dear Kaylee
 Thank you for your letter dated 29th May 2023 re: DA23/30.

We request reconsideration of this decision by Council under Clause 10.9 of Shire of Manjimup Local Planning Scheme No. 4.

The principle reason for our request for a review is that we believe that due process has not been adhered to in relation to this proposal. Prior to the meeting we read carefully the Officer Recommendations regarding our proposal. We expected that these recommendations and the supporting information would provide the basis on which our application would either be accepted or rejected by Council. We were provided with no advice that an alternative motion was to be considered, and therefore given no opportunity to address the terms of the alternative motion before Councillors voted on it. We believe that, in the interests of transparency and proper process, if Council is to consider any alternative motion, the proponent(s) should be given an opportunity to offer comment prior to a decision being made. As we were not provided with this opportunity we ask that Council consider our response now.

NATURAL JUSTICE

RESOLUTION

The primary difference between the original proposal and that embodied in the alternative motion is the change to a 5m setback from the property boundary from the 4m setback which was applied for and recommended by Council officers. There was nothing in the Officer Recommendations which raised concern about the setback or suggested that it should be reconsidered. No rationale was offered, nor any supporting evidence provided for the change to a 5m setback. A dam with a 4 metre setback will have no adverse impact on either Shire verges/roads or neighbours' land as is evidenced by the current, adjoining dam. This dam has functioned adequately and without problems with a 4m setback since the 1990's. This setback provides more than sufficient area around the dam for vehicle and truck access. Thus, we see no advantage to the Shire in changing the setback and significant disadvantage to us, as follows:

Shire Officer
 KAYLEEN ROBERTS
 from Planning

We wish to align the proposed new dam with the adjoining dam, with a 4m setback in order to

-- ACCESS FOR VEHICLES

- utilise the existing common bank to it's full capacity.

- install effective bird netting of both dams which will be more stable, robust and effective if the anchors align at each end.

- maintain an orderly and aesthetic appearance. Aesthetically the new dam is an extension of the old dam and will look out of place if offset.

- utilize the available space to it's full potential as we have minimal land available on this site and maximum utilization is essential to progress the business. I cannot find any logical reason for not allowing a 4m setback.

The 1m loss of setback will mean a 100M2 loss of water surface area with associated production loss. Additionally it will result in pointless netting of 100m2 of dry land if we intend to keep straight alignments which will provide the most stable and robust netting structure.

*

I look forward to your reply.

Regards

PETER MCGINTY

EXECUTIVE DIRECTOR

Aquatic Resource Management Pty Ltd t/a Blue Ridge Marron