



AGENDA

COUNCIL MEETING

7 DECEMBER 2023

Our Community Vision

"We are a thriving region which is safe, liveable and welcoming.

We value our quality of life and embrace our natural environment which affords us both economic and recreational pursuits.

Our industries are recognised for their resilience, quality and innovation and for their contribution to the state of Western Australia.

Our economic diversity provides business and employment opportunities for all."

SHIRE OF MANJIMUP – COUNCIL MEETING AGENDA

7 DECEMBER 2023

NOTICE TO ALL COUNCILLORS

An Ordinary Meeting of Council is called for Thursday 7 December 2023 commencing at 5:30pm in the Council Chamber.



**Benjamin Rose
CHIEF EXECUTIVE OFFICER**

29 November 2023

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written enquiry should be made to the Council giving the entire reasons for seeking the advice or information and how it is proposed to be used.

**IMPORTANT MATTERS AFFECTING THOSE ATTENDING THE MEETING
AND THOSE AFFECTED BY A DECISION OF THE MEETING.**

- 1. Please note this meeting may be electronically recorded.**
- 2. Decisions made in this meeting are unable to be acted upon by the person who has been granted the authorisation unless and until the decision is able to be implemented by the Chief Executive Officer and in any event not before the afternoon of the first business day following this meeting. If you are in any doubt about a decision please contact the Shire prior to making any commitments.**

SHIRE OF MANJIMUP**COUNCIL MEETING THURSDAY 7 DECEMBER 2023****TO BE HELD
IN THE COUNCIL CHAMBER****COMMENCING AT 5:30PM****AGENDA****1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:**

The Shire of Manjimup respectfully acknowledges the Noongar people as the Traditional Custodians of the lands in which we work throughout the region and we pay our respects to their Elders past and present.

2. ANNOUNCEMENTS BY THE PRESIDENT:

- To be advised.

3. ATTENDANCE:

- 3.1 Apologies:
- 3.2 Approved Leave of Absence:

4. DECLARATIONS OF INTEREST:

[Part 5, Division 6 of the Local Government Act 1995 requires that a member must disclose the interest of the member and the nature of the interest in writing before the meeting or immediately before the matter is discussed.]

5. PUBLIC QUESTION TIME:

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

[Under meeting procedure determined by the Shire of Manjimup Standing Orders Local Law 2013, this is the only opportunity for members of the public to ask up to a maximum of two questions of Council. There is no further opportunity to question the Shire of Manjimup during the meeting. Questions can be asked on any Shire matter, not just on issues included in the meeting agenda and each person shall have up to 3 minutes to ask their questions which may be extended by an additional 3 minutes where considered appropriate by the Presiding Member. Persons asking questions are entitled to a response unless the question is declared "out of order" by the Presiding Member. If a matter requires further investigation, that response may be in writing. Any person asking questions of Council must state their correct name and address as this will form part of the public record of this meeting]

6. PRESENTATIONS:

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Delegate Reports
- 6.5 Conference Reports

7. CONFIRMATION OF PREVIOUS MINUTES:

_____ / _____

That the Minutes of the Ordinary Meeting of the Council held on 16 November 2023 be confirmed.

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

9. OFFICERS' REPORTS:

For the interest of the Gallery, I will explain how we are about to consider the agenda items for this meeting.

All Councillors have had the agenda for one week giving us time to thoroughly review each item.

This meeting is the only time that Councillors are able to formally debate agenda items. Soon I will read out each item listed in the Agenda and any Councillor will be able to identify an agenda item they wish to debate. These items will be listed on the board behind me.

All items not identified by Councillors to be debated will be moved in accordance with the Executive Recommendation in one motion as listed in the agenda and moved en bloc for voting purposes.

If your item is not listed on the board and is moved en bloc it will be passed as per the Executive Recommendation. Following this Council will consider the remaining items in agenda order.

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	9.3.1	Monthly Statement of Financial Activity - October 2023	33
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DEVELOPMENT & REGULATION DIRECTORATE			
	9.5	STATUTORY PLANNING	
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	9.5.3	Proposed Industry - Rural (Snail Processing and Packing) at Lot 101 (181) Jones Road, Yanmah	65
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Absolute	9.16.5	Unconfirmed Minutes of the Pemberton Community Hub Advisory Committee Meeting 21 November 2023	103

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“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 106 of the Agenda with the exception of those on the board:

9.1.1 Shire of Manjimup Annual Report 2023 and Notice of Annual Meeting of Electors

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	All of Shire
WARD:	All Wards
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F161440
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Local Government in Western Australia is required to prepare an Annual Report each financial year and following its adoption, hold an Annual Meeting of Electors in accordance with the *Local Government Act 1995*.

The audited Annual Financial Report for the 2022/23 year was informally received by the Chair of the Audit Committee on 28 November 2023 from the Office of the Auditor General. The 2023 Annual Report, inclusive of the Annual Financial Report is tabled for Council's consideration.

REPORT TABLED

PUBLIC CONSULTATION UNDERTAKEN:

Notice of the availability of the Annual Report and notice of the Annual Meeting of Electors for 2023 is required to be advertised in a newspaper circulating throughout the district.

COMMENT (Includes Options):

Council is required to adopt the Annual Report no later than 31 December 2023.

Once the Annual Report is adopted, an Annual Meeting of Electors is to be scheduled. The Meeting of Electors requires at least 14 days public notice and is to be held within 56 days (by 1 February 2024) from the date the Annual Report is adopted.

It is recommended that the Annual Meeting of Electors be held Tuesday, 16 January 2024 commencing at 6.00pm in the Council Chambers.

STATUTORY ENVIRONMENT:

Sections 5.27, 5.29 and 5.54 of the *Local Government Act 1995*.

Section 5.53(2) requires the Annual Report to contain the following:

- (a) Report from the President;
- (b) Report from the CEO;

- (e) Overview of the plan for the future including major initiatives to commence next year;
- (f) Financial Report for the year;
- (g) Prescribed information regarding payment to employees;
- (h) Auditors report for the year;
- (ha) Report required under the *Disabilities Services Act*;
- (hb) Details regarding complaints made against Councillors during the year; and
- (i) Other prescribed information.

POLICY / STRATEGIC IMPLICATIONS:

The Annual Report captures progress against the Shire's adopted Corporate Business Plan.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The financial performance for the year ended 30 June 2023 is detailed in the 2023 Annual Financial Report. The organisations financial performance has also been the subject of quarterly financial review reports previously presented to and adopted by Council.

SUSTAINABILITY:

Environmental: As detailed in the report.

Economic: As detailed in the report.

Social: As detailed in the report.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Adopt the 2023 Annual Report including the 2022/23 Annual Financial Report;
2. Endorse the scheduling of the 2023 Annual Meeting of Electors to be held in Shire of Manjimup Council Chambers on Tuesday, 16 January 2024 commencing at 6.00pm; and
3. Request the Chief Executive Officer to give public notice of the 2023 Annual Meeting of Electors and the availability of the 2023 Annual Report for the Shire of Manjimup.

ATTACHMENT**9.1.2 Proposed Appointment of Chief Executive Officer to Internal Committees and External Bodies**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	N/A
FILE REFERENCE:	F160736
LEGISLATION:	<i>Local Government Act 1995, Emergency Management Act 2005</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the 24 October 2023 Special Meeting, Council reviewed the appointment of elected members and senior officers to its own committees and other external bodies.

At the time of that meeting the Chief Executive Officer (CEO), Ben Rose, had not yet formally commenced his employment with the Shire of Manjimup. As a result, the Shire's Interim Chief Executive Officer, Brian Robinson, was appointed by Council to a number of Council committees and external bodies as required.

Given Mr Robinson has now returned to his substantive position of Director Development and Regulation, Council is requested to amend the Terms of Reference of the Local Emergency Management Committee include incoming CEO Ben Rose on its membership.

The incoming CEO has also advised intention to not be a member of the Plant Replacement Committee (PRC). This also will require an update of that Committee's Terms of Reference.

The incoming CEO is also designated as a Shire representative to the following external bodies:

- Warren Blackwood Alliance of Councils (WBAC) as a proxy; and to the
- South West Zone of the Western Australian Local Government Association (SWALGA).

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The update of membership to those committees and external bodies in this instance is a simple matter of amending the Terms of Reference of LEMC and PRC and notifying WBAC and SWALGA of the change in CEO representation.

With regard to the withdrawal of the CEO's membership from the Plant Replacement Committee, it is determined that the membership of Shire staff (Directors Business and Works and Services, Manager of Works) is suitable representation to that Committee. The Chief Executive Officer may also attend these committee meetings in an observer capacity.

Council will need to adopt these amendments by Absolute Majority decision.

The amended Terms of Reference providing the proposed update to the CEO membership for LEMC and PRC are attached for Council's reference.

ATTACHMENT: 9.1.2(1)

ATTACHMENT: 9.1.2(2)

Given the above, it is recommended that Council adopt the amendments to the Chief Executive Officer's membership to committees and external bodies as contained in the Officer Recommendation below.

STATUTORY ENVIRONMENT:

Section 5.10 of the *Local Government Act 1995* guides the appointment of elected members and local government employees to Council committees.

POLICY / STRATEGIC IMPLICATIONS:

The Strategic Community Plan 2021 – 2031 and Corporate Business Plan 2023 – 2027 identifies the relevant themes and strategies.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:



That Council

1. Appoint Chief Executive Officer Ben Rose:

- a) to the membership of the Shire of Manjimup's Local Emergency Management Committee in accordance with the Terms of Reference as attached at 9.1.2(1);**
- b) as proxy member to the Warren Blackwood Alliance of Councils;**
- and**

- c) as a Shire representative to the South West Zone of the West Australian Local Government Association.
- 2. Accept removal of the membership of the Chief Executive Officer from the Plant Replacement Committee as attached at 9.1.4(2).

ATTACHMENTS

- 1  Proposed Local Emergency Management Committee Terms of Reference 3 Pages
- 2  Proposed Plant Replacement Committee Terms of Reference 1 Page

9.1.3 Council to Chief Executive Officer Delegations from 8 December 2023 to 20 January 2024

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F161497
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	31 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the Council Meeting on 26 October 2023, Council resolved that after 7 December 2023, I will not meet again until 18 January 2024.

The agenda for the 7 December 2023 meeting closed Friday 24 November 2023. This results in a period of 55 days elapsing before some matters will be considered by Council at the 18 January 2024 meeting; the agenda cut off for which is 5 January 2023.

The purpose of this report is to seek delegated decision making conditional authority over this extended end of year period to the Chief Executive Officer.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Whilst the Chief Executive Officer is delegated specific authority, which is partially delegated to other relevant officers, certain matters arise that require determination by Council only.

It is proposed that delegated authority be granted to the Chief Executive Officer for all Council functions (other than those matters requiring an absolute majority or specifically precluded by the *Local Government Act 1995*) to decide on matters that cannot be held over to the 18 January 2023 meeting. Exercise of such authority requires support by the Shire President and the relevant ward Councillor/s and will be reported to the Council at the 18 January 2023 meeting.

This practice has been followed for the last 26 years with only 10 occurrences of exercised authority being necessary over the vacation period.

STATUTORY ENVIRONMENT:

Section 5.42 of *Local Government Act 1995*.

POLICY / STRATEGIC IMPLICATIONS:

The strategic implication for assigning such authority is to allow development and other matters to proceed in a timely manner when Council is not sitting. This activity is corresponding with Community Goal 5.8 of Council's adopted Strategic Community Plan 2021-2031 – "The Shire continuously improves organisational performance and service delivery".

ORGANISATIONAL RISK MANAGEMENT:

By allowing the temporary delegation of powers normally reserved for Council to the Chief Executive Officer, a measure of business continuity will largely be maintained throughout this period. Should Council elect not to approve the delegation, the timely actioning of Council's statutory deadlines may not be possible risk over this time.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council delegate to the Chief Executive Officer for the period 7 December 2023 to 2 January 2024 power to determine matters which cannot be held over until the 18 January 2024 Ordinary Council Meeting subject to this delegation being limited to:

- 1. Subject to restrictions below, any matter that arises during the delegated period and which cannot be held over due to statutory timeframes;**
- 2. Any matter advertised for public comment to which no objection has been received;**
- 3. Any matter to which the Shire President and relevant Ward Councillor/s raise no objection;**
- 4. Preclusion of those matters with delegation prohibition under the *Local Government Act 1995*; and**
- 5. A report being presented to the 18 January 2024 Ordinary Council Meeting detailing any such delegations exercised.**

ATTACHMENT**9.1.4 Proposed 2024 Register of Delegations, Authorisations and Appointments**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F161497
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to allow the efficient management of Shire business, a number of powers vested in the Council are delegated to the administration via the Chief Executive Officer (CEO). The CEO may then sub-delegate such powers to other employees.

Council's delegations were last reviewed on 17 November 2022, and the current Register of Delegations, Authorisations and Appointments (the 2023 Register) can be found on the Shire website.

The review of this document is to be undertaken yearly. The proposed 2024 Register of Delegations, Authorisations and Appointments (the Register) is attached, and Council's endorsement of this Register is now sought.

ATTACHMENT: 9.1.4 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):Purpose of Delegated Authority

For the benefit of Councillors, the aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation and to ensure decisions are made lawfully by the delegate. This is consistent with the Shire of Manjimup's commitment to a strong customer service focus.

The Register details the related document(s) where the power to delegate is derived from, including the relevant legislation and policies of the Council. This enables easier cross-referencing for employees, Councillors and the community. The Register is chiefly derived from the WALGA template version.

The attached Register is consistent with the requirements of the *Local Government Act 1995* to review such delegations annually.

Amendments

There is only one matter for adjustment in this year's review.

The only matter is removal of the reference to the Shire's Building Officer in having delegations for the *Graffiti Vandalism Act 2016*. This delegation is now considered unnecessary, as the Manager of Building Services has appropriate delegation to give effect to that Act where graffiti/vandalism has occurred to Shire buildings or infrastructure

All amendments made to the register are located on the rear pages of Attachment **9.1.4(1)**. The listing contains the reasons for the adjustment, addition, or removal of delegations from the register.

No other changes to the Register are recommended.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Authority to delegate power by Council to officers is contained within Division 4 of the *Local Government Act 1995* - Local Government Employees. Delegations made under Division 4 are to be reviewed at least once every year.

Section 5.42 provides the head of power to delegate to the Chief Executive Officer other than:

- Any decision requiring an absolute or special majority;
- Awarding a tender over the tender threshold;
- Appointing an auditor;
- Acquiring or disposing property exceeding prescribed amount;
- Determining members fees;
- Borrowing funds;
- Determining an objection to a decision; or
- Any power or duty requiring the approval of the Minister or Governor.

Section 5.44 allows the CEO to subsequently delegate to any employee of the local government the exercise of the CEO's powers.

Other Acts

In addition to the above, delegated powers also arise from other Acts as listed in the Register but they must have a specific head of power to enable delegation.

POLICY / STRATEGIC IMPLICATIONS:

Strategically, the annual review of this Register is considered to align with Community Goal 5.8 of Council's adopted Strategic Community Plan 2021-2031 – "The Shire continuously improves organisational performance and service delivery".

ORGANISATIONAL RISK MANAGEMENT:

The annual review of Council's delegations ensures that Officers carry the appropriate authority to action Council's business and ensures consistency with any changes to State legislation that have occurred in the previous financial year.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Appropriate allocation of delegations to specific Shire Officers contributes to the efficient administration of the local government area, the expeditious processing of statutory applications and the maintenance of compliance with the state and Council's statutory documents.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Resolves in accordance with Section 5.42(1) of the *Local Government Act 1995*, and other Acts as designated, to approve the delegation of powers and duties in accordance with the Register of Delegations, Authorisations and Appointments (including Council appointed officers) as attached at 9.1.4 (1); and
2. Note that the Chief Executive Officer sub-delegates powers to employees of the Shire Administration as appropriate.

ATTACHMENTS

- | | |
|---|--------------|
| 1 ➡ Shire of Manjimup Register of Delegations, Authorisations and Appointments 2024 | 119
Pages |
|---|--------------|

ATTACHMENT APPENDIX

9.1.5 Proposed Review of Council Policy 2.5.2 Prosecution on Behalf of Council

PROPONENT	Shire of Manjimup
OWNER	N/A
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:	31 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council Policy 2.5.2 Prosecution on Behalf of Council (the Policy) has been in place since 25 July 2002, and was last reviewed 12 November 2019. A copy of the current Policy is appended.

APPENDIX: 9.1.5 (A)

The Policy is scheduled for review in December 2023. A copy of the reviewed Policy is attached.

ATTACHMENT: 9.1.5 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The current Policy is still relevant in its intent. It is recommended that a minor adjustment to the wording of the 'Infringements' section to clarify the role of the Chief Executive Officer in the infringement appeals process be undertaken. This has been included in the reviewed Policy attached.

No other changes to this Policy are deemed necessary, and Council is requested to adopt it in accordance with Attachment **9.1.5 (1)**.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Regular reviews are undertaken of Local Government operations and policies are necessary to provide strategic direction and improve operations.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The Policy seeks to limit financial costs to the Shire.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt Policy 2.5.2 Prosecution on Behalf of Council as reviewed and attached at 9.1.5 (1).

ATTACHMENTS

1 [⇒](#) Policy 2.5.2 Prosecution on Behalf of Council - Reviewed 1 Page

APPENDICES

A [⇒](#) Policy 2.5.2 Prosecution on Behalf of Council - Current 1 Page

ATTACHMENT APPENDIX

9.1.6 Proposed Review of Council Policy 5.2.3 Collection of Outstanding Infringement Notices

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	N/A
FILE REFERENCE:	F160048
LEGISLATION:	<i>Local Government Act 1995, Dog Act 1979, Cat Act 2011, Planning and Development Act 2005, Litter Act 1979</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	31 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies require regular review to ensure the contents remain relevant and appropriate. Council Policy 5.2.3 Collection of Outstanding Infringement Notices (the Policy) is due for its review. A copy of the current policy is appended.

APPENDIX: 9.1.6 (A)

This Policy has undergone substantial review with a revision to a number of policy measures and the procedure for the assessment and determination of infringement appeals by Shire employees and the Chief Executive Officer. It is also proposed that this policy be renumbered and administered by the Office of CEO. A copy of the proposed updated Policy is attached for adoption.

ATTACHMENT: 9.1.6(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

This Policy was last reviewed in 2008, and since that time there has been legislative change that has occurred which requires revision of the policy items listed below.

Updates to Policy Background & Issues, Objectives and Area of Application

Background & Issues

This section has been introduced to highlight the Policy purpose.

Objectives

This is simply a renaming of the 'Policy Outcomes' section of the current policy. No substantive change has been made as these statements are still relevant.

Area of Application

This section specifies who (an Authorised Officer) can issue an infringement on behalf of the Shire of Manjimup.

Revision of Policy Measures and Appeal Procedure

The policy measures and appeal procedure have been amended to reflect contemporary practice when issued or being assessed for appeal. This process is modelled on the infringement and appeals process of other Western Australian local governments.

Additionally, it has been clarified that an overdue fines are forwarded to the Fines and Enforcement Registry of the State Department of Justice.

Departmental Reallocation and Renumbering

Given the proposed policy now covers infringements issued under the *Planning and Development Act 2005*, it is recommended that for administrative purposes it be reallocated to oversight by the Office of CEO in the Corporate policy section and renumbered accordingly.

Conclusion

No further amendments to the policy are required, and it is recommended that Council adopt the policy according to the officer recommendation provided.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Dog Act 1979, Cat Act 2011, Litter Act 1979 and Planning and Development Act 2005

POLICY / STRATEGIC IMPLICATIONS:

Policies should be periodically reviewed to ensure currency and effectiveness.

ORGANISATIONAL RISK MANAGEMENT:

As described above at Policy/Strategic Implications.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.


Social: Council is obliged to set good policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

VOTING REQUIREMENTS: SIMPLE MAJORITY


OFFICER RECOMMENDATION:

That Council adopt Policy 2.5.3 Collection of Outstanding Infringement Notices as attached at 9.1.6(1).

ATTACHMENTS

1 	Proposed Policy 2.5.3 Collection of Outstanding Infringement Notices	2 Pages
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APPENDICES

A 	Current Policy 5.2.3 Collection of Outstanding Infringement Notices	2 Pages
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ATTACHMENT APPENDIX

9.1.7 Proposed Review of Council Policy 1.1.4 Councillor Continuing Professional Development

PROPONENT	Shire of Manjimup
OWNER	N/A
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:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies are reviewed regularly to ensure consistency between the policies, Council decision making, and to respond to community feedback. Generally this occurs after a period of four years, or where modifications are required to reflect legislative changes or industry practice.

Council Policy 1.1.4 Councillor Continuing Professional Development (the Policy) is now due for review. A copy of the current policy, is appended for Council's reference.

APPENDIX: 9.1.7(A)

The current policy was workshopped with Councillors on 16 November 2023. The purpose of this item is to consider adoption of the revised policy as is required under legislation.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

A policy review is intended to review existing policies based on past performance, future demands and changes to relevant legislation. It also provides an opportunity to rescind policies deemed redundant and/or no longer effective for the purpose for which they were originally adopted.

The ongoing functionality and intent of this policy since it was initially presented to, and adopted by Council in March 2020 is considered adequate. The current policy was workshopped with Councillors on 16 November 2023, with a number of changes to policy content identified. These are discussed below.

Council Capacity Building

A new section, Council Capacity Building, has been included in the reviewed Policy. This section provides context for Councillor training and development to

be completed as a group. Training and development completed by Council as a group will allow them to discuss and apply learning as they go, have a shared point of reference and encourage collegiality and good communication between Council members. In addition, it is more cost effective and efficient to deliver training to Councillors as a group.

Removal of Continuing Professional Development (CPD) Hours Section / Inclusion of Eligible Activities Section

It has been determined that it is unnecessary to maintain reference to CPD hours in regard to Councillor training and development. Provided that Council as a collective seeks to undertake training and development, the need for designated CPD hours across the 8 identified themes is considered onerous.

Instead, a list of eligible activities which would count towards training and development for Councillors has been included in the Policy. This also has the effect of clarifying what constitutes training and development in accordance with legislative requirements and what does not.

Inclusion of Registration, Travel and Expense Section

Section 5.129 of the *Local Government Act 1995* requires that the Policy describe the reimbursement of registration, travel and expenses. As such, a new section outlining this has been included. Except in the event of an emergency, Councillors will require the Chief Executive Officer's prior approval when seeking reimbursement of any expenses related to registration or travel. This section also carries through points 3 and 4 of Council Policy 1.1.7 Registration of Conferences, Seminars, Training – Councillors, which describes reimbursement and the suggestion Councillors provide a verbal report back to Council on training attended.

The only other change made to the policy is the update of the next review date, which will be in December 2025, in line with the next Local Government Elections. A copy of the reviewed policy is attached.

ATTACHMENT: 9.1.7(1)

Rescission of Council Policy 1.1.7 Registration of Conferences, Seminars, Training – Councillors

The revision of Council Policy 1.1.4 has made the current Council Policy 1.1.7 Registration of Conferences, Seminars, Training – Councillors redundant. It is therefore recommended that this policy be rescinded as most of its content has been carried into Council Policy 1.1.4. A copy of the current Policy is appended.

APPENDIX: 9.1.7(B)

Given the above it is recommended Council adopt the Policy as amended and rescind Council Policy 1.1.7 as proposed.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

The proposed new Policy meets Strategy E9 of the Shire of Manjimup Strategic Community Plan 2021-2031: "Identify and mitigate organisational risks."

This Policy meets the requirements of sections 5.126, 5.127, 5.128 and 5.129 of the *Local Government Act 1995* regarding the professional development of Councillors.

ORGANISATIONAL RISK MANAGEMENT:

In accordance with the *Local Government Act 1995*, this proposed Policy is to be reviewed after every Local Government Election to identify Council's training needs, in order to action its strategic direction for the next 2 years. Should Council readopt the policy as attached, the risk of non-compliance with the *Local Government Act 1995* will be mitigated.

FINANCIAL IMPLICATIONS:

All costs for Councillor training will be borne by the Shire of Manjimup.

Ongoing, the cost of the training is expected to be significant, and it is recommended that Council consider its training needs yearly during the development of each Annual Budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Adoption of the proposed Policy will contribute towards ensuring Councillors are skilled in understanding their role and improving their decision-making abilities and knowledge of local government processes. The policy also improves the accountability and transparency of the local government.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:



- 1. Adopt Council Policy 1.1.4 Councillor Continuing Professional Development as attached at 9.1.7(1);**
- 2. Rescind Council Policy 1.1.7 Registration of Conferences, Seminars, Training – Councillors as appended at 9.1.7(B); and**
- 3. Set a budget to meet Council's identified training needs at the time of setting the Shire of Manjimup 2023/2024 Annual Budget.**

ATTACHMENTS

1 ➡ Proposed Council Policy 1.1.4 Councillor Continuing Professional Development

4
Pages

APPENDICES

A 	Current Council Policy 1.1.4 Councillor Continuing Professional Development	3 Pages
B 	Council Policy 1.1.7 Registrations for Conferences, Seminars, Training - Councillors	1 Page

9.1.8 Correction of August 2024 Council Meeting Date

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Business Directorate
FILE REFERENCE:	F170041
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Brian Robinson
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At its Ordinary Meeting held on 26 October 2023, Council was requested to consider endorsing the proposed Council meeting dates for the 2024 calendar year. In response Council resolved (Resolution 29309) to endorse the meeting schedule, advertise the proposed dates and adopt a change to a predominantly four weekly meeting schedule.

Subsequently it has been identified that whilst the agenda item identified a date of 1 August 2024, the resolution incorrectly reflects the date 8 August 2024.

Council is requested to resolve to correct the approved date of 8 August 2024 to read 1 August 2024.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As outlined within the 26 October 2023 agenda item, it was proposed to reduce the number of meetings from 17 to 14, increasing the time between a number of meetings from three to four weeks but retaining a three weekly cycle around the period of budget preparation. The report recommended the following Council meeting dates:

Council Meeting Dates for 2024		Locations
Thursday	18 January	Manjimup
Thursday	15 February	Manjimup
Thursday	14 March	Northcliffe
Thursday	11 April	Manjimup
Thursday	2 May	Manjimup
Thursday	23 May	Pemberton
Thursday	13 June	Manjimup
Thursday	11 July	Manjimup
Thursday	1 August	Manjimup

Thursday	22 August	Manjimup
Thursday	12 September	Walpole
Thursday	10 October	Manjimup
Thursday	7 November	Manjimup
Thursday	5 December	Manjimup

The Officer's Recommendation however contained a typographic error identifying 8 August. Council is requested to resolve to modify the proposed date to read 1 August 2024.

STATUTORY ENVIRONMENT:

In accordance with the *Local Government Act 1995*, Council is required to formally adopt and advertise the meeting schedule for the year. Section 5.3 of the *Local Government Act 1995* requires Council to hold ordinary meetings not more than three months apart.

POLICY / STRATEGIC IMPLICATIONS:

Council adopted a revised *Council Policy 1.1.1 – Council Meeting System* at its Ordinary Meeting held on 16 November 2023 (Resolution No 29334).

ORGANISATIONAL RISK MANAGEMENT:

Should the date not be corrected there would only be two weeks between the two meetings to be held in August.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- a) **Modify the proposed Ordinary Council Meeting date of 8 August 2024 as reflected within Council Resolution 29309 to be 1 August 2024; and**
- b) **Give public notice of the 2024 Ordinary Council Meeting schedule as contained at point 1 above in accordance with the provisions of the *Local Government Act 1995*.**

ATTACHMENT**9.2.1 Quarterly Report - July to September 2023 - Business Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160966
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	29 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the quarter ending September 2023 for the Business Directorate is attached.

ATTACHMENT: 9.2.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The report outlines key activities that have occurred for the first quarter of 2023/2024. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising from those activities.

STATUTORY ENVIRONMENT:

Nil.

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

There is a medium risk with insignificant consequence to the organisation by 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 July to September 2023 Quarterly Report – Business Directorate as contained in the Attachment: 9.2.1(1).

ATTACHMENTS

1 ➡ Quarterly Report - July to Sept 2023 - Business Directorate 15 Pages

9.2.2 Proposed Mortgage over Lease of Site 218 Windy Harbour

PROPONENT	Westpac Banking Corporation
OWNER	Management Order to Shire of Manjimup
LOCATION / ADDRESS:	Site 218 Gregory Way, Windy Harbour
WARD:	Rural
ZONE:	Special Use Zone No 5
DIRECTORATE:	Business
FILE REFERENCE:	F180291
LEGISLATION:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
AUTHOR:	Jasmine Bamess
DATE OF REPORT:	27 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Chief Executive Officer has delegated authority from Council to consent to mortgages over Windy Harbour leases, subject to the term of the mortgage or loan being less than the remaining term of the lease where possible or a maximum of 20 years.

The lease of Site 218 Windy Harbour is currently under contract for sale and a new 20 year lease to the buyers has been approved under delegated authority.

A request for a mortgage to be registered over the new lease has been received, however the term of the loan is 30 years, being longer than the 20 year lease term and therefore this is now referred to Council.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Mortgagee, Westpac Banking Corporation, are aware that the term of the lease will be 20 years.

The mortgage will be registered over the lease interest only, which in effect is a 20 year mortgage term. However, as the loan term is 30 years, there may be an expectation from the bank for a second mortgage to occur if a new lease is registered. The lease conditions provide that the lessee will be given first right of refusal for a new lease at the end of the 20 year term.

In the event that the mortgage is not discharged when the lease expires, Landgate would contact the mortgagee for discharge of the mortgage prior to any further actions being able to be registered regarding the lease. Any implications of the mortgage not being discharged would impact the lessee in the event of them requesting to be granted a new lease or to sell the lease.

The bank may review the term of the loan prior to the end of the 20 year lease term if the loan is repaid faster than the initial repayments were calculated.

As the mortgage will be registered over the lease interest only and the mortgagee are aware that the lease term is 20 years, it is recommended to provide consent, subject to consent also being provided by the Minister for Lands.

STATUTORY ENVIRONMENT:

Each mortgage consent over a Crown lease must receive the approval of the Minister for Lands in accordance with the *Land Administration Act 1997*.

POLICY / STRATEGIC IMPLICATIONS:

Council Policy 4.2.2 Windy Harbour Leases outlines Authority is delegated to the Chief Executive Officer to consent to mortgages over Windy Harbour leases, subject to:

1. mortgage term being less than the remaining term of the lease where possible or a maximum of 20 years;
2. charge for the mortgage being over the applicants lease interest only, not the land;
3. the terms and conditions of the mortgage being reviewed and agreed to by the Chief Executive Officer;
4. consent of the Minister for Lands in accordance with Section 18 of the *Land Administration Act 1997*; and
5. the mortgagee being advised that should the Lessee default on the mortgage conditions, the mortgagee must not assign, sublet, charge, part with possession of, transfer or otherwise dispose of the lease without prior written approval of the Shire of Manjimup.

ORGANISATIONAL RISK MANAGEMENT:

When the 20 year lease expires, a new lease will not be able to be registered unless the mortgage is discharged.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council consent to the registration of a mortgage by Westpac Banking Corporation over the 20 year lease of Site 218 Windy Harbour, acknowledging that the loan term is 30 years subject to:

- 1. The mortgage being over the lease interest only and not the land;**

- 2. The approval of the Minister for Lands; and**
- 3. Should the Lessee default on the loan, the Mortgagee must not assign, sublet, charge, part with possession of, transfer or otherwise dispose of the lease without prior written approval from the Shire of Manjimup and the Minister for Lands.**

ATTACHMENT**9.3.1 Monthly Statement of Financial Activity - October 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:	23 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The *Local Government (Financial Management) Regulations 1996* require monthly Statement of Financial Activity 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 Statement of Financial Activity report for the period to 31 October 2023 is attached. The report is summarised by Type with operating comments identifying departments with a reportable variance.

ATTACHMENT: 9.3.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 31 October 2023 is a projected profit of \$284,073.

The projected profit is based on a conservative approach highlighting possible issues as they occur, which in most cases can be rectified or offset with under expenditure in other areas as the Shire progresses through the financial year.

To the 31 October 2023 the improved projected surplus is being driven primarily by the confirmation of the Shire of Manjimup's actual end of year position for the 2022/23 financial year. The 2023/24 adopted budget contained a projected carry forward surplus from the previous year of \$7,659,291 and after completion

of the Annual Financial Account's audit process, the final position to the 30 June 2023 is \$7,926,507 a variance of \$267,216.

The projected surplus within the 31 October 2023 monthly accounts is \$429,216 however given the advice from the Department of Local Government, Sport and Cultural Industries of the overpayment of the Shire's Financial Assistance Grant, it would be prudent to set aside the \$145,143 overpayment from this leaving a projected profit of \$284,073.

Other than the 2022/23 carry forward dividend, Interest Received is generating a conservative projected win fall of \$180,000. Shire Officer's invest Council's municipal funds as per Council policy in a series of Notice Saver Accounts which offer up to 4.5% interest, and that rate is roughly halved when the funding is "put on notice" (requested back in a certain time frame). The Interest Received budget is traditionally set low due to the volatile nature of interest rates and the effect an adjustment to this account would have on future budgets if set too high. Demonstration of this is in 2021/22, interest generated was \$18,512 for the whole financial year and this financial year to 31 October 2023 is \$228,347.

Given the level of certainty of the current items that form the projected surplus, it would be appropriate as part of the December Review to allocate the \$284,073 projected surplus, plus the unallocated \$60,000 general purpose line that formed part of the 2023/24 adopted budget. It is proposed that a budget workshop be held in January 2024 with Councillor's to allocate the funding to projects deemed important for this one-off funding.

Other than the items mentioned above, no other major discrepancies have come to light in the four months after adopting the 2023/24 budget. After adjusting the budget to expend the current projected surplus, with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2024.

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 Statement of Financial Activity Report for October 2023 as per Attachment: 9.3.1(1).

ATTACHMENTS

1 ➡ Monthly Statement of Financial Activity - October 2023 17 Pages

ATTACHMENT

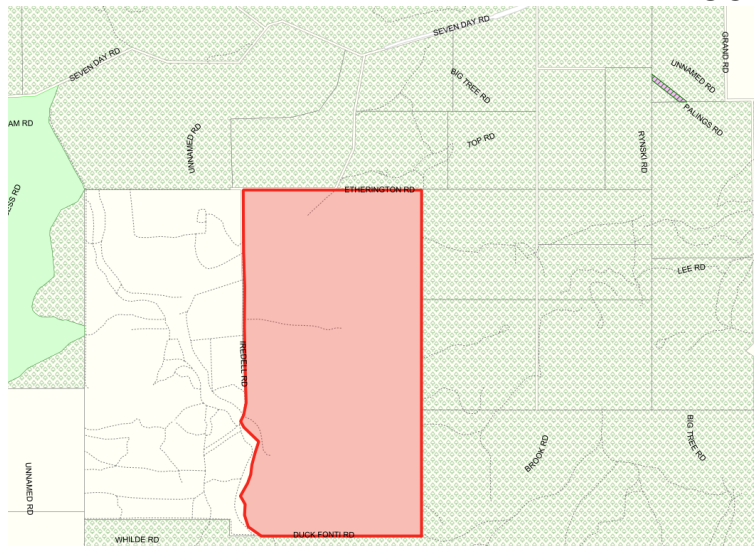
9.5.1 Application for Retrospective Approval for Rural Workers Accommodation, Grouped Dwellings, Industry - Rural, Agriculture Extensive and Proposed Additional Rural Workers Accommodation at Lot 100 (122) Etherington Road, Beedelup

PROPONENT	Harley Dykstra Pty Ltd
OWNER	Mecca Holdings Pty Ltd & Red Moon Property Holdings Pty Ltd
LOCATION / ADDRESS:	Lot 100 (122) Etherington Road, Beedelup
WARD:	Rural
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/76 P58097
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	21 November 2023
DECLARATION OF INTEREST:	Nil

Council deferred consideration of this item at its Ordinary Meeting held on the 26 October 2023. This item was also withdrawn by the landowner from consideration by Council at its Ordinary Meeting held 16 November 2023. The below item is represented to Council without modification from its deferral on 26 October 2023. Correspondence was sent to the landowner and their representatives providing an opportunity to review the recommendation and request any amendments. At the time of writing this report no reply has been received.

BACKGROUND:

Lot 100 Etherington Road, Beedelup is 430.5 hectares in area and is located to the south of Seven Day Road. The property is surrounded by State Forest to the north, south and east. A similar sized parcel of land is located to the west. Development of the property is associated with the establishment of an orchard. A location plan is provided below.

LOCATION PLAN

In 2021 an audit of aerial imagery identified that a substantial level of development/building work had occurred on the property despite no approvals being sought. Shire Officers initially contacted the landowner in June 2021 with correspondence identifying building works that may have been undertaken at the property without the necessary approvals being obtained.

A site meeting was subsequently held with a representative from the company, where following an explanation of the severity of the suspected offences under Planning, Building and Health legislation, a verbal apology was offered. The landowner has since engaged Tecon Building Surveyors and Harley Dykstra to assist in the legitimising of the unauthorised works.

As a result the applicant is now seeking retrospective planning approval for:

- Expansion of land used for Agriculture – Intensive;
- (T, S, R) intensification of Industry – Rural to legitimise the additional floor area;
- (D) a 5,142m² machinery shed;
- (P) Office building including tearoom and ablutions;
- (O) 58.85m² Chemical store shed;
- (N) 336.34m² Storage shed;
- (F) 709.698m² Workshop including office, ablutions and laundry (previously machinery shed);
- (A, J) two dwellings for permanent staff accommodation;
- (J1) a four bed transportable with ensuite (donga); and
- (E) an increase from Rural Workers Accommodation housing 12 to 36 seasonal workers.

The applicant is also seeking approval for additional Rural Workers Accommodation to house an extra 14 seasonal workers to a total of 50, which have been placed on site and plumbed in without any approval. A copy of the proposal and plans are attached.

ATTACHMENT: 9.5.1 (1)

This report was initially prepared for the Ordinary Council meeting of the 7 September 2023, however was withdrawn from the Agenda at the request of the landowner. Subsequently, Shire Officers met with the applicant, landowner and the landowner's legal representative on site to discuss the proposal. As a result of the onsite meeting, the report has been slightly altered to reflect flexibility around the permanent dwellings on the property.

PUBLIC CONSULTATION UNDERTAKEN:

In July 2023, the application was advertised in accordance with Clause 9.6 of the Local Planning Scheme No 4 (the Scheme) for a 42-day period. A notice was placed on the Shire's website, in the local paper, a sign was placed on site and advice of the application was forwarded to the Ward Councillors. The application was also forwarded to the Department of Water and Environmental Regulation (DWER), the Department of Biodiversity Conservation and Attractions (DBCA) and the Department of Fire and Emergency Services (DFES).

Submissions closed on the 9 August 2023. DBCA had no objections to the proposal however provided advice related to ongoing fire management practices. DWER advised that the proposal has the potential for impact on the environment and water resources.

The proposal was referred to DFES as Shire Officers had a differing opinion to the applicant with regards to the vulnerable land use association and the seasonal workers accommodation. DFES advised that modification to the Bushfire Management Plan (BMP) was required and that the workers brought to the site may not be familiar with the location and therefore may be less able to respond during an emergency and Council should consider this when determining if the users of the property are “Vulnerable”.

Copies of the submissions are provided attached whilst their content is addressed in the Comment section below.

ATTACHMENT: 9.5.1 (2)

COMMENT (Includes Options):

The subject property is zoned Priority Agriculture by the Scheme. In addition, the land is located within Special Control Area 1 – Lefroy Brook Catchment Area. The purpose of the zone as outlined in Clause 4.2 of the Scheme is to provide for intensive agricultural and horticultural production where water resources exist, while the objectives encourage value adding opportunities to agricultural products at the source.

In accordance with clause 6.1.5 of the Scheme all development is prohibited without prior approval of the local government, including land use and any development listed in clause 8.4 Permitted Development.

Non-compliance

A review of Shire records indicates that the approvals were previously obtained for six permanent dwellings (for staff) and one short stay accommodation building and an Industry–Rural (Cool Store) of 4,620m². Plans submitted in 1992 and 1995 indicated existing ‘single men’s quarters/pickers accommodation’.

Through examination of aerial photography and inspection of the site, Shire Officers have identified the following development has occurred without the required prior approval(s):

- a dwelling and shed located 25m to the south of Etherington Road, which do not have any record of approval from planning, building or health legislations;
- an additional transportable dwelling and four room donga within the staff accommodation cluster which do not have any approvals from planning, building and health;
- a 5,142m² building being used for a Machinery Workshop and Store inclusive of office, tearoom and separate ablutions that do not have planning, building or health approvals;
- an unknown number of rural workers accommodation that do not have planning, building or health approvals (including a patio structure over the buildings that does not have building approval);

- three permanent dwellings in the cluster that have received planning approval do not have building permits;
- a main office that does not have planning, building or health approvals; and
- an Industry-Rural (Cool Store shed) that has been expanded to approximately 6,000m².

It should be noted that the seven (7) previously authorised dwellings have no planning compliance issues.

Matters to be Considered

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:

- “(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area”; and*
- “(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.”*

To guide Council in its determination of the application the following comments are offered:

Land Use Classifications

The expansion of the Agriculture – Intensive (orchards) including the main office, workshop is consistent with the land use definition being – *“premises used for trade or commercial purposes, including outbuildings and earthworks, association with the following:*

- a) The production of grapes, vegetable, flowers, exotic or native plants, or fruit or nuts;*
- b) The establishment and operation of plant or fruit nurseries, and*
- c) The development of land for irrigation fodder production or irrigation pasture (including turf farms).”*

The expansion to the existing Cool Store facility and construction of the structure used for Machinery Workshop are consistent with the land use classification of ‘Industry – Rural’, being either *“an industry handling, treating, processing or packing rural products; or a workshop servicing plant or equipment used for rural purposes”*.

The two unauthorised dwellings for permanent staff and their respective families and a four room donga, in addition to the six dwellings that have already approval, are consistent with the definition for Dwelling – Grouped being – *“a dwelling (a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis) that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another.”*

The addition of accommodation to house seasonal workers is consistent with the definition for Rural Workers Accommodation meaning – *“a building located on a rural landholding which is used for short stay, sleeping quarters for*

seasonal, temporary or migratory workers working on that landholding and is to be incidental to the agricultural use of that land.”

Land Use Permissibility

The table below summarises the land use permissibility of each of the uses mentioned above.

Agriculture – Intensive (orchards)	P
Industry – Rural	A
Dwelling – Grouped	X
Rural Workers Accommodation	A

Agriculture – Intensive (orchards) is a ‘P’ use with the Priority Agriculture Zone. That is it is a use that *“is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.”*

An Industry – Rural and Rural Workers Accommodation are both an ‘A’ use within the Priority Agricultural Zone. That is, they are uses that are *“not permitted unless the local government has exercised its discretion by granting approval after giving special notice in accordance with Clause 9.6.”* As detailed in the public consultation section above, advertising of the application has been completed.

A Dwelling – Grouped is an ‘X’ use within the Priority Agriculture Zone meaning it is a use that is not permitted by the Scheme. As mentioned in the background section, the Shire has on record seven (7) dwellings on the property prior to the introduction of the current Scheme provisions.

There are currently eight (8) permanent dwellings on the property occupied by staff and their families, one other was approved to change to short stay accommodation and is used by the owner on occasion. Of the eight dwellings there are two that have no approvals at all. For the remainder of the report the assessment will focus on the two unauthorised dwellings labelled A and J on the Site Plan.

Consistency with Zoning

The proposed expansion to the Industry – Rural and the Agriculture – Intensive is considered to meet the objectives of the zone as it allows for the intensive horticultural activities where water resources exist and provides for the storage of produce within close proximity to the growing of produce, reducing the negative impacts of transport.

Development Requirements of the Scheme

In accordance with clause 5.34.2.4(a) of the Scheme, with the exception of a single dwelling, where the proposed development is for non-agricultural purposes, the local government shall require a 100 metre setback from existing agricultural land uses on adjoining land. The dwellings on the property cannot achieve the required 100 metre separation to agricultural activities, with the closest being at 25 metres to the orchard operations.

Notwithstanding the 100m requirement, in accordance with clause 5.34.2.4(b) a lesser setback may be approved *“where the applicant can demonstrate to the satisfaction of the local government that land use conflicts may be ameliorated by appropriate management design or buffer planting.”* Management of this is within the control of the landowner and appropriate measures could be put in place to ameliorate land use conflicts.

During conversations with the landowner onsite, Shire Officers were advised that as the workers were not residing in the dwellings during the day, the impacts from the agricultural activities were not an issue. Shire Officers consider this statement to not take into account other members of their family who may not be employed at the property, when the inhabitants might be unfit for work or on leave from work and staying home. Unlike other industries which have accommodation onsite, these dwellings are permanent accommodation for the staff, without another home to go to when they are not working.

Given the subject premises are already in existence, should Council approve the additional dwellings, it is recommended that the landowner be required to ensure the tenants are made aware that the dwellings are located within a priority agricultural area and may therefore be subject to impacts associated with rural activities.

Additional Dwellings (Grouped)

Clause 5.34.2.6 enables the local government to approve up to two dwellings, including any approved caretakers dwelling where the need for that accommodation is justified. However, clause 5.34.2.6 (iv) states regardless of other provisions of the Scheme, the local government *“will not support 3 or more dwellings on any title/lot regardless of the dwelling type (dwelling, ancillary accommodation, caretakers dwelling, rural workers accommodation)”*

The nine (9) dwellings plus Rural Workers Accommodation far exceeds the number considered acceptable under the Scheme provisions. Seven (7) of the dwellings are existing and part of previous approvals.

Shire Officers attended the property and gained a greater understanding of the use of the permanent dwellings, the onsite manager advised that not all the dwellings were occupied. Therefore, should the two unauthorised dwellings be refused, no immediate impact to the operations of the business is anticipated.

It should be noted that the two dwellings which have no approvals may only be approved through a relaxation of Scheme standards/requirements.

Rural Workers Accommodation

Clause 5.34.2.7 of the Scheme states that where a property has been developed for agricultural purposes, ‘Rural Worker’s Accommodation’ is permitted provided it can be demonstrated to the satisfaction of the local government that a demand exists. As detailed in the background section above, the subject land is developed with a substantial orchard and associated dams. The property contains at least four different types of produce, extending the harvesting period from October to May each year. As the harvesting hours are Monday to Friday from 7am to 4pm and the property is in a somewhat isolated

location, the landowner has the preference to provide accommodation onsite to the seasonal workforce. Additional permanent locally based casual staff are used during harvest.

The provisions of the Scheme currently restrict the occupation of 'Rural Workers Accommodation' to short stay, meaning that no person may occupy the accommodation for a period of more than 3 months within any 12-month period. In order to remove the 3 month limitation Council initiated Amendment No. 29 in December 2022 to reflect farm crop diversification and longer harvesting/growing seasons. The amendment has recently been referred to the Environmental Protection Authority and the Department of Planning Lands and Heritage, however as it is considered a Basic Amendment it will not require advertising for public comment.

Parking Requirements

Although Industry-Rural is not listed as a use in Table 2: Car Parking Requirements, it is reasonable to assume that the parking requirements would be similar to Industry – General being 1 car bay per 100m². With the addition of 1,380m² of floor space at the Cool Store, the additional parking requirements would be 14 bays.

In accordance with clause 5.17.9 of the Scheme, except as otherwise approved by Council, all parking bays and the associated accessways are required to be constructed with a sealed drained surface comprising bitumen seal, concrete, brick paving or pea-gravel seal on a compacted gravel base with satisfactory:

- (i) Drainage to a sump and connected to the local governments main drain system;
- (ii) Surface lines being marked out to show the manner in which the parking is to be used; and
- (iii) Landscaping where large parking areas are involved to effectively screen the paved area from view from the street and within the parking area to provide shade.

In this case, access to the main development is provided by a bitumen seal and some parking is available on concrete aprons associated with the main Cool Store, the balance of the parking and associated accessways are constructed of pea gravel. Although formalisation of the parking and line marking is recommended in accordance with the Scheme, given the size of the property, the fact the majority of the land consists of orchard and there is no drainage systems in the area, formal drainage systems and landscaping are not recommended.

The Industry – Rural Machinery Workshop, normally attract a requirement for 50 car parking bays, however it was evident on site that parking is occurring ad-hoc and within the building itself.

Despite the demands for parking bays calculated above, it is Shire Officer's opinion that the only bays that require formalisation is those associated with the site office, labelled P on the site plan. All other parking demands at the property is generated by employees and managed according to the use of the buildings.

Relaxation of Standards

In accordance with Clause 5.5 of the Scheme, the local government may approve an application for planning approval, despite the application not complying with the standard or requirement prescribed under the Scheme. However, prior to relaxing a standard, the local government must be satisfied that:

- “i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- ii) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

In this case, the following elements of the application may only be approved through a relaxation of standard: with regards to

- the setback to agricultural activities;
- the number of dwellings permitted; and
- the increased time for occupancy within the Rural Workers Accommodation.

The intent of these standards is to limit the potential for agricultural activities to impact on the health and amenity of residents, whom which might normally not be aware of or anticipate the impacts.

Housing Considerations

As detailed within section entitled Additional Dwellings above, clause 5.34.2.6 (iv) of the Scheme states that regardless of other Scheme provisions, the local government *“will not support 3 or more dwellings on any title/lot regardless of the dwelling type.”*

In support of the retrospective application for an additional two dwellings the applicant has advised as follows:

“The orchard employs permanent workers, with these staff offered onsite accommodation due to the lack of housing available nearby and to incentivise the move to a rural area. Specifically, dwelling A houses the orchard manager with J & L housing general workers.

Without these housing options onsite, it would be significantly more difficult to find employees. As such, these dwellings are necessary in order to effectively carry out the orchard operations.”

Limiting the number of dwellings on a Priority Agriculture zoned property is consistent with the need to avoid land use conflict or the introduction of uses that may restrict agricultural activities undertaken on either the property on which the development is located, or adjacent land. As mentioned previously none of the staff accommodation dwellings achieve a 100m separation distance to the agricultural activities and approval to additional dwellings may put those residents at risk of impact from noise, odour, dust or spray drift.

Despite the existing approved permanent staff dwellings on the property, an application for nine dwellings on a property zoned Priority Agriculture is not supported by Shire Officers due to the legal precedent that this would create

under the current Scheme. In order to provide flexibility to the landowner, as long as the development achieves compliance with the development standards of the Scheme, it is recommended that approval be granted to no more than seven (7) permanent dwellings. Two dwellings are recommended not be included in the retrospective approval and a condition relating to the removal of these buildings from the property within 90 days is included. Unless an application is received with 90 days for the relocation of the four-room donga the refusal and removal of this building from the property is also recommended.

Shire Officers are fully supportive of the increase to the Rural Workers Accommodation, subject to the compliance with other legislation and bushfire requirements, given the temporary habitation of the occupiers and the fact the occupiers would be employees only.

Bushfire Prone Area

The property is located within a 'bushfire prone' area as declared by the Commissioner for Fire and Emergency Services. The applicant has had a Bushfire Attack Level (BAL) assessment undertaken by an accredited Assessor which has identified that there are multiple buildings located within a BAL Flame Zone (FZ). The BAL assessor has identified that all buildings can achieve a BAL 29 with the implementation of an appropriate Asset Protection Zone (APZ). The APZ will be achieved with a combination of a managed/removed vegetation within an area offset from the habitable building and hazard reduction in accordance with the Shire of Manjimup's Annual Fire Break and Hazard Reduction Notice.

Where the removal or modification to onsite native vegetation is required, detailed flora and fauna assessments and applications for clearing permits will be required. It is recommended that the Bushfire Management Plan (BMP) implementation schedule be conditioned to be adhered to as part of any conditions of approval.

State Government Agency Submissions

As mentioned previously submissions were received from DBCA, DWER and DFES. Comments from DFES indicate that it has concerns regarding the emergency evacuation plan and the emergency access to the property. It is recommended that the BMP be updated in response to the DFES comments, to the satisfaction of the Shire.

DWER Submission

DWER has advised that it has identified that the proposal has the potential for impact on the environment and water resources in respect to:

- the effluent disposal, potential nutrient and pathogen impacts, separation to groundwater;
- machinery wash down and chemical storage; and
- clearing of native vegetation.

Shire Officers have reviewed the advice from DWER with regards to the Public Drinking Water Source Area and native vegetation clearing and have included in the Officer Recommendation, conditions and advice regarding:

- Aerobic Treatment Units for effluent disposal and upgrade of existing systems with 100m separation to waterways and 2m separation to ground water;
- Bunding shall be installed to ensure stormwater from the machinery washdown area does not enter the water ways or the dam and a vegetated buffer from the washdown area to sensitive water resources is established; and
- An emergency response plan is to be prepared to handle potential contaminant spills and high-risk activities such as mechanical repairs be undertaken on an impervious hardstand surface.

Following site inspections, Shire Officers are of the opinion that the existing effluent disposal systems on the property do not comply with the above requirement and new/replacement effluent disposal system(s) are required. An applicable advice note has been included in the recommendation in this regard.

It is also recommended that the applicant/operator be advised of the requirements for permits and licenses under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and the *Country Areas Water Supply Act 1947*.

Health and Building Requirements

Majority of the development that has occurred without planning approval has also occurred without approvals required pursuant to the current *Building Act 2011*, former *Local Government (Miscellaneous Provisions) Act 1960*, the *Health (Miscellaneous Provisions) Act 2016* and former *Health Act 1911*. A summary of the records on file that the Shire has is provided attached.

ATTACHMENT: 9.5.1(3)

The following examples are provided to Council in order to highlight the severity of the non-compliance with applicable legislation:

- a) It is suspected that there are up to 15 or more on-site effluent disposal systems on-site. According to Council records there are three on-site effluent disposal (septic systems) approved on-site, although it would be plausible that Shire records may not extend through the periods when the systems were installed;
- b) numerous dwellings, sheds, offices, 5000m²+ machinery shed and the extension to the Cool Store building do not have either a building licence or permit issued nor have there been any occupancy permits granted for the use of any Class 2-9 buildings. These could be considered multiple offences under the *Building Act 2011*.

The proposed development will need to meet the health and building requirements to be considered fully compliant. An advice note in regard to these aspects will be included on any approval granted by Council.

Retrospective Application

A decision to grant retrospective approval does not prevent the local government from taking action for a breach of the Scheme requirement for prior approval to be granted.

Legal Action

In accordance with the provisions of the *Planning and Development Act 2005*, a modified penalty may be issued 'in lieu' of a formal prosecution for a breach of the Scheme. In this case, given the significant level of development undertaken without prior approval, the use of a modified penalty is not considered appropriate, and it is believed that legal action is a more appropriate deterrent for this extensive breach of the Scheme.

In addition to the provisions noted above the *Building Act 2011* also contains provisions which relate to the undertaking of building work without a building permit. The penalties associated with offences under this act can include imprisonment if found guilty of a third offence.

Shire Officers will be in contact with the Department of Health regarding the unauthorised septic systems at the property and working with that agency in any action it chooses to take.

Given the severity of, and the number of offences that have been committed in terms of planning, building and health legislation a further report will be presented to Council at the next available meeting regarding the potential commencement of legal action.

Conclusion

Significant development has been undertaken without approvals. Although majority of the development is acceptable as being incidental to the ongoing operations of a commercial orchard, the environmental impacts have not been considered and mitigated. Whilst it is recommended that most of the development is retrospectively approved, two of the staff accommodation dwellings and associated four bedroom transportable are recommended for refusal.

STATUTORY ENVIRONMENT:

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

As mentioned in the Comment section above, significant offences are believed to have occurred and a further report will be presented to Council with regards to legal action.

POLICY / STRATEGIC IMPLICATIONS:

The expansion to Industry-Rural, Rural Outbuildings and Rural Workers Accommodation will assist the Shire in achieving Goals and Strategies of the Strategic Community Plan 2021-2031 being:

Community Goals

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

Strategies

- 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.

- B12. Provide development opportunities and support local small businesses to thrive.
- B5. Collaborate with other stakeholders to develop a transient and seasonal worker strategy to balance their safety, accommodation and employment needs with the needs and aspirations of the residential community.

ORGANISATIONAL RISK MANAGEMENT:

The Shire of Manjimup has been working with the landowner for a number of years in order to legitimise all the unauthorised development across the property. By processing the development application, the Shire is upholding its regulatory function and setting a precedence to deter future unauthorised developments.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Environmental considerations have been identified as part of the DWER submission.

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

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. In accordance with Clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No.4, grants retrospective planning approval for:
 - the extension to Agriculture – Intensive;
 - Industry – Rural (Cool Store);
 - additional (24) Rural Workers accommodation;
 - Workshops;
 - Office; and
 - Machinery Shed
 as well as grant approval for additional accommodation for up to 50 Rural Workers in total at Lot 100 (122) Etherington Road, Beedelup (Application TP 84/2023) in accordance with the plans and specifications attached at Attachment 9.5.1 (1) and subject to the following conditions:
 - a) The development permitted shall be carried out generally in accordance with the plans and specifications as listed below:

Reference	Document Title	Date Received
22902-B	Planning Report	22 June 2023
22902-01	Existing Site Plan	22 June 2023
A002	Building L – Mario's House	22 June 2023
A002	Building P – Office Plan	22 June 2023
A004	Building P – Office Elevations	22 June 2023
A002	Buildings T, S, R, Q Shed Plan 1	22 June 2023
A003	Buildings T, S, R, Q Shed Plan 2	22 June 2023
A004	Buildings T, S, R, Q Shed Elevations	22 June 2023
A003	Building D – Shed Elevations	22 June 2023
A002	Building D – Shed Plan	22 June 2023
A002	Building E – Workers Accommodation Plan	22 June 2023
A003	Building E – Workers Accommodation Shelter	22 June 2023
A002	Building F - Workshop	22 June 2023
A004	Building F – Workshop Elevations	22 June 2023
A002	Building A – Marks House	22 June 2023
A002	Building J – John's House Plan	22 June 2023

- b) Notwithstanding Condition a) above, no additional permanent dwellings are permitted to be located and used on the property, subject to compliance with development standards and to the satisfaction of the Shire of Manjimup. In this regard within 90 days of this determination two of the dwellings currently located at the property are to be permanently removed;**
- c) Unless otherwise approved an adequate supply of potable water through the provision of not less than 1 water tank is to be provided per permanent dwelling which is to have a storage capacity of not less than 135,000 litres located in a position so as to be accessible as a source of water for fire fighting;**
- d) An adequate potable water supply based on 159 litres of water per day per person shall be supplied for the consumption by the Rural Workers Accommodation;**
- e) Unless otherwise approved by the Shire of Manjimup, this approval is limited to the accommodation of a maximum of 50 persons at any one time, each being rural casual workers employed in rural activities undertaken by the landowner;**

- f) A minimum of 1 accessible car bay shall be maintained on site at all times in accordance with the Australian Standard 2890.6-2009, and connected to a continuous path to the main entrance of the Office labelled Building P. The design and signage of the bay(s) and the path(s) are to be in accordance with the Australian Standard 1428.1-2009;
- g) Prior to the issue of any building approvals relating to the now existing development and proposed new facilities, a management plan must be provided detailing the intended treatment of wastewater including storm water. Estimated volumes and details of evaporative dams and drains or other storage for wastewater must be provided and all stormwater retained on the subject property to the satisfaction of the Shire of Manjimup;
- h) All waste materials and by-products of vehicle wash-down areas on the subject property must be contained on site and directed to a suitable waste treatment facility (e.g. triple-interceptor) to the satisfaction of the Shire of Manjimup;
- i) An emergency response plan shall be prepared, guided by the Department of Water Environmental Regulation's "Water Quality Protection Note 10 – Contaminant spills - Emergency Response Plan" and implemented for the life of the development associated with the machinery washdown and servicing areas;
- j) 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;
- k) The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by *Bushfire Prone Planning* dated 18 August 2022 and approved by the Shire of Manjimup for the duration of the development;
- l) The Bushfire Management Plan referred to in condition l above, shall be reviewed having regards of comments received from the Department of Fire and Emergency Services, to the satisfaction of the Shire of Manjimup;
- m) The Asset Protection Zone (APZ) must be established within 90 days of this determination and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Manjimup;
- n) A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the titles of all lots, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and

advising landowners of their obligations in respect to the use and ongoing management of the land; and

- o) 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 Firebreak and Fuel Hazard Reduction Notice endorsed by Shire of Manjimup.

Advice to Applicant

- i. This Development approval is NOT considered building approval. Required building approvals must be formally applied for and obtained from the Shire of Manjimup for all unauthorised buildings;
- ii. The approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 2016* and the *Building Act 2011*;
- iii. With regards to Condition h) to mitigate the risk of chemicals to the Public Drinking Water Source Area:
 - a. fuel and chemical tanks should be managed in accordance with WQPN 56 – Tanks for fuel and chemical storage near sensitive water resources (Dec 2018), adopting measures such as but not limited to ensuring tank storage to 5000L or less, bunding and storage over impervious hardstand surfaces;
 - b. handling and use of chemicals and fuels should be in accordance with WQPN no. 65: Toxic and hazardous substances (April 2015), and following Australian Standards as appropriate;
 - c. high risk activities such as but not limited to mechanical repairs should occur over an impervious hardstand surface, away from waterways, drainage lines and waterbodies, where spills can be fully contained consistent with WQPN 10;
 - d. control measures such as, but not limited to bunding be in place to ensure stormwater from the machinery washdown area and other potentially contaminating activities do not enter drainage lines, waterways or the dam;
 - e. where appropriate, wash down areas and associated drainage facilities should have a minimum vegetated separation distance from water bodies as described in our WQPN 6 Vegetated buffers to sensitive water resources (Feb 2006); and
 - f. stormwater management be consistent with Department of Water and Environmental Regulation's WQPN 68 – Mechanical equipment wash down (September 2013).
- iv. The proponent is advised to liaise with the Shire of Manjimup Environmental Health Services section to determine the

suitability of existing wastewater system based on condition and current/future wastewater volumes;

- v. Prior to lodging an application for building approvals, certain conditions of planning approval may need to be satisfied in order for an amended Bushfire Attack Level (BAL) assessment to be lodged as part of the building permit. This may involve clearing and other measures to downgrade the BAL rating. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established, and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Manjimup;
 - vi. Where clearing of land is involved in any proposed development, the approval of the Department of Water and Environmental Regulation may be required under the provisions of the *Environmental Protection Act 1986* and the *Country Areas Water Supply Act 1947*; and
 - vii. The Department of Biodiversity Conservation and Attractions advises that the property may be affected by the following activities that occur in the adjoining State Forest Reserve:
 - a) prescribed burning for the enhancement and conservation of biodiversity values and/or fire hazard reduction purposes;
 - b) application of herbicides and other chemicals for weed and plant disease control;
 - c) feral animal control; and
 - d) road construction and maintenance.
2. Refuse the four room transportable labelled J1 on the site plan shown at attachment 9.5.1 (1) for the following reasons:
 - a) The building does not provide the minimum facilities to be classified as a dwelling and it is located within a cluster of permanent dwellings; and
 - b) Support of additional accommodation, which does not form part of the Rural Workers Accommodation precinct could set an undesirable precedence for accommodation in the Priority Agricultural Zone;
 3. Note that a Direction Notice requiring the removal of Building J1 and two of the dwellings from the property, will be issued by the Shire of Manjimup.

ATTACHMENTS

- 1⇒ Attachment 1 - Proposal for Retrospective Approval 45 Pages
- 2⇒ Attachment 2 - Combined Submissions 23 Pages
- 3⇒ Attachment 3 - Summary of Shire Records 1 Page

9.5.2 Proposed Motel and Tourist Resort at Lots 71-82 Narocki Way, Chopping Street and Pritchard Street, Manjimup

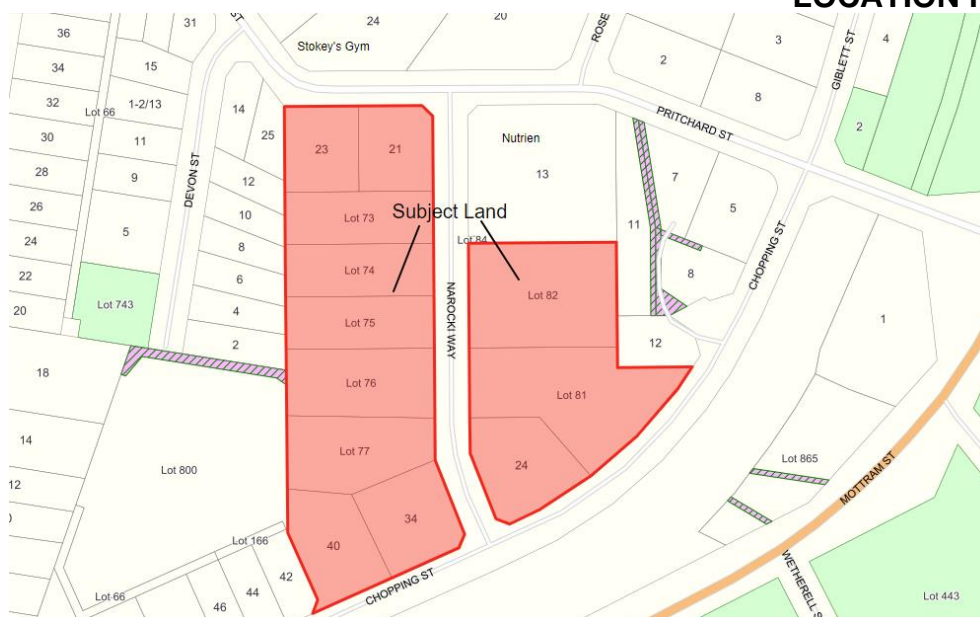
PROPONENT	Scanlan Architects
OWNER	Second GLT Pty Ltd
LOCATION / ADDRESS:	Lots 71-82 Narocki Way, Chopping Street, and Pritchard Street, Manjimup
WARD:	Urban
ZONE:	Town Centre
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/100 P52602
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	21 November 2023
DECLARATION OF INTEREST:	Nil

At its Ordinary Meeting held on the 16 November 2023 Council resolved to defer consideration of this item and invite the applicant and/or owner to present the plans in detail during the next informal meeting, in order that elected members can fully examine and discuss the proposal. The below item is represented to Council without modification.

BACKGROUND:

The subject land consists of 12 parcels, totals 3.69ha in area and is located either side of Narocki Way with frontage onto Chopping Street and Pritchard Street. Land to the west is developed for residential purposes, to the north for light industrial purposed and to the east there is a mix of land uses including the Manjimup Veterinary Clinic, a fitness studio and a mechanic. A location plan is provided below.

LOCATION PLAN



The landowner has obtained conditional approval to amalgamate the properties into two land parcels through two separate subdivision applications to the

Western Australian Planning Commission. Whilst feasible, the Shire has not been approached to close Narocki Way.

Council is in receipt of an application for planning approval for Holiday Accommodation (Hotel) and associated amenities comprising of:

- West of Narocki Way
 - 75 standard villas;
 - 4 Accessible villas;
 - 17x 1 bedroom studio villas;
 - 2 x Accessible 1 bedroom studio villas;
 - Indoor aquatic facility;
 - Gymnasium;
 - 3x Self-service breakfast area and dining area;
 - 3 x Breakout space and lounge areas;
 - Communal landscaped areas (including playground);
 - 3x Outdoor BBQ areas
 - 4x food kiosks;
 - 4x bin stores;
 - Parking for 123 cars;
 - One loading bay;
 - Two reversing bays;
 - One on-street bus bay; and
 - Three on-street car bays.
- East of Narocki Way
 - 18x standard 4 bedroom bungalows;
 - 2 accessible 4 bedroom bungalows;
 - 2x Dining areas;
 - 2x bin stores;
 - Outdoor aquatic facility;
 - Outdoor cinema;
 - Communal landscaped areas;
 - Parking for 24 cars; and
 - Coach bus rest area (grassed).

Whilst copies of the submitted plans are shown attached, A3 copies of the plans will be provided to elected members prior to the meeting.

ATTACHMENT: 9.5.2 (1)

Council is requested to determine the application as Shire officers do not have the delegation to determine development with a value of more than two million dollars and due to the nature of the land use classification.

Due to the value of the development, the applicant could have elected to have the application assessed by the Joint Development Assessment Panel, however has instead proceeded with an application for local authority approval.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was advertised in accordance with clause 9.6 of Local Planning Scheme No. 4 (the Scheme) for a period of 21 days for public comments and was referred to government agencies for a 42 day comment period.

Comments were received from Tourism WA, Water Corporation and the Department of Water and Environmental Regulation (DWER) with five (5) public submissions received. Concerns were raised by the public about the proposal, with one specifically objecting. Whilst the submissions are addressed in the Comments section below, a Schedule of Submissions and copies of the individual comments are provided attached.

ATTACHMENT: 9.5.2 (2)

COMMENT (Includes Options):

The provisions of the Scheme include the land within the Town Centre Zone and within Planning Precinct 1d Manjimup Town Centre. The purpose of the zone is to provide for the establishment and ongoing development of nodes of diverse commercial, professional, tourist, entertainment, residential and community activities to service the populations of the surrounding areas.

Objectives of the zone applicable to this application include maintain opportunities for residential, grouped residential, tourist accommodation, offices and where appropriate service commercial and service industry suitable in a country town and compatible with the commercial and community functions of the town.

In considering an application for planning consent, clause 10.2 of the Scheme requires that the local government has regard to various matters, including, but not limited to:-

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;*
- (xi) *any social issues that have an effect on the amenity of the locality;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (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;*
- (xvii) *whether the proposed means of vehicular access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (xviii) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (xxiii) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (xxvi) *any relevant submissions received on the application; and*
- (xxvii) *the comments or submissions received from any authority consulted under Clause 10.1.*

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

Land Use Classification

The completed application form describes the proposed development as 'Holiday Accommodation – Hotel and associated amenities'. From examination of the Scheme, the proposed development could be deemed to be consistent with either of the following definitions:

Hotel “means premises providing accommodation the subject of a hotel license under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or a motel”.

Motel “means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988”.

Tourist Resort “means integrated, purpose built, luxury or experiential premises for short stay guests comprising accommodation units and on site tourism facilities such as reception, restaurant, and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum of three months in any 12 month period”.

As reflected on the submitted plans, the applicants are making special provision for vehicles, with allocated parking bays adjacent to each of the accommodation units on the western side. Given this, it is considered that the use is appropriately classified as a Motel with associated facilities to the west.

On the eastern side, a number of parking bays are provided equal to the number of rooms, bus parking is to be provided, there is a range of other activities for guests however there is no additional bays for staff or visitors, therefore this side of the development is considered to align with the land use classification of Tourist Resort.

Setbacks

Provisions of the Scheme do not identify specific setback requirements for development within the Town Centre Zone, but instead identify that:

- a) Site coverage of up to 100% where the local government is satisfied that adequate arrangements have been made in regard to access, car parking, traffic circulation of traffic, servicing and loading and unloading; and
- b) A zero setback from the front boundary may be permitted where landscaped and paved pedestrian areas are to be provided adjacent to the front boundary and the local government is satisfied on the above matters.

In this case the applicants are proposing a 4m setback to Pritchard and Chopping Streets and a 1.5m setback to all other boundaries.

Planning Precinct Statement

The subject property is located within Sub-precinct D of the Manjimup Town Centre. Generally landowners within the sub-precinct are encouraged to:

- develop commercial uses that require larger lots (sale of trucks/farm machinery/cars, sale of white goods, stock and station supplies);
- construct development that is visually interesting, with simple buildings that maintain the country character of the locality; and
- ensure development that is not detrimental to the residential amenity of the adjacent zones.

The proposed accommodation is located between Service Industry type uses and low density residential. The proposal, if managed and developed correctly could provide an effective transition between the land uses. However, the proposed Motel units located on the western boundary are shown as being setback 1.5m, to ensure that there is not an impact from noise such as air-conditioning units along this boundary, it is recommended that not air-conditioning units be located within the proposed 1.5m setback.

On the eastern side of the subject property, there is a potential for the noise generated at the Manjimup Veterinary Clinic to impact on guests staying in the Bungalows. It is recommended that the applicant be advised of the potential noise impacts generated by the adjoining light industrial land uses and encouraged to mitigate the noise intrusions.

As reflected on the submitted plans the applicant has identified a mix of materials responsive of the country locality such as timber batten fencing (internal). Additionally the applicant is indicating that Corten garden edging will be used and the plant selection will be predominately native.

The accommodation units will be single storey with each unit being orientated internally to the site. External fencing is proposed around the perimeter of the site in order to restrict unauthorised access to the site. The applicant has advised that where the property adjoins other land uses, a 2.1m Colorbond fence is proposed, whilst fencing proposed to sections of Pritchard Street and Narocki Way elevations is proposed to be 1.8m, chainlink steel fencing in charcoal colour. Whilst a chainlink steel fence is consistent with the *Shire of Manjimup Fencing Local Law 2012*, it is recommended that the applicant be encouraged to install fencing such as Garrison Fencing which may be more sympathetic to the location.

Local Amenity

With the introduction of a development of this intensity to an area that is currently developed with low density housing and diverse commercial developments, it is expected that the amenity of the area will be impacted and the 'landscape' altered. Given the land was originally developed as a light industry estate, where carpenters, electricians and mechanics could have been established, the proposal is considered to have a lesser impact than the intended development.

Concerns were raised with regards to the existing noise and odours being emitted from the commercial development to the east and how guests might not accept that these are considered normal for the area. It is recommended

that the proponent be advised of these existing emissions and encouraged to introduce design elements in order to mitigate these factors.

Additional concerns have been raised regarding the clientele visiting the accommodation and the potential impact on the safety of the staff and patrons of working or visiting the commercial businesses late at night. Whilst it cannot be presumed that anti-social behaviour and crime will increase as a result of the proposed development, studies have found that with increases in activity in areas, passive surveillance is also increased which leads to an increased feeling of safety.

Drainage and Earthworks

A number of submitters have raised concerns regarding the current drainage of the subject property and the effect that the development will have on the surrounding land. Advice from DWER has supported the concerns by referring to the risk of flooding and the need to manage the stormwater to adequately direct the post development flows downstream in a suitable manner. It is recommended that details be provided prior to the application for Building Permit, that adequately provides for stormwater management.

During preliminary assessment of the application, Shire Officers were concerned that a substantial amount of fill would be required to address the drainage issues. Given the level change, it was expected that retaining walls would be required along the eastern boundary. The applicant reassured the Shire, that the natural ground levels were being utilised in the design and that no fill was required.

Comments have been received from neighbours with regards to the proposed finished floor levels and the delivery of fill to the subject property near the Chopping Street intersection. Shire Officers have been in contact with the landowner regarding the unauthorised importing of fill to the site. To date, there is an outstanding payment of a Modified Penalty. Should the Penalty remain unpaid, the Shire has the option to transfer the infringement to Fines and Enforcement or to withdraw the infringement and commence legal action. A further report will be presented to Council on these options.

Car Parking

In accordance with clause 5.17 of the Scheme the following off street car parking requirements apply to the proposed development:

Use	Minimum Number of Parking Spaces to be Provided	Proposal	Parking Required	Parking provided
Motel	1 per unit	98 units	98 bays	123 bays 3 on-street
	plus 1 per 25m ² of service area.	1,600m ² amenities	64 bays	
Tourist Resort	Not Listed Consider parking needs	20 Bungalows		24 bays 4 bus bays

The applicant has provided enough parking spaces to cater for one bay per each accommodation unit with an additional 29 bays available for staff, visitors and service providers. Additional parking will be provided on-street and for buses.

Whilst the parking design and number generally comply, it is noted that the parking bays proposed for standard bays do not comply with the minimum width outlined in Table 3 of the Scheme. It is also noted that accessible bays do not meet the minimum size requirements. Modification of the parking design will be required.

End of trip facilities

Tourism WA has encouraged that the applicant provide facilities to cater for cyclists of the Munda Biddi. Clause 10.2 refers to matters which the Shire is to have due regard to including whether adequate provisions have been made for pedestrians and cyclists. In this regard Tourism WA is suggesting bicycle racks and drying rooms. It is recommended that a condition be imposed for secure bicycle facilities at a rate of 1 rack for every 10 rooms be provided and shown prior to Building Permit application.

Landscaping

Provisions of the Scheme specify that a minimum of 5% of the site is required to be set aside for landscaping. In accordance with clause 5.13 of the Scheme, landscaping may consist of garden plantings and areas for pedestrian use. At the discretion of the local government landscaping may include natural bushland, swimming pools and areas under covered ways.

Notwithstanding the above, clause 5.13.3 of the Scheme states that the requirements for landscaping will be determined by Council on the merits of each case. In order to provide further guidance on this to applicants and Shire Officers alike, Council has adopted Local Planning Policy 6.1.8 – Landscaping.

As outlined within the Policy, a minimum three metre landscaping strip is required for commercial developments, except where development is approved with a nil setback. In this case, the applicant has not achieved a sufficient setback to Narocki Way to allow for landscaping to the western side and is indicating landscaping to the verge as an alternative.

The policy states that applicants are encouraged to use waterwise plants and water sensitive urban design with a minimum of 75mm of mulch (25mm for native plant species). Unless otherwise justified, landscaped areas are required to be reticulated and the use of programmable irrigation controls and water efficient irrigation controllers is encouraged.

With respect to the subject proposal, the following comments are offered:

- applicants are proposing extensive paved areas within the site for pedestrian movement within the site along with landscaping adjacent to each proposed car parking bay; and
- the level of landscaping complies with the scheme requirements.

Submissions Received

In addition to the submissions mentioned above, other comments received raised concerns and questions with regards to:

- noise and dust during construction;
- questioning of the type of accommodation being provided;
- whether the facility will have a liquor license;
- the clearing of the vegetation on the property;

- whether the site is likely to have Aboriginal significance; and
- the capacity of the town services.

To assist Council is considering the submissions, the following comments are provided.

Construction noise and dust

With the scale of the development, it is anticipated that construction will be occurring over a number of years. Concerns have been raised regarding the amount of noise and dust that might be generated during construction. Whilst the developer will need to comply with the *Environmental Protection Act 1986* and its subsidiary legislations, it is recommended that the developer prepare and submit a construction management plan which addresses dust suppression, site office and material lay down areas, traffic management and noise management measures.

Land use classification and approvals

A couple of submissions were questioning the type of accommodation proposed and whether it will be run as a motel or will the property be run as workers accommodation (miners or backpackers). Whilst in this instance, the Shire has determined that the proposal best aligns with the definitions of Motel and Tourist Resort, all are classified as short-stay accommodation where the guests are not permanent residents.

Liquor License

One submission questioned if the facility will have a liquor license. Where the land use definition aligns to that of a type of liquor license, then the land owner may submit an application for a liquor license, however they are not required to and this is in the control of Racing Gaming and Liquor at the Department of Local Government Sport and Cultural Industries.

Clearing of Vegetation

A couple of submitters have raised concerns regarding the impact of the development on the existing native vegetation on the property and road verge. The applicant has shown the existing native trees to be retained on the site located along the Chopping Street boundary. Internally all other vegetation is proposed to be removed. DWER have provided advice that the vegetation proposed to be removed is not considered to be native and indigenous to the area. It is recommended that should approval be granted, a condition be imposed ensuring the protection of the vegetation within the Shire's road verge.

Place of Aboriginal Significance

A comment has been received questioning the existence of Aboriginal Heritage in the area due to the headwaters to the Ringbark Creek. Whilst there are no sited registered in this area, the developer is encouraged to undertake its own due diligence in terms of Aboriginal Cultural Heritage as this process sits outside of the planning approval process.

Servicing Requirements

Two submissions were received that questioned whether the existing services in town can support the additional demand. The proposal was referred to the Water Corporation for comment, as the proposal will be required to connect to

reticulated water and sewer services. Advice from the Water Corporation is that the services are available for the proponent to connect to.

Conclusion

Whilst the Shire has received a number of concerns regarding the proposal, it is considered by Shire Officers that with appropriate conditions the development can comply with the provisions of the Scheme and can achieve a quality development outcome.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Planning Scheme No. 4 and relevant Planning Policies as adopted by Council.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application as submitted is consistent with Strategy B2 of the Shire of Manjimup's Community Strategic Plan 2021-31, being to:

B2: Attract business-class accommodation services to Manjimup.

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 2023/24 annual budget.

SUSTAINABILITY:

Environmental: No environmental impacts are anticipated.

Economic: Approval to the application as submitted will result in the creation of short term employment associated with development of the site and long term employment through its ongoing operation. The establishment of accommodation as proposed will add to existing accommodation options within the town, potentially attracting additional visitors to the Shire and region.

Social: The proposal is in close proximity to existing businesses that emit noise and residences which are sensitive to excessive noise. The final development will alter the amenity of the location for the foreseeable future.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants planning approval to the proposed Motel and Tourist Resort at Lots 71-82 Narocki Way, Chopping Street and Pritchard Street, Manjimup in accordance with the submitted plans and specifications as attached at Attachment 9.5.2 (1), subject to compliance with the following conditions:

- 1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application 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
A1101	Site Plan	17 July 2023
A2100	GA Floor Plans	17 July 2023
A3100	Narocki Way West Elevation & Fence	17 July 2023
A3101	West Elevation & Boundary Fence	17 July 2023
A3102	Pritchard & Chopping Street Elevations	17 July 2023
A3103	Narocki Way East Elevation	17 July 2023
A3201	Accommodation Amenities - Pritchard	17 July 2023
A3202	Acacia Villas	17 July 2023
A3203	Gym Facilities	17 July 2023
A3204	Indoor Pool	17 July 2023
A3205	Accommodation Amenities - Narcocki	17 July 2023
A3206	Flamingo Villas	17 July 2023
A3207	Bungalow Villas	17 July 2023
A3208	Bungalow Villas Amenities	17 July 2023
A3209	Outdoor Pool & Cinema Screen	17 July 2023
A3210	Food Kiosks	17 July 2023
A6000	Signage Location	17 July 2023
Form	Additional Information for Advertisements	17 July 2023

2. Prior to the issue of a Building Permit, an urban water management plan is to be prepared and approved, to the satisfaction of the Shire of Manjimup;
3. The urban water management plan referred to in Condition 2, shall be implemented to the satisfaction of the Shire of Manjimup;
4. The applicant is to provide the finished floor levels for the proposed development to the western side of Narocki Way, as prior to the application for Building Permit;
5. A dilapidation report, prepared at the applicants expense, documenting the current state of the verge, footpath and road shall be prepared and submitted to the Shire of Manjimup for approval prior to the commencement of any works associated with the development;
6. Within 60 days of a Building Permit being issued, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup;
7. The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Manjimup. Any species which fail to establish within the first two planting seasons following

- implementation must be replaced in consultation with and to the satisfaction of the Shire of Manjimup;
8. Prior to the application for Building Permit a Waste Management Plan must be submitted to and approved by the Shire of Manjimup. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - a) the location of bin storage areas and bin collection areas;
 - b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - d) frequency of bin collections.
 9. Prior to the application for Building Permit, the applicant must submit and have approved by the Shire of Manjimup, and thereafter implement to the satisfaction of the Shire of Manjimup, a construction management plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - g) Other matters likely to impact on the surrounding properties.
 10. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4, including 147 car parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress;
 11. The construction works involved in the implementation of the development must not cause a nuisance to neighbours through noise, dust and/or sand drift;
 12. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted.
 - b) thereafter be maintained to the satisfaction of the Council.
 - c) be made available for such use at all times and not used for any other purpose.

- d) be properly formed to such levels that it can be used in accordance with the plan.
13. Prior to the occupation of the development, vehicle crossovers between the subject land Pritchard Street, Chopping Street and Narocki Way are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup;
 14. Prior to occupation of the development, a total of 11 bicycle parking facilities must be provided in accordance with Australian Standard AS 2890.3-2016 and to the satisfaction of the Shire of Manjimup. The facilities must thereafter be retained for the life of the development to the satisfaction of the Shire of Manjimup;
 15. The development hereby approved shall be connected to the Water Corporation reticulated sewerage system;
 16. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup;
 17. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a building permit;
 18. 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; and
 19. Any external lighting proposed on the subject property must be installed as to not have a detrimental impact upon traffic in the vicinity or upon the general amenity of neighbouring properties to the satisfaction of the Shire of Manjimup.

Advice to Applicant

- a) This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b) A minimum of 10 accessibility car bays shall be maintained on site at all times in accordance with the Australian Standard 2890.6 –2009, and connected to a continuous accessible path to the main entrance of the building or facility. The design and signage of the bay(s) and path(s) are to be in accordance with the Australian Standard 1428.1 – 2009;

- c) Existing commercial land uses to the east of the subject site may emit noise and odours which may not be acceptable to the guests staying in the Bungalow Villas, the proponent is encouraged to introduce design elements to mitigate these impacts;
- d) The applicant is encouraged to consider alternative fencing types to the chainlink fencing shown on the proposed plans;
- e) The development and associated uses are required to comply all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911 (as Amended)*, *Health (Public Buildings) Regulations 1992*, the *Food Act 2008* and *Food Regulations 2009*. Prior to commencement of the uses hereby approved, various applications are required under this legislation and it is recommended that you liaise with the Shire of Manjimup's Environmental Health Team over the preparation, lodgement and approvals processes;
- f) Compliance with the *Health (Aquatic Facilities) Regulations 2007* is required. Construction of the aquatic facility is not permitted to commence until the written approval of the Executive Director, Public Health has been obtained;
- g) No earthworks are permitted until full details and particulars have been submitted to and approved by the Shire of Manjimup prior to a building permit being issued;
- h) Any retaining walls in excess of 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practicing structural engineer to the satisfaction of the Shire of Manjimup and details and particulars of the certified plans and specifications shall be provided to Shire of Manjimup as part of any application for a building permit;
- i) Any ground levels differences at the boundaries of the land in excess of 150mm must be retained, or otherwise stabilised to the satisfaction of the Shire of Manjimup, prior to occupation of the approved development and fences shall not to be used for that purpose; and
- j) If public consumption of alcohol is likely to occur on the subject premises, additional requirements may be imposed by the Liquor Licensing Division of the Department of Local Government, Sport and Cultural Industries. It is recommended that the proponent consult with the Liquor Licensing Division, either directly (on 1800 634 541) or via the website: www.dlgsc.wa.gov.au for further information.

ATTACHMENTS

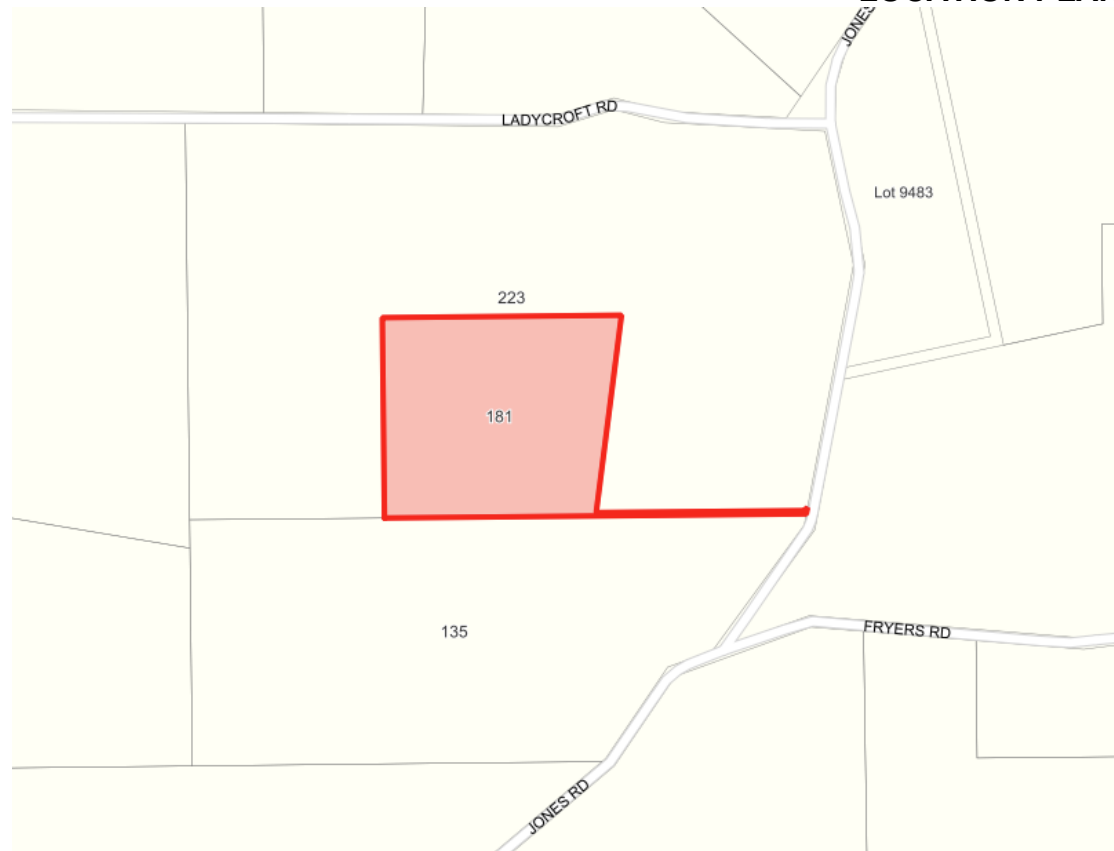
1 ➡	Attachment 1 - Proposed Gallery Hotel	22 Pages
2 ➡	Attachment 2 - Submission Schedule and Copies of Submissions	22 Pages

ATTACHMENT**9.5.3 Proposed Industry - Rural (Snail Processing and Packing) at Lot 101 (181) Jones Road, Yanmah**

PROPONENT	Mrs V L Howe
OWNER	Mr N A & Mrs V L Howe
LOCATION / ADDRESS:	Lot 101 (181) Jones Road, Yanmah
WARD:	Rural
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/146 P52151
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	15 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Lot 101 Jones Road, Yanmah is 14.7ha in area located on the eastern side of Jones Road and accessed via a 6m wide, 377m long access leg. The property contains minor development such as a house, and two sheds. There is a small dam near the southern boundary. Majority of the land consists of remnant vegetation apart from the building cluster and an area previously used for an Industry – Extractive. A location plan is provided below.

LOCATION PLAN

An application has been received for the establishment of an Industry – Rural within a proposed 200m² shed. Details of the proposal are summarised below:

- The proposed shed will be:
 - setback 107m from the front boundary, 129m from the southern boundary, 284m to the rear boundary and 233m from the northern boundary;
 - 2.5m in height to the top of the walls and 3.38m to the roof ridge; and
 - constructed of Colorbond in Surfmist and pale Eucalypt colours.
- Fresh snails will be collected, bred and grown within the shed, housed on shelving which restricts escape;
- Solar panels are proposed to reduce energy costs;
- A proposed rain water tank will capture water to water the snails and heat the shed;
- Only members of the family are intended to be employed;
- Hours of operation are proposed to be daytime work hours; and
- One delivery truck per week is anticipated.

A copy of the proposal and plans are attached.

ATTACHMENT: 9.5.3 (1)

Council is requested to determine the application as Shire Officers do not have the delegated authority to determine an 'A' land use unless the development is a minor expansion to an existing use.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No.4 (the Scheme) for a 21 day period to adjoining land owners within 500m. A notice was placed on the Shire's website, in the local paper, a sign was placed on site and advice of the application was forwarded to the Ward Councillors.

The application was also referred to the Department of Primary Industries and Regional Development who made the only submission on the proposal stating that it had no objection providing that only local snails or snails approved for import into Australia are grown and that the snails are not able to escape. A copy of the submission is provided attached.

ATTACHMENT: 9.5.3 (2)

COMMENT (Includes Options):

The subject property is zoned Priority Agriculture by the Scheme. The purpose of the zone as outlined in Clause 4.2 is to provide for intensive agricultural and horticultural production where water resources exist, while the objectives encourage value adding opportunities to agricultural products at the source.

In determining an application for planning approval, Clause 10.2 of the Scheme requires that various matters are taken into account, including but not limited to:

- “(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area; and*

- (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.*"

To guide Council in its determination of the application the following comments are offered:

Land Use Classification

Table 1 of the Scheme identifies that various forms of business' may be considered within the Priority Agriculture Zone in addition to agricultural practises. These include Rural Home Business and Industry – Rural which are defined as follows:

"Rural home business" means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- a) Does not employ more than 5 people not members of the occupier's household;
- b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) Does not occupy an area greater than 200m²;
- d) In relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles or more than 3.5 tonnes tare weight; and
- e) Does not involve the use of an essential service of greater capacity than normally required in the zone.

"Industry – Rural" being either an industry handling, treating, processing or packing rural products; or a workshop servicing plant or equipment used for rural purposes.

The proposal is considered to be consistent with the land use definition of Industry Rural given the location of the business will be within a shed and not within or around the dwelling.

Land Use Permissibility

An Industry – Rural is an 'A' use within the Priority Agricultural Zone. That is they are uses that are *"not permitted unless the local government has exercised its discretion by granting approval after giving special notice in accordance with Clause 9.6."*

Consistency with Zone

The Industry-Rural is considered to meet the objectives of the zone as it is associated with a food production and allows for packing within close proximity to the growing of produce, reducing the negative impacts of transport. With the limited water resources on the property and the large area of remnant vegetation, a production of this type within a building could be considered to make best use of the land.

Parking Requirements

Although Industry-Rural is not listed as a use in Table 2: Car Parking Requirements, it is reasonable to assume that the parking requirements would be similar to Industry – General being 1 car bay per 100m². The proposed 200m² shed, would then generate a parking demand of two (2) car parking spaces. Given the owners of the business reside on the property in a dwelling that has existing car parking, it is considered by Shire officers that a formalised parking area associated with the business is not required.

It may be warranted to request a loading bay to be demarcated for the delivery truck to ensure a safe loading area is provided.

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, the closest neighbouring dwelling is greater than 500m away.

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 parking areas should have no adverse impacts.

Conclusion

It is recommended that the proposed Industry-Rural (snail processing and packing) be approved subject to appropriate conditions.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Approval of the application will assist in the delivery of the following Goals and Strategies from the 2021-2031 Shire of Manjimup Strategic Community Plan.

- A3. *Implement measures to mitigate or control the negative impact of feral animals on our natural environment.*
- A10. *Encourage all aspects of sustainable farming and agriculture.*
- B4. *Support sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agritourism, land protections, and continued support for the Southern Forests Food Council.*
- B12. *Provide development opportunities and support local small businesses to thrive.*

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 2023/24 annual budget.

SUSTAINABILITY:

Environmental: The applicant is proposing to farm a known pest for human consumption. Whilst there is a biosecurity risk associated with the activity, the applicant will also be collecting snails from other properties.

Economic: The proposed development will enable a rural activity to commence on the property without the need for additional water resources.

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 (Snail processing and packing) at Lot 101 (181) Jones Road, Yanmah (Application TP 2023/137) in accordance with the plans and specifications attached at Attachment: 9.5.3 (1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Management Plan	29 September 2023
2.	Site Plan	29 September 2023
3.	Shed Plan and Elevations	29 September 2023

- b) 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;
- c) The snails are to be confined to the premises at all times and only local snails or snails approved for import into Australia are to be grown.

ADVICE TO THE APPLICANT:

- i. 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.

ATTACHMENTS

1  Attachment 1 - Application Plans and Information 3 Pages

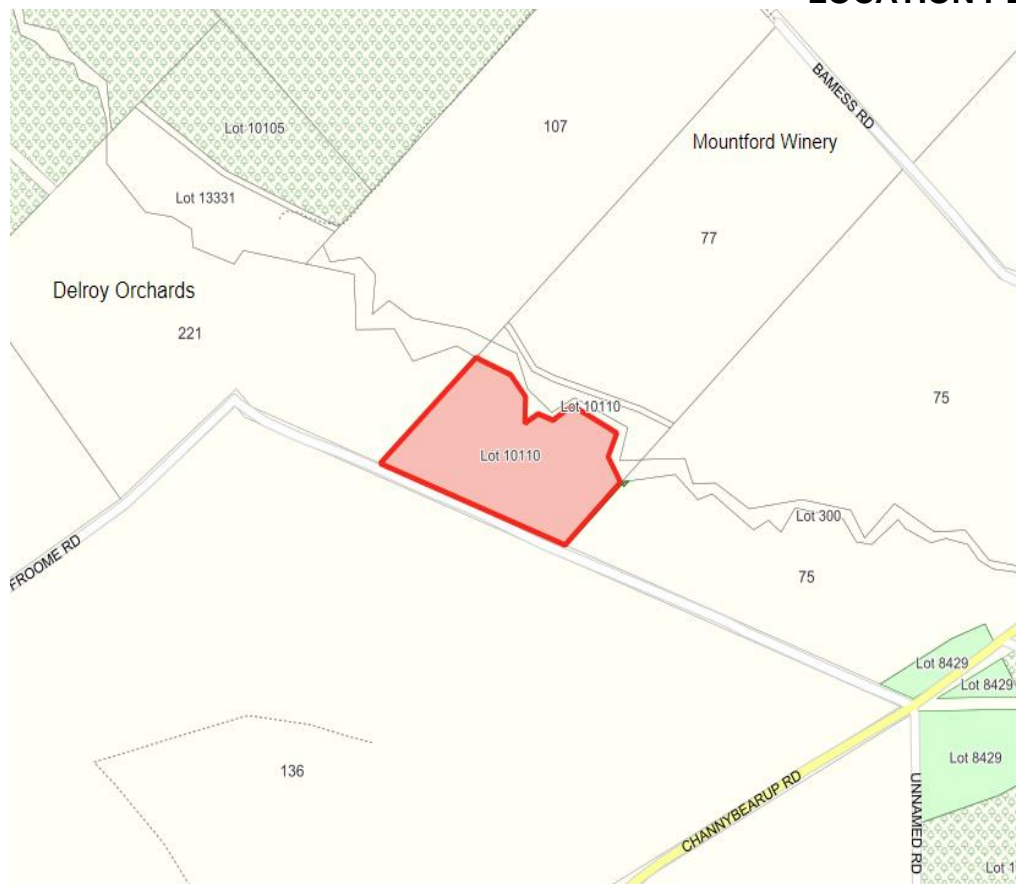
2  Attachment 2 - DPIRD Submission 1 Page

ATTACHMENT**9.5.4 Proposed Low Impact Tourist Accommodation (Nature Based Camping) at Lot 10110 Bamess Road, Channybearup**

PROPONENT	Mr A P Mountford
OWNER	Mr A P Mrs S T Mountford
LOCATION / ADDRESS:	Lot 10110 Bamess Road, Channybearup
WARD:	Rural
ZONE:	Priority Agricultural
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/53 P52057
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	23 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

An application has been received for a Low Impact Tourist Accommodation (Nature Based Caravan Park) at Lot 10110 Bamess Road, Channybearup and accessed via Froome Road. A location plan is shown below.

LOCATION PLAN

The subject property is 6.94ha in area and is associated with a 21.2ha property located on Bamess Road and developed for vineyard and winery purposes. The property does not contain any development and is predominantly cleared.

There is a water course and dam to the northern side of the property and areas of remnant vegetation.

The applicant is proposing to use a cleared area for a Low Impact Tourist Accommodation (Nature Based Camping) for up to 20 guests across 10 sites. With space for up to 10 self-contained vehicles only. As detailed on the submitted plans the camping area will be located within 100m from Froome Road. Information provided by the applicant indicates that campsites will be separated by approximately 30m, limiting the number of campsites available. It should be noted that although the site plan, prepared by the applicant only shows 5 camping sites, 10 are proposed and are reflected within the Bushfire Management Plan.

A copy of the submitted application, Bushfire Management Plan and Bushfire Emergency Evacuation Plan relating to the proposal is attached.

ATTACHMENT: 9.5.4 (1)

Council is requested to consider the application as Shire Officers do not have the delegated authority to determine applications for a Low Impact Tourist Accommodation in a Priority Agriculture Zone.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was advertised in accordance with clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) to the neighbouring landowners for a period of 21 days and to the Department of Fire and Emergency (DFES), Department of Water and Environmental Regulation (DWER) and the Tourism WA for a 42-day period.

In response, two public submissions were received and comments were received from DFES and DWER. The submissions are attached, and comments made are outlined in the comment section of the report.

ATTACHMENT: 9.5.4 (2)

COMMENT (Includes Options):

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

- “(i) the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (iii) any approved State Planning Policies of the Commission;*
- (xiv) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk.”*

Zoning Purpose

The purpose of the zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources.

Consistent with the purpose, an objective for the zone relevant to this application is for low impact tourist accommodation – short stay proposals where relevant, provided that any impact from any such land uses or development is contained on-site.

Land Use Definition

‘Low Impact Tourism Accommodation’ 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 –

- “(a) development being located so as to avoid ridge line, escarpments or visually exposed sites and situated where screening vegetation or landform can be utilised;*
- (b) use and development being sensitively located and designed to minimise impact on vegetation, water courses, soils quality and existing land uses;*
- (c) 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;*
- (d) development that by the nature of its scale, design, colours, materials, landscaping and use, has minimal impact on its site and surrounding areas; and*
- (e) where the land use and any development had minimal off-site consequence.”*

In terms of the proposed accommodation location, the site is located so as to minimise the impact on vegetation, water courses etc and the low key nature of the proposal will have minimum impact on the site and surrounding areas. Although the location is situated within 100m from the road there is existing established buffer vegetation screening the guests from the road users.

Land Use Permissibility

A Low Impact Tourism Accommodation is an ‘A’ use in the Priority Agriculture zone. That is a use not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6 of the Scheme.

Caravan Parks and Camping Grounds

In addition to obtaining prior Development Approval under Local Planning Scheme No 4, applications for a Caravan Park or Camping Ground must comply with the provisions of the *Caravan Park and Camping Grounds Act 1995* and the *Caravan Park and Camping Grounds Regulations 1997* (the Regulations).

As outlined in Part 5 of the Regulations, there are a range of licenses that can be sought including, but not limited to a Caravan Park, Camping Ground, Transit Facility or Nature Based Park.

Nature Based Caravan Park Provisions

In accordance with the Regulations, a Nature Based Caravan Park is a facility that:

- (a) *Is not in close proximity to an area that is built up with structures used for business, industry or dwelling houses at intervals of less than 100m for a distance of 500m or more;*
- (b) *Has predominately been formed by nature; and*
- (c) *Has limited or controlled artificial light and noise intrusion.*

To meet the definition of a Nature Based Park the applicant has outlined the following details;

- The applicant has stated only 10 camping sites are available approximately 30m apart.
- The camping site is only available for fully self-contained campers only. No facilities such as power, water, potable water, hard or liquid waste outlets or ablution or cooking amenities will be provided on the site.
- The duration of stay is limited to a maximum of 3 nights.
- Advertising of the Nature Base Park will be undertaken online through a booking provider.
- Fire Management measures proposed by the applicant to be implemented in accordance with the submitted Fire Management Plan.

Although the existing home and associated infrastructure is located around 500m from the western edge of the camping area, the locality is rural in nature, it is not considered to be a built up area and there is limited artificial light or noise intrusion.

The Caravans or other Recreational Vehicles (RV's) are to be parked on a cleared area of land, south of the water course. The area of the property, whilst cleared of vegetation, appears to retain its original topography. Whilst Nature Based Camping Areas are expected to be largely formed by nature, some alterations of contours is normally expected in any form of caravan park to provide level areas for camping. It is therefore considered the proposal is consistent with the requirement for the area to be largely formed by nature.

It is also noted that:

- The Subject property is approximately 18km from the Pemberton Town site;
- The regulations require one site per 50 sqm, in this instance the camp site is approximately 20,000m². The proposed 10 sites are well within this requirement;
- Self-contained vehicles are generally only fully self-supporting for 3 – 7 days, the maximum availability of a 3 night stay is in keeping with this requirement;
- Entrance roads and two way roads within the nature based park are to be in accordance with the Fire Management Plan;
- No fire extinguisher or tap is proposed within the facility, however as indicated in the Fire Management Plan a 20,000 litre water tank is to be provided; and
- No rubbish bins are proposed to be provided.

With respect to rubbish bins, it is expected that any rubbish generated on the site by customers should be disposed of by the applicant to prevent rubbish

being disposed within street bins for example after occupants leave the site. It is recommended a bin be provided on-site and maintained by the applicant.

License Requirements

Schedule 7 of the Regulations outlines the requirements and the standard of facilities that are required for caravan parks. In accordance with clause 5A of Schedule 7, a person cannot occupy a site within a Nature Based Park for more than 28 days in any three month period.

Other specific requirements applicable to a Nature Based Park are summarised as follows:

- a) Nature Based Parks need not have sealed roads, but a minimum of 6 metre trafficable surface is required for any two way road and 4 metres for any one way road;
- b) Formal Visitor Parking is not required;
- c) Whilst open areas for recreation are required, a building is not required for communal or recreational activities or weather protected recreational facilities for children;
- d) Where the sites are used by a caravan with ablution, toilet and laundry facilities, requirements for ablutions including toilets, showers and hand basins may be waived;
- e) Laundry facilities are not required for Nature Based Parks;
- f) The requirement for a tap for water supply may be waived;
- g) The requirement for a liquid waste dump point does not apply where vehicles are self contained; and
- h) Washing up/Camper Kitchen facilities may be waived for such parks, which is appropriate where guests are within self contained caravans/Rv's.

State Planning Policy 3.7 (SPP No 3.7) – Planning in Bushfire Prone Areas

The property is located within an area declared as 'bushfire prone' by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998*. The applicant has had a Bush Fire Management Plan and Bush Fire Emergency Evacuation Plan prepared.

The report prepared by Bushfire Prone Planning on behalf of the applicant identifies the bushfire risk as Extreme Bush Fire Hazard Level due to the continuous vegetation to the south and north of the subject camping site. Although the area set aside for camping has been identified as Flame Zone the Bushfire Practitioner has provided an indicative Bushfire Attack Level (BAL) of BAL 29, it should be noted that the occupants will not be in permanent structures and will be moveable, able to leave the area in the event of a bushfire.

As outlined within the submitted Bushfire Emergency Evacuation Plan, the landowner will be responsible for, amongst other things, daily monitoring of the Fire Danger Rating and will ensure that the campground is closed when the "Catastrophic Fire Danger Rating" is applied. The potential risks to guests during the event of a fire is reduced, given the Manager/owner resides on the

subject property and through effective communication and warning signs of the extreme risk.

In terms of access, access to and from the site is available to the west or east along Froome Road. Movement to the west is identified as being the safer route given the development of agricultural activities verses State Forest.

The proposal is consistent with the definition of vulnerable land use being a land use where persons may be less able to respond in a bushfire emergency, including short-stay accommodation where users are unaware of their surroundings and may need assistance or direction in the event of a bushfire.

DFES Submission

The submission received from Department of Fire and Emergency Services (DFES) recommends not to support the proposed development due to their interpretation that the proposal does not fully comply with Planning for Bushfire Guidelines. The DFES officer highlights that the application does not meet the intent of Element 5: Vulnerable Tourism Land Uses as the proposal introduces a vulnerable tourism use within a broader landscape which it considers to present an extreme hazard. DFES recommends a number of modifications to the BMP to respond to the areas of non-compliance to influence appropriate bushfire management measures.

Shire staff have reviewed the comments received and are of the opinion that the requirement for the implementation of the BMP will achieve the intent of the modifications requested by DFES.

The above said, it must be acknowledged that the landowner/operator resides on site and they will be monitoring the Fire Danger Rating Index, requiring guests to depart on days of Extreme or Catastrophic fire danger. For these reasons, conditional approval is recommended.

DWER Submission

Comments received from DWER relate to the requirements for permits and licenses to clear under the *Environmental Protection Act 1986* and the *Country Areas Water Supply Act 1947* respectively. Advice notes relating to these requirements are recommended to be included within any approval.

Neighbours Submission

Two submissions were received during the public comment period. One was in support of the proposal and the other whilst in support raised some concerns. The first concern was for the guests who may be disrupted by the 24 hour operation of the adjoining agricultural activities and the second concern was the lack of ablutions given the proximity to the water course.

To address these concerns it is recommended that the landowner/applicant make guests aware of the ongoing agricultural activities at time of booking and that only self-contained vehicles are permitted to stay at the campground.

Recommendation

The development as submitted is consistent with the definition of Low-Impact Tourism. Whilst DFES do not recommend approval to the proposal, it is considered by Shire Officers that the implementation of the BMP will reduce the risk associated with the bushfire prone location of the development.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Caravan and Camping Grounds Act 1995, Local Planning Scheme No. 4 and State Planning Policy 3.7 Planning in Bushfire Prone Areas.

POLICY / STRATEGIC IMPLICATIONS:

Approval to the application is consistent with Strategy B12 of the Shire of Manjimup's Strategic Community Plan 2021 – 2031, being to *“provide development opportunities and support local small businesses to thrive.”*

ORGANISATIONAL RISK MANAGEMENT:

In determining the application, due care needs to be taken to ensure that fire risks associated bushfire are minimised.

FINANCIAL IMPLICATIONS:

The required development application fees have been paid by the applicant

SUSTAINABILITY:

Environmental: The proposed nature based camp is sympathetic to the environment, the self contained nature and the proposed scale will not cause a negative impact on the natural environment.

Economic: The proposed business will provide the landowner with an additional source of income and the tourists will benefit the area by bringing business to Pemberton and surrounding town sites.

Social: Management Plans addressing all potential risks associated with the intensification of the subject property needs to be appropriately addressed in accordance with the Scheme and other relevant State Policies.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council grant approval to the proposed Low Impact Tourism Accommodation (Nature Based Park) at Lot 10110 Bamess Road (Froome Road), Channybearup subject to compliance 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
i.	Application for Development Approval	13 April 2023
ii.	Holiday Accommodation Management Form	19 June 2023
iii.	Bushfire Management and Bushfire Emergency Evacuation Plan	26 September 2023

- b) The Low-Impact Tourist Accommodation shall close to guests and not operate during period of Extreme or Catastrophic Fire Danger;
- c) Prior to commencement of the use hereby approved, all management measures contained within the Bushfire Management Plan/Evacuation Plan as approved shall be implemented to the satisfaction of the Shire of Manjimup including but not limited to:
- the internal caravan park roads shall be constructed of gravel or other material;
 - signage is to be installed; and
 - the provision of a 20,000 litre water tank for fire fighting purposes.
- d) The Low Impact Tourist Development – Short Stay hereby approved is limited to a maximum of twenty (20) persons on the premises at any one time to the satisfaction of the local government, as provided in Shire of Manjimup Local Planning Scheme No. 4;
- e) The landowner ensuring that all vehicles are fully self-contained, that is contain their own internal toilet, shower and cooking facilities;
- f) No individual is not to occupy the accommodation for more than twenty-eight (28) days within three (3) month period as provided in the Nature Based Park Guidelines, December 2014. 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, and the register shall be made available for perusal by Shire Officers on demand;
- g) The submitted management details which form part of the application, shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup; and
- h) Rubbish storage areas are to be designed and located to minimise noise, odour, visual intrusion and/or other factors potentially adversely affecting the character and/or amenity of Nature Based Park users and properties in the vicinity to the satisfaction of the Shire of Manjimup.

Advice notes:

- (i) This Development Approval is NOT a Caravan Park License. A license to operate the park must be obtained prior to campers attending the property; and
- (iii) Where clearing of land is involved in any proposed development, the approval of the Department of Water and Environmental Regulation will be required under the provisions of the *Environmental Protection Act 1986* and *Country Areas Water Supply Act 1947*.

ATTACHMENTS

- 1 ➡ Attachment 1 - Application Plan and Information 81 Pages
- 2 ➡ Attachment 2 - Submissions 8 Pages

ATTACHMENT**9.6.1 Quarterly Report July - September 2023 - Development and Regulation Directorate**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Shire of Manjimup
WARD:	Shire of Manjimup
ZONE:	N/A
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F160966
LEGISLATION:	Various
AUTHOR:	Peter Krispyn
DATE OF REPORT:	21 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A report outlining activities for the July – September 2023 quarter for the Development and Regulation Directorate is attached.

ATTACHMENT: 9.6.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil

COMMENT (Includes Options):

This report outlines progress on key activities and operations undertaken in the Development and Regulation Directorate. The purpose of the report is to inform Councillors and provide an opportunity to respond to any queries arising on those activities.

STATUTORY ENVIRONMENT:

Nil

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 July to September 2023 Quarterly Report – Development and Regulation as contained in Attachment 9.6.1 (1).

ATTACHMENTS

1	⇒ Quarterly Report July - September 2023 - Development and Regulation	34 Pages
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ATTACHMENT**9.9.1 Proposed Adoption of the Shire of Manjimup Access and Inclusion Plan 2024-2029**

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:	F160026
LEGISLATION:	<i>Local Government Act 1995, Disability Services Act 1993</i> and others as stated.
AUTHOR:	Emily O'Neil
DATE OF REPORT:	5 October 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council previously endorsed to release the Shire of Manjimup Draft Access and Inclusion Plan 2024-2029 for community and stakeholder consultation at its Ordinary Meeting of 7 September 2023. Following a period of public consultation, a proposed final Access and Inclusion Plan 2024-2029 has been prepared. The Plan is attached.

ATTACHMENT: 9.9.1 (1)

The purpose of this report is to seek Council approval to adopt the final Shire of Manjimup Access and Inclusion Plan 2024-2029.

PUBLIC CONSULTATION UNDERTAKEN:

The Plan's scope covers the whole of Shire and therefore public comment was sought as broadly as possible. Key stakeholders were also identified and contacted directly.

The public comment period was open from Wednesday 13 September to Wednesday 11 October 2023. The draft document was available on the Shire of Manjimup website (for download), administration counter (for pick up) and at the public libraries (for viewing).

Advertising for public consultation included a media statement, public notices in the Manjimup Bridgetown Times, Walpole Weekly, Pemberton Community News and Northcliffe Karri Pigeon, and digital advertising on the Shire of Manjimup social media platforms (Facebook, Instagram, and Antenna). Advertising provided information for accessing both digital and hard copies of the draft Plan, alongside details for attending community forum sessions.

Community feedback forums were held in Manjimup, Pemberton, Northcliffe, and Walpole during the public comment period. Eight people attended these forums.

During the public comment period on the Draft Plan no written submissions were received. However, a number of points were verbally raised by attendants at the forums; these points have been addressed in the Schedule of Feedback. Furthermore, the comments received from the Shire of Manjimup Access and Inclusion Advisory Committee on the previous Plan (2018-2023) have also been incorporated into this Schedule. The Schedule of Feedback is attached.

ATTACHMENT: 9.9.1(2)

COMMENT (Includes Options):

The 2024-2029 Draft Plan draws upon appropriate data, legislation, and regulatory compliance to address the current challenges and needs of the diverse community through strategies that are relevant, measurable, achievable, transparent, and accountable.

The comments received have been addressed as outlined in the Schedule of Submissions, with:

- Comments gathered from the Shire of Manjimup Access and Inclusion Advisory Committee taken into consideration in the development of this Draft Plan as presented at the Council Ordinary Meeting of 7 September 2023.
- Comments received from attendees during the community feedback forums noted for review, resulting in minor rephrasing to being applied to the 2024-2029 Draft Plan where appropriate.

STATUTORY ENVIRONMENT:

The following legislation is applicable:

- *Commonwealth Disability Discrimination Act 1992.*
- *The Disability (Access to Premises – Buildings) Standards (2010)* from the *Commonwealth Disability Discrimination Act 1992.*
- *Equal Opportunity Act 1984.*
- *Disability Services Act 1993.*
- *Disability Services Regulations 2004.*
- *Building Act 2011.*

POLICY / STRATEGIC IMPLICATIONS:

The below Shire of Manjimup strategies and policies are relevant to access and inclusion:

- Shire of Manjimup Strategic Community Plan (2021-2031) – there are several community goals and strategies within this Plan which reference access and inclusion.
- Shire of Manjimup Access and Inclusion Plan (2018-2023) – this Plan, under review.
- Policy 3.8.1 Access and Inclusion Policy (2021-2023) – due for review.

ORGANISATIONAL RISK MANAGEMENT:

It is requested that this Plan be adopted as it is required to be lodged with the Disability Services Commission in December 2023.

FINANCIAL IMPLICATIONS:

The implementation of the Plan on an ongoing basis may have financial implications for Council when determining the four year Corporate Business Plan and annual budget priorities. However, the majority of costs for delivering outcomes are already absorbed into existing operational, capital and project budgets due to access and inclusion being a key consideration in the planning process for Shire works and projects.

SUSTAINABILITY:

Environmental: The Plan seeks to maintain outcomes and strategies that will enhance the accessibility of our built environment with little or no impact to the natural environment.

Economic: The Plan seeks to maintain outcomes and strategies that will facilitate access to employment and training opportunities within the Shire of Manjimup.

Social: The Plan seeks to maintain outcomes and strategies that will significantly enhance access social inclusion outcomes.

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

That Council adopt the Shire of Manjimup Access and Inclusion Plan 2024-2029 as contained in Attachment 9.9.1(1).

ATTACHMENTS

1 ➡ Access & Inclusion Plan 2024-2029	30 Pages
2 ➡ Access & Inclusion Plan 2024-2029 - Schedule of Feedback	2 Pages

ATTACHMENT APPENDIX

9.9.2 Proposed Review of Council Policy 3.3.1 Manjimup Regional AquaCentre - Temporary Alterations of Operating Hours

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup Regional AquaCentre, Rutherford Street, Manjimup
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F161014
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	6 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council policies are generally reviewed every four years, or where there is a trigger for change. Council Policy 3.3.1 Manjimup Regional AquaCentre – Temporary Alterations of Operating Hours was originally adopted in October 1995 and was due for review in February 2023.

The purpose of this report is to adopt an updated Council Policy 3.3.1 Manjimup Regional AquaCentre – Temporary Alterations of Operating Hours. A copy of the current Policy is appended.

APPENDIX: 9.9.2 (A)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The purpose of this Policy is to authorise relevant Shire Officers to alter the standard hours of operation of the Manjimup Regional AquaCentre in response to abnormal and/or emergency situations.

A review of this Policy has determined that the Policy is still relevant in its intent and there are no changes required. A copy of the proposed updated Policy is attached.

ATTACHMENT: 9.9.2 (1)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Policies should be periodically reviewed to ensure currency and effectiveness.

This particular Policy supports the following Shire strategies:

- Shire of Manjimup Corporate Business Plan 2023 – 2027.
 - C18 Create, support and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
 - D13 Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations and resource sharing wherever possible.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Council is obliged to set good operational policy that enhances the community within which it operates. Regularly reviewing and refining policy assists in the improvement of the delivery of organisation responsibilities.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council readopt Policy 3.3.1 Manjimup Regional AquaCentre – Temporary Alteration of Operating Hours as shown in Attachment 9.9.2(1).

ATTACHMENTS

1 ➡	Council Policy 3.3.1 Manjimup Regional AquaCentre - Temporary Alterations of Operating Hours - Reviewed	1 Page
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APPENDICES

A ➡	Council Policy 3.3.1 Manjimup Regional AquaCentre - Temporary Alterations of Operating Hours - Current	1 Page
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ATTACHMENT APPENDIX

9.9.3 Proposed Review of Council Policy 3.1.5 Temporary Event Banners on Fixed Banner Frames

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F161014
LEGISLATION:	<i>Local Government Act 1995</i> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002</i> <i>Land Administration Act 1997</i>
AUTHOR:	Kelsie Brown
DATE OF REPORT:	8 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

At the time of its adoption in 2013, Policy 3.1.5 Temporary Event Banners on Fixed Banner Frames formalised Council's position on the display of banners at the entry points of each of the Shire of Manjimup's towns. The policy guides an efficient, equitable system for short-term promotion of local events, community celebrations and generic promotion of our region. A copy of the Policy is appended for Council's reference.

APPENDIX: 9.9.3(A)

Council policies are reviewed regularly to ensure consistency between the policies and Council decision making, to reflect any relative legislation changes and to respond to any community feedback. This Policy is overdue for review.

Following review by Shire Officers there are minor changes recommended to the content of the Policy to address previous issues with rostering and eligibility of banners. Some minor typographical errors were also corrected as part of the review process. A copy of the reviewed Policy is attached for Council's consideration.

ATTACHMENT: 9.9.3(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As the event banner frames are located on public land, banners displayed at these locations should meet certain criteria as outlined in this Policy. These criteria are still relevant, however have been expanded to include the display of

banners promoting the Southern Forests and Valleys Tourism Region to align with current Shire's tourism branding.

Due to increasing demand for the display of event and tourism banners in the fixed banner frames, some adjustments have been made to the administration process of the rostering system. The maximum booking period has been reduced from 4 weeks to 2 weeks. To avoid any future clashes with banner display, an additional 2 weeks may be granted by Officers provided there are no competing demands. Furthermore, it is proposed that bookings of the frames will remain tentative for a maximum of 2 weeks within 12 months of the proposed event, with bookings to be confirmed on receipt and approval of event details.

In previous years to assist with multiple requests, the Shire have approved additional banners to be installed adjacent to the existing frames. Further advice has been received from Main Roads WA that the installation of additional banners outside the frames is not permitted, however banners can be displayed back-to-back within the frame which will assist with peak event times. This change has been reflected in the Policy.

An additional paragraph has been included to guide the display of the generic tourism banners for the promotion of the Shire. Visitor Centres are the custodians of these banners and have the right to display these banners during periods of no alternative bookings.

STATUTORY ENVIRONMENT:

- *Local Government Act 1995;*
- *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002;*
- *Land Administration Act 1997;* and
- *Local Planning Scheme 4.*

POLICY/STRATEGIC IMPLICATIONS:

This Policy relates to the Strategic Community Plan 2021 – 2031 through the below Community Goals and Strategies;

- 3.7 Our community is vibrant, dynamic and fun because we have access to a broad range of art, cultural, social and recreational opportunities;
- C19 Support public events to ensure they are successful and safe; and
- C20 Facilitate, develop, and promote a broad range of cultural and art capabilities, facilities, events and achievements.

This Policy captures elements of temporary signage not covered by Council Policies 9.1.20 Temporary Sign Approval Advertising of Community Events and Public Information and 6.1.4 Advertising Devices.

ORGANISATIONAL RISK MANAGEMENT:

This Policy guides the appropriate administration and usage of temporary event banners. As this policy will be administered in conjunction with the event

application process, rostering and approvals will be managed by the Community Services Directorate.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Temporary advertising signage is a marketing measure often utilised with the goal of generating additional patronage of events or attract visitors to the region.

Social: Temporary advertising signage adds to the vitality of our towns and encourages a sense of pride and connectiveness within our communities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt amended Policy 3.1.5 Temporary Event Banners on Fixed Banner Frames as per Attachment: 9.9.3(1).

ATTACHMENTS

1 ➡	Proposed Policy 3.1.5 Temporary Event Banners on Fixed Banner Frames	4 Pages
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APPENDICES

A ➡	Current Policy 3.1.5 Temporary Event Banners on Fixed Banner Frames	4 Pages
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9.9.4 Request Approval to Expend Reserve Funds - Proposed Court Floor Maintenance, Pemberton Sports Centre

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Pemberton Sports Centre, Club Road, Pemberton
WARD:	Rural
ZONE:	Parks & Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F161460
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	22 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The indoor stadium court floor in the Pemberton Sports Centre is in need of a re-seal. The purpose of this report is to formally seek Council approval to expend Recreation Centre Floor Reserve funds to undertake this re-seal.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Pemberton Sports Centre contains a two-court indoor sport stadium. The wooden court floor and the markings are in good condition, but in highly trafficked areas the seal has worn off, and in other areas the court is slippery causing safety concerns for users. The court was last sealed in 2019. If approved, it is proposed that the re-seal of the Pemberton courts be undertaken in early 2024. A quote for these works has been obtained which indicates the cost for the re-seal will be \$5,177.

Rather than a predetermined frequency of re-seals, the need for a court floor re-seal is determined on as-needed basis. In recent years, court floor maintenance at all town recreation centres has been undertaken as follows:

- Northcliffe in 2015, and scheduled for January 2024;
- Walpole in 2020; and
- Manjimup in 2022, and court 1 only in 2023 following damage caused by the use of the centre as an Emergency Evacuation Centre during a fire emergency.

It should be noted that leasing organisations have a responsibility to ensure longevity of the court surface through the implementation of procedures for appropriate use of courts and provision of adequate protection of court surfaces when used for non-standard activities.

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Reserve accounts (Financial Management, 6.11).

POLICY / STRATEGIC IMPLICATIONS:

The proposal is consistent with the following strategy from the Shire of Manjimup Strategic Community Plan 2021-2024:

- D5 – Develop and maintain community infrastructure to a service-level that meets the community needs.

ORGANISATIONAL RISK MANAGEMENT:

Proper maintenance of the court floors in the recreation centres will increase the longevity of the floor coating and reduce organisational risk pertaining to asset management.

FINANCIAL IMPLICATIONS:

The purpose of the Recreation Centre Floor Reserve is to set aside funds for the sealing and line marking of timber courts in the Shire's four indoor recreation facilities. The current balance in the Reserve is \$49,606. The proposed expenditure of \$5,177 will result in a remaining balance of \$44,429 in the Reserve.

SUSTAINABILITY:

Environmental: Nil.

Economic: Proper maintenance of Shire assets (court floors) will increase longevity and delay the need for costly floor replacement.

Social: Well-maintained and non-slippery court floors for sporting clubs to play their sports safely.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council approve a budget amendment to fund the re-sealing of the indoor court floors of the Pemberton Sports Centre as outlined in the table below.

Description	Current Budget	Amended Budget	Variation
Transfer from Recreation Centre Floor Reserve	\$3,065	\$8,242	(\$5,177)
Court Re-seal – Pemberton Sports Centre	\$0	\$5,177	\$5,177
Net Rate Funds			\$0

ATTACHMENT**9.16.1 Unconfirmed Minutes of Manjimup Town Activation Advisory Committee Meeting held on 11 October 2023**

PROPONENT	Manjimup Town Activation Advisory Committee
OWNER	N/A
LOCATION / ADDRESS:	Manjimup Town Centre
WARD:	Urban
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170454
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	2 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The latest meeting of the Manjimup Town Activation Advisory Committee was held on 11 October 2023. A copy of the unconfirmed minutes relating to that meeting are shown attached.

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

Nil.

COMMENT (Includes Options):

As reflected in the Unconfirmed Minutes, no recommendations were passed that require consideration of Council. The request to promote the Committee Meetings over social media and Antenno will be undertaken by administration staff.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The Manjimup Town Activation Advisory Committee provides the Shire of Manjimup with a vital tool and local input into planning for improvement works and space activation within the Manjimup townsite. Ongoing revitalisation of the Manjimup Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with Community Goal 4.4 as identified in the Shire's Strategic Community Plan 2021 – 2031.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive and note the unconfirmed Minutes of the Manjimup Town Activation Advisory Committee meeting held on 11 October 2023 as per Attachment: 9.16.1 (1).

ATTACHMENTS

1 ➡ Attachment 1 - Advisory Committee Meeting Minutes 6 Pages

ATTACHMENT APPENDIX

9.16.2 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 16 November 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F180208
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to consider the minutes of the Road Infrastructure Advisory Committee meeting held on 16 November 2023. The purpose of the Committee is to review the Shire's road infrastructure components of the 15 year Forward Capital Works Plan and to review and amend the Shire's annual Infrastructure Works budget. A copy of the minutes are attached.

ATTACHMENT: 9.16.2 (1)

The functions of the Committee are:

1. To review the Infrastructure Works components of the Shire's 15 year Forward Capital Works Plan;
2. To review the Shire's Infrastructure Works Budget; and
3. Review amendments to the Shire's Infrastructure Works Budget.

To meet on special occasion to investigate and/or evaluate urgent road infrastructure issues.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee considered and discussed a number of issues including progress on the Committee's commitment to upgrade Old Vasse Road as well as the Shire's construction and maintenance projects, in particular Johnstone Crescent and the Manjimup drainage projects.

The Committee made a number of recommendations requiring Council's consideration, including amending the current Terms of Reference. The current Terms of Reference are appended for Council's reference.

APPENDIX: 9.16.2(A)

Committee Recommendation	Officer's Comment
Note the election of Shire President Donelle Buegge as Chairperson of the Road Infrastructure Advisory Committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
Amend the error on the Terms of Reference for the Road Infrastructure Advisory Committee from Cr Paul Darin to Cr Jayde Darin.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
Amend the Terms of Reference for the Road Infrastructure Advisory Committee to show 10 Committee Members.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee refuse the request to construct a road in the unnamed and unconstructed road reserve parallel to the existing access easement on Lot 108 Wetherall Road.	The Committee's resolution is supported. Pending Council approval, the proponent will be notified of the decision.
The Committee endorse the spending of \$40,000 from the allocated budget for Drains – Various Manjimup Priority 1 to prepare a condition report on Manjimup townsite drainage.	The Committee's resolution is supported and will be dealt with as part of the recommendations to Council in this report.

Following review of the current Terms of Reference and the Committee's decision, the amended Terms of Reference are attached.

ATTACHMENT: 9.16.2(2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 16 November 2023, as shown in Attachment: 9.16.2(1);
2. Note the election of Shire President Donelle Buegge as Chairperson;
3. Amend the error in the Terms of Reference for the Road Infrastructure Advisory Committee from Cr Paul Darin to Cr Jayde Darin, as shown in Attachment: 9.16.2(2);
4. Amend the Terms of Reference for the Road Infrastructure Advisory Committee to show 10 Committee Members, as shown in Attachment: 9.16.2(2);
5. Refuse the request to construct a road in the unnamed and unconstructed road reserve parallel to the existing access easement on Lot 108 Wetherall Road; and
6. Amend the adopted 2023/24 Infrastructure Works Drains-Various Manjimup Priority 1 budget to prepare a condition report on Manjimup townsite drainage, in accordance with the table below.

Description	Current Budget	Proposed Budget	Variation
Drains-Various Manjimup Priority 1	\$120,000	(\$80,000)	(\$40,000)
Drains-Various Manjimup Condition Report	\$0	\$40,000	\$40,000
Net Rate Funds			\$0

ATTACHMENTS

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|-----|---|---------|
| 1 ➡ | Road Infrastructure Advisory Committee Minutes 16 November 2023 | 6 Pages |
| 2 ➡ | Proposed Shire of Manjimup Infrastructure Advisory Committee Terms of Reference 2023 - 2025 | 1 Page |

APPENDICES

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| A ➡ | Current Road Infrastructure Advisory Committee Terms of Reference 2023 - 2025 | 1 Page |
|-----|---|--------|

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 16 November 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	NA
WARD:	NA
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170382
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	20 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to consider the unconfirmed minutes of the Plant Replacement Committee meeting held on 16 November 2023. A copy of the minutes are attached.

ATTACHMENT: 9.16.3 (1)

The functions of the Plant Replacement Committee are:

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee discussed increasing the Shire's Plant Replacement Budget Contribution, and therefore the Plant Charge Out Rate, as part of the proposed 2024/25 to 2034/35 Plant Replacement Schedule, which is attached.

ATTACHMENT: 9.16.3 (2)

Given the Plant Replacement Budget Contribution of \$507,000 has not changed for more than 12 years, the Committee discussed the purchasing power of the dollar over that time period. As a result of this discussion, a resolution to recommend to Council that the Budget Contribution be increased by 3% each year was passed. This increase was included in the 2024 to 2034 Plant Replacement Schedule. The Committee made one recommendation requiring Council's approval.

Committee Recommendation	Officer's Comment
Note the election of Shire President Donelle Buegge as Chairperson of the Road Infrastructure Advisory Committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
That Council adopt the 2024/25 – 2034/35 Plant Replacement Schedule with an annual 3% increase as part of Council's 2024/25 budget deliberations	The matter was raised by Shire Officers and supported by the Committee. This is dealt with as part of the Recommendations to Council at the end of this report.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Fuel efficiency technologies are continuously improving.

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

Social: Nil.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive the minutes of the Plant Replacement Committee meeting held on 16 November 2023 shown in Attachment: 9.16.3(1);**
- 2. Note the Committee's election of Shire President Donelle Buegge as Chairperson; and**

3. Consider adopting the 2024/25 – 2034/35 Plant Replacement Schedule with an annual 3% increase, as shown in Attachment: 9.16.3(2), as part of Council's 2024/25 budget deliberations.

ATTACHMENTS

1  Plant Replacement Committee Minutes 16 November 2023 3 Pages

ATTACHMENT**9.16.4 Unconfirmed Minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 21 November 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup
WARD:	Urban
ZONE:	Parks and Recreation
DIRECTORATE:	Community Services
FILE REFERENCE:	F210096
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Shammara Markotis
DATE OF REPORT:	22 November 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 21 November 2023, as attached, for Council consideration.

ATTACHMENT: 9.16.4 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

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

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed meeting minutes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 21 November 2023 as per Attachment: 9.16.4(1).

ATTACHMENTS

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| 1 ➡ | Unconfirmed Minutes of the Manjmup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 21 November 2023 | 4
Pages |
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**ATTACHMENT
APPENDIX**

**9.16.5 Unconfirmed Minutes of the Pemberton Community Hub
Advisory Committee Meeting 21 November 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Brockman Street, Pemberton (Reserve 19566)
WARD:	Rural
ZONE:	Public Purposes – Civic and Cultural
DIRECTORATE:	Community Services
FILE REFERENCE:	F210291
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Georgia Schipp
DATE OF REPORT:	27 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Pemberton Community Hub Advisory Committee is an Advisory Committee of Council formed under the provisions of the *Local Government Act 1995*.

The purpose of the Committee is:

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

The current Terms of Reference are appended.

APPENDIX: 9.16.5(A)

The purpose of this agenda item is to receive the unconfirmed minutes of the meeting held on 21 November 2023 as attached.

ATTACHMENT: 9.16.5(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options)

Prior to this meeting two resignations from committee members were received:

- Mitchell Goddin as the Pemberton Visitor Centre representative; and
- Rob Baker as the Pemberton Community Resource Centre Proxy representative.

It is noted that Council at the 24 October 2023 meeting moved to disband the committee as per 31 December 2023 due to this committee having fulfilled its purpose to establish the Community Hub. As such there are currently no further meetings scheduled prior to this date. However, it is important to note that no formal Council Advisory Committee is required for lease holders and/or user groups to meet and discuss Community Hub matters if and when they see fit.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

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

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

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

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

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Receive and note the final unconfirmed minutes of the Pemberton Community Hub Advisory Committee meeting held 21 November 2023 as shown at Attachment: 9.16.5(1); and**
- 2. Thank all members of the Pemberton Community Hub Advisory Committee for their contribution to the Committee and the development of the Community Hub.**

ATTACHMENTS

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| 1 ➡ Unconfirmed Minutes of the Pemberton Community Hub
Advisory Committee Meeting 21 November 2023 | 4
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| A ➡ Current Terms of Reference Pemberton Community Hub
Advisory Committee | 2
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- 10. LATE REPORTS:**
- 11. QUESTIONS FROM MEMBERS:**
 - 11.1 Response to questions from members taken on notice.
 - 11.2 Questions from members.
- 12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING:**
- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:**

14. MEETING CLOSED TO PUBLIC:

14.1 Matters for which the meeting may be closed

14.1.1 2024 Shire of Manjimup Citizen of the Year Awards

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	Nil
DIRECTORATE:	Community Services
FILE REFERENCE:	F160394
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Emily O'Neil
DATE OF REPORT:	23 November 2023
DECLARATION OF INTEREST:	Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (h) it deals with such other matters as may be prescribed.

14.2 Public reading of resolutions that may be made public.

15. APPLICATIONS FOR LEAVE OF ABSENCE:

16. CLOSURE:

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