



CONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

2 MAY 2024

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	ANNOUNCEMENTS BY THE PRESIDENT .....	4
3.	ATTENDANCE .....	4
4.	DECLARATIONS OF INTEREST .....	5
5.	PUBLIC QUESTION TIME.....	5
6.	PRESENTATIONS .....	7
7.	CONFIRMATION OF MINUTES.....	7
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	8
	Nil.	8
9.	OFFICER REPORTS.....	8
<b>29474</b>	9.3.1 Shire Financial Payments for March 2024.....	10
<b>29475</b>	9.5.1 Delegated Planning Decisions March 2024.....	13
<b>29476</b>	9.5.2 Partial Change of Use - Dwelling to Holiday House - Lot 391 (46) Hospital Avenue, Manjimup .....	16
<b>29477</b>	9.5.5 Proposed Industry - Extractive at Lot 10910 (879) Middlesex Road, Smith Brook .....	24
<b>29478</b>	9.12.1 Proposed Review of Council Policy 9.1.1 Road Use Approval for Permit Type Loads .....	36
<b>29479</b>	9.13.1 Quarterly Report January to March 2024 - Works and Services.....	39
<b>29480</b>	9.16.2 Unconfirmed Minutes and Revised Terms of Reference of the Sustainability Advisory Committee Meeting held 27 March 2024 .....	41
<b>29481</b>	9.16.4 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 26 March 2024 .....	44
<b>29482</b>	9.2.1 Proposed Holding Over of Windy Harbour Professional Fisherman Leases .....	47
<b>29483</b>	9.5.3 Proposed Land Clearing at Lots 9770, 50, 9767, 9768 and 9766 (260) Waughs Road, Glenoran.....	52
<b>29484</b>	9.5.4 Proposed Rural Pursuit and Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex.....	64
<b>29485</b>	9.9.1 Request for Clarification - Pemberton Community Resource Centre - Lotterywest Request .....	72
<b>29486</b>	9.9.2 Proposed Construction of Replica Tobacco Kiln - Manjimup Heritage Park.....	77
<b>29487</b>	9.12.2 Old Vasse Road Upgrade - Request for Activity Notice by Karri Karrak Aboriginal Corporation.....	84
<b>29488</b>	9.16.1 Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting Held 20 March 2024 .....	89
<b>29489</b>	9.16.3 Unconfirmed Minutes of the Pemberton Town Activation Advisory Committee Meeting Held 9 April 2024 .....	94
<b>29490</b>	9.16.5 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 26 March 2024 .....	97
10.	LATE REPORTS .....	101
	Nil. ....	101
11.	QUESTIONS FROM MEMBERS .....	101

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	101
.....	101
Nil.	101
13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	102
.....	102
Nil.	102
14. APPLICATIONS FOR LEAVE OF ABSENCE	102
Nil.	102
.....	102
15. CLOSURE	102

## SHIRE OF MANJIMUP

Unconfirmed Minutes of the Ordinary Meeting of Council held in the Council Chamber, Thursday, 2 May 2024.

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

The Shire President declared the meeting open at 5.30pm and made an Acknowledgement to Country.

### 2. ANNOUNCEMENTS BY THE PRESIDENT

The Shire President made the following announcements:

- I would like to acknowledge the events held on Anzac Day. The events that were held in all four of our towns are a reflection of the gratitude that we all share for the people that had put their lives on hold to go and fight for our freedom. I would also like to acknowledge the families that were left behind and pay my respects to them.
- A number of Councillors and I attended a 'Dry Season Meeting' in Yornup. Although it is raining today it doesn't mean it is the end of the hardships for farmers. Over 300 people attended the meeting and it is evident that our farmers are continuing to face hardships.

### 3. ATTENDANCE

#### Councillors

Cr D Buegge (Shire President)  
Cr S Miolin (Deputy Shire President)  
Cr J Darin  
Cr W De Campo  
Cr W Eiby  
Cr P Omodei  
Cr M Ventris  
Cr J Willcox  
Cr C Winfield

#### Staff

Mr Benjamin (Ben) Rose (Chief Executive Officer)  
Mr Greg Lockwood (Director Business)  
Ms Gail Ipsen Cutts (Director Community Services)  
Mr Jason Giadresco (Acting Director Development and Regulation)  
Mr Michael Leers (Director Works and Services)  
Ms Gaye Burrridge (Corporate Administration Officer)  
Mrs Jessica Raper (Temporary Senior Governance Officer)

## **Gallery**

Denise Jenkins  
 Marcia Johnson  
 Quentin Starkie  
 Nancy Giblett  
 Brett Waugh  
 Dean French

Lynne Christophersen  
 Andy Russell  
 Kim Starkie  
 David Giblett  
 Kirsty Martin

### **3.1 Apologies**

Nil.

### **3.2 Leave of Absence**

Nil.

## **4. DECLARATIONS OF INTEREST**

The Chief Executive Officer advised that he has received a Financial Interest declaration from Jason Giadresco - Acting Director Development and Regulation for Item 9.5.3. and Impartiality Interest declarations from Councillor De Campo for Item 9.12.1 and Councillor Omodei for Item 9.9.1.

## **5. PUBLIC QUESTION TIME**

### **5.1 Response to public questions taken on notice**

#### **Andy Russell**

Why did the Shire stop using public consultation after 2010 on the Old Vasse Road issue?

#### **Response to Question**

Road projects typically do not go out to wider public consultation. In the case of Old Vasse Road, as of 2013, Old Vasse Rd was placed on the Main Roads WA Roads 2030 Roads of Significance document (public document). In the 2014 South West Development Commission South West Blue Print document, the road was listed as a regional priority for sealing. Further, it has been part of discussions for the Road Infrastructure Advisory Committee (minutes are public documents). As a result of these outcomes and Council resolutions, in 2019/20 Financial Year, the Shire sought funding to commence the planning stages for the upgrade of Old Vasse Road.

## **5.2 Public Question – Without Notice**

### **Denise Jenkins, Manjimup**

What are you doing with regard to accessing funding from Talison for Community projects?

#### **Response**

The Director Community Services and I met with the Talison Grants Team earlier this week. The concept of an ongoing fund wasn't discussed, however, can be taken up with the grants team at the next opportunity.

### **Sam Karamfiles, Manjimup**

Regarding 5D Brockman Street project - I would like to know the spend to date and what you are preparing to spend to complete the works to get the building compliant?

#### **Response**

This question will be taken on notice.

### **Kim and Quentin Starkie, Manjimup**

Provided additional information and support for Item 9.5.2 Partial Change of Use - Dwelling to Holiday House - Lot 391 (46) Hospital Avenue, Manjimup.

#### **Response**

Acknowledged as a statement, rather than a public question.

### **Andy Russell, Yeagarup**

Has the Shire designated a speed limit for the planned Old Vasse Road Project?

How did the process never involved indigenous consultation or public consultation about Old Vasse Road?

#### **Response**

The speed limit is not imposed on a road until it is built, however, it is being designed for 80 to 90 kilometres per hour. Once the whole road is constructed that is when the speed limit will be applied formally.

In relation to consultation with traditional owners, the Shire followed the process as per Aboriginal Heritage Act, which included a due diligence assessment, which found that there was no recorded Aboriginal Cultural Heritage onsite and left it at that.

### **Dean French, Yeagarup**

Thanked the Shire for resheeting portion of Old Vasse Road, and thanked the crew who did the job.

### **Response**

Acknowledged as a statement, rather than a public question.

## **6. PRESENTATIONS**

### **6.1 Petitions**

Nil.

### **6.2 Presentations**

Nil.

### **6.3 Deputations**

A deputation by Sargeant Lowe of Manjimup Police was scheduled, however, did not occur due to other policing priorities at the time of the Council Meeting.

### **6.4 Delegates' reports**

Nil.

### **6.5 Conference reports**

Nil.

## **7. CONFIRMATION OF MINUTES**

**MOVED: Cr De Campo      SECONDED: Cr Eiby**

**29472**

**That the Minutes of the Ordinary Meeting of the Council held on 11 April 2024 be confirmed as a true and accurate record.**

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

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

Nil.

## **9. OFFICER REPORTS**

**MOVED: Cr Omodei      SECONDED: Cr Eiby**

**29473**

**“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 89 of the Agenda with the exception of those on the board.**

**CARRIED: 9/0**

9.2.1	Proposed Holding Over of Windy Harbour Professional Fisherman Leases
9.5.3	Proposed Land Clearing at Lots 9770, 50, 9767, 9768 and 9766 (260) Waughs Road, Glenoran
9.5.4	Proposed Rural Pursuit and Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex
9.9.1	Request for Clarification - Pemberton Community Resource Centre - Lotterywest Request
9.9.2	Proposed Construction of Replica Tobacco Kiln - Manjimup Heritage Park
9.12.2	Old Vasse Road Upgrade - Request for Activity Notice by Karri Karrak Aboriginal Corporation
9.16.1	Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting Held 20 March 2024
9.16.3	Unconfirmed Minutes of the Pemberton Town Activation Advisory Committee Meeting Held 9 April 2024
9.16.5	Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 26 March 2024

### **Items passed by En Bloc Resolution**

- 9.3.1 Shire Financial Payments for March 2024
- 9.5.1 Delegated Planning Decisions March 2024
- 9.5.2 Partial Change of Use - Dwelling to Holiday House - Lot 391 (46) Hospital Avenue, Manjimup
- 9.5.5 Proposed Industry - Extractive at Lot 10910 (879) Middlesex Road, Smith Brook
- 9.12.1 Proposed Review of Council Policy 9.1.1 Road Use Approval for Permit Type Loads
- 9.13.1 Quarterly Report January to March 2024 - Works and Services
- 9.16.2 Unconfirmed Minutes and Revised Terms of Reference of the Sustainability Advisory Committee Meeting held 27 March 2024



9.16.4 Unconfirmed Minutes of the Plant Replacement Committee  
Meeting Held 26 March 2024

**ATTACHMENT****9.3.1 Shire Financial Payments for March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	ALL
<b>ZONE</b>	Whole of Shire
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160967
<b>LEGISLATION</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>AUTHOR</b>	Judy Sutton
<b>DATE OF REPORT</b>	09 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

Effective from 1 September 2023 local governments are required to disclose information about purchases made on purchasing cards, such as corporate cards, debit cards, store cards, fuel cards and taxi cards.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

Accounts for payment totalling \$2,109,739.16 for the months of March 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for February 2024 are attached.

**ATTACHMENT: 9.3.1(1)**

<b>Payment by Fund</b>	<b>Amount</b>
Municipal – March 2024	\$2,109,739.16
Trust Fund	\$0.00
<b>Total</b>	<b>\$2,109,739.16</b>

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Ordinary Meeting of Council of 02 May 2024.

<b>Fund</b>	<b>Batch or cheque no.</b>	<b>Amount</b>
<b>Municipal Payments for Month March 2024</b>		
Cheque payments	95517 – 95530	\$3,732.68
EFT	313 – 318	\$1,268,744.78
Direct Debits		\$52,931.95
Payroll – February 2024		\$784,329.75
<b>Total Payments – February 2024</b>		<b>\$2,109,739.16</b>

<b>Direct Debit for Card Payments</b>	<b>Amount</b>
Corporate Credit Cards – February 2024	\$5,157.63
Wright Express - Coles – February 2024	\$601.93
<b>Total</b>	<b>\$5,759.56</b>
<b>Direct Debit payments included on Warrant Listing Report - March 2024</b>	

<b>Fuel Card Payments</b>	<b>Amount</b>
BP Cards – February 2024	\$8,058.85
Ampol Cards – February 2024	\$1,752.82
<b>Total</b>	<b>\$9,811.67</b>
<b>Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – March 2024</b>	

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As stated.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council note the March 2024 accounts for payment totalling \$2,109,739.16, as detailed within Attachment: 9.3.1(1).**

**COUNCIL RESOLUTION:**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29474**

**That Council note the March 2024 accounts for payment totalling \$2,109,739.16, as detailed within Attachment: 9.3.1(1).**

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

**ATTACHMENT****9.5.1 Delegated Planning Decisions March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	Various
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F170085
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	16 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A register of Delegated Development Approvals, detailing those decisions made under delegated authority in March 2024 is attached.

**ATTACHMENT: 9.5.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

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

**COMMENT**

During March 2024, twelve (12) development applications were determined under delegated authority. Table 1 shows the number and value of development applications determined under both delegated authority and by Council for March 2024 compared to March 2023.

**Table 1: Planning Decisions Made March 2023 and March 2024**

	March 2023	March 2024
<b>Delegated Decisions</b>	6 (\$993,810)	12 (\$1,026,570)
<b>Council Decisions</b>	11 (\$4,010,000)	1 (\$30,000)
<b>Total</b>	<b>17 (\$5,003,810)</b>	<b>13 (\$1,056,570)</b>

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

**Table 2: Planning Decisions Made Year-To-Date 2022-23 and 2023-24**

	YTD 2022-23	YTD 2023-24
<b>Delegated Decisions</b>	93 (\$7,413,481)	80 (\$11,616,423)
<b>Council Decisions</b>	55 (\$9,465,375)	24 (\$5,869,370)
<b>Total</b>	<b>148 (\$16,878,856)</b>	<b>104 (\$17,485,793)</b>

Whilst the number of applications determined has decreased in comparison to those of last Financial Year, it should be noted that the value and the level of complexity of applications have increased, as has the number required to be publicly advertised.

During March 2024, comments were provided to the Western Australian Planning Commission on one proposed subdivision.

## **STATUTORY ENVIRONMENT**

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

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

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

## **POLICY / STRATEGIC IMPLICATIONS**

Applications for Development Approval must be assessed against requirements of the Scheme and Local Planning Policies that have been

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council receive the report on Delegated Development Approvals for March 2024 as per Attachment: 9.5.1 (1).**

## **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED:      Cr      De      Campo**

**29475**

**That Council receive the report on Delegated Development Approvals for March 2024 as per Attachment: 9.5.1 (1).**

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

**ATTACHMENT****9.5.2 Partial Change of Use - Dwelling to Holiday House - Lot 391 (46) Hospital Avenue, Manjimup**

<b>PROPONENT</b>	Mrs K V Starkie
<b>OWNER</b>	Mr Q M & Mrs K V Starkie
<b>LOCATION / ADDRESS</b>	Lot 391 (46) Hospital Avenue, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Residential R5
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA24/29; P54370
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Kaylene Roberts
<b>DATE OF REPORT</b>	10 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Shire is in receipt of an application to partially change the use of a dwelling – single to Holiday Accommodation (Holiday House) at Lot 391 (46) Hospital Avenue, Manjimup.

A location plan is shown below:



The subject site has an area of 2,118m<sup>2</sup> and currently contains a dwelling, garage and several small outbuildings.

The applicant is seeking planning approval for a partial conversion of the main dwelling for use as Holiday Accommodation. The details of the application are as follows:



- The application is proposing the number of guests to be a maximum of two (2) in one bedroom;
- The landowners reside on the property;
- Owners will provide keys and a lock box at a later date;
- Parking will be available onsite for one vehicle;
- Cleaning of the property will be undertaken by the landowner;
- The Emergency Evacuation Response Plan will be implemented as submitted;
- No signage is proposed; and
- Bookings for the Holiday Accommodation (Holiday House) will be made through the AirBnB website or local tourism operators.

Details of the proposal are attached.

**ATTACHMENT: 9.5.2(1)**

Council is requested to consider the application having regard to the submissions received following the advertising of the proposal.

**PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) for a 21-day period to all adjoining landowners, a notice was placed in the local paper, on the Shire website and a sign was placed onsite.

Comments were received from two adjoining landowners raising concerns regarding the proposal, with the concerns being that the Holiday Accommodation will set a precedent for other residents in the area to have holiday accommodation.

A copy of the submission is attached with their content addressed in the Comment section below.

**ATTACHMENT: 9.5.2(2)**

**COMMENT**

The provisions of the Scheme include the subject land within the Residential Zone. As outlined by clause 4.3 the purpose of the Residential Zone *"is to provide for the adequate provision of suitably located land to provide for varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas."* Consistent with this purpose, the objective for the zone includes a limitation on *"non-residential activities to those which create self-employment or create activities, provides such activities have no detrimental effect on residential amenity."*

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

### Land Use Classification

Table 1 of the Scheme identifies Holiday Accommodation – Holiday House is an “A” use within the Residential zone, that is a use that can be approved following advertising of the proposal. The Scheme identifies this as follows:

“holiday house means a dwelling together with its associated outbuildings:

- a) designed primarily as a dwelling house for permanent residential purposes whether or not occupied periodically as such; and
- b) used, whether or not for commercial gain or reward, from time to time for unsupervised, short-stay tourist accommodation purposes excluding all people where the owner is a company.

But does not include a “bed and breakfast” facility.

As described in the proponent’s management plan, the application is for short term accommodation to be operated on a commercial basis. The application proposes that a maximum of 2 persons will use the Holiday Accommodation (Holiday House) at any one time.

### Consistency with Zoning

The objectives of the Residential Zone as outlined in clause 4.3.2 of the Scheme are designed to manage and conserve the amenity of residential localities and provide for adequate supply of residential land. Non-residential activities are to create self-employment and not have a detrimental impact on the amenity.

The proposed Holiday Accommodation (Holiday House) will provide the owner with a source of income and provided that the behaviour of future occupants is appropriately managed, the proposed Holiday Accommodation (Holiday House) is not expected to have any impact on the amenity of the surrounding area or environmental attributes to the area. The partial change of land use will not prejudice the ability of the development to operate as a dwelling in the future.

### Short Term Rental Accommodation Reform

The State Government is currently progressing legislation to improve regulation around Short-Term Rental Accommodation (STRA) sector.

Hosted STRA will be exempt from the requirement to obtain development (planning) approval as the primary owner or occupier of the residence remains onsite for the duration of the guest’s stay. This would mean that they can manage any issues that may arise, such as noise or parking, and is therefore considered to have very minimal impact on residential amenity and housing.

Until such time as the reforms are enacted, prior planning approval is required. The amended regulations are anticipated to come into effect later in 2024.

### Health (Miscellaneous Provisions ) Act 1911

The proposed use will be required to operate in compliance with all relevant requirements of the *Health (Miscellaneous Provisions) Act 1911*. Shire Staff

propose that an advice note be included on any approval granted by Council to reflect this requirement.

#### Guest Register

In accordance with the provisions of Local Planning Policy No. 6.1.5 – Holiday Accommodation, it is recommended that the application be required to maintain a guest register of all guests and this is to be made available to the Shire of Manjimup on request.

#### Submissions Received

Two submissions were received from nearby landowners (the same submission) who have concerns regarding the proposal. The concerns relate to setting a precedent for providing a business accommodation in a residential zone. The objection is based on the fact that if the application is approved, it will potentially change the nature of the lifestyle in the area.

A third submission was received, and the submitter has no objection to the proposal.

In response to the concerns raised Shire Staff consider that as the use is one that can be considered through the provisions of the Scheme, the availability currently exists to all Residential zoned properties and with the landowners occupying the same building, the risk of disruption to the existing area is mitigated.

#### Conclusion

The application as submitted complies with the requirements of the Scheme and Local Planning Policy 6.1.5 – Holiday Accommodation. Conditional approval is therefore recommended.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

As outlined in the comment section above, the application has been assessed in accordance with the provisions of Local Planning Policy 6.1.5 – *Accommodation*.

### **ORGANISATIONAL RISK MANAGEMENT**

Approval of this application by Council, provided that the Holiday House operates in accordance with the Scheme and Policy and enforced through conditional approval granted by Council, will not generate an organisational risk.

## FINANCIAL IMPLICATIONS

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

## SUSTAINABILITY

Environmental: Nil.

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

Social: Nil.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

## OFFICER RECOMMENDATION:

That Council, in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for the Change of Use (Partial) from a Dwelling to Holiday House at Lot 391 (46) Hospital Avenue, Manjimup (TP29/2024) in accordance with the submitted plans as attached at 9.5.2(1), and subject to the following conditions and advice notes:

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

Reference	Document Title	Date Received
1.	Floor Plan	9 February 2024
2.	Management Plan	9 February 2024
3.	Emergency Plan	9 February 2024

2. The applicant is to ensure that their Public Liability Insurance is in place prior to the commencement of the use and shall supply a copy of the same to the Shire of Manjimup, within 2 months of the date of this approval.
3. The development approval is granted for a period expiring on 30 June 2025, after which period the approved use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup.

4. The Holiday Accommodation hereby approved is limited to a maximum of two (2) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup.
5. The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup.
6. The submitted management details that form part of the application and shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
7. The Emergency Evacuation Response Plan, including provision of the Manager's contact details, is to be displayed in the Holiday Accommodation at all times.
8. Unless otherwise approved by the Shire of Manjimup, signage associated with the activity hereby approved shall be restricted to a single advertisement not exceeding 0.2m<sup>2</sup>, which is to be located on the property.

#### **Advice to Applicant**

1. The development must comply with the Health (Miscellaneous Provisions) Act 1911 and the Shire of Manjimup's Health Local Laws 2020.
2. The applicant is advised that the development will be required to meet all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Building Act 2011* and National Construction Codes;
3. The development is required to comply with the Shire of Manjimup's Health Local Laws 2020;
4. In all buildings approved for use as a Holiday Accommodation, a system of emergency lighting will need to be installed to assist in the evacuation of occupants in the event of fire and this lighting will need to:
  - 4.1 Be activated by a smoke alarm(s).
  - 4.2 Consist of:
    - 4.2.1 Lights incorporated into the smoke alarm itself; and
    - 4.2.2 Lighting incorporated in the corridor, hallway or area served by the required smoke alarm(s).
  - 4.3 Should changes to the legislation be finalised before this approval expires, a renewal will not be required in 2025.

**COUNCIL RESOLUTION****MOVED: Cr Omodei      SECONDED: Cr De Campo****29476**

**That Council, in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for the Change of Use (Partial) from a Dwelling to Holiday House at Lot 391 (46) Hospital Avenue, Manjimup (TP29/2024) in accordance with the submitted plans as attached at 9.5.2(1), and subject to the following conditions and advice notes:**

- 1. The use as permitted shall operate in accordance with the plans and supporting documentation as listed below.**

<b>Reference</b>	<b>Document Title</b>	<b>Date Received</b>
<b>1.</b>	<b>Floor Plan</b>	<b>9 February 2024</b>
<b>2.</b>	<b>Management Plan</b>	<b>9 February 2024</b>
<b>3.</b>	<b>Emergency Plan</b>	<b>9 February 2024</b>

- 2. The applicant is to ensure that their Public Liability Insurance is in place prior to the commencement of the use and shall supply a copy of the same to the Shire of Manjimup, within 2 months of the date of this approval.**
- 3. The development approval is granted for a period expiring on 30 June 2025, after which period the approved use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Holiday House to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup.**
- 4. The Holiday Accommodation hereby approved is limited to a maximum of two (2) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup.**
- 5. The Holiday Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period. In this regard, the manager/operator is to maintain a register of guests and the duration of their occupation to the satisfaction of the Shire of Manjimup.**
- 6. The submitted management details that form part of the application and shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.**
- 7. The Emergency Evacuation Response Plan, including provision of the Manager's contact details, is to be displayed in the Holiday Accommodation at all times.**

8. Unless otherwise approved by the Shire of Manjimup, signage associated with the activity hereby approved shall be restricted to a single advertisement not exceeding 0.2m<sup>2</sup>, which is to be located on the property.

**Advice to Applicant**

1. The development must comply with the Health (Miscellaneous Provisions) Act 1911 and the Shire of Manjimup's Health Local Laws 2020.
2. The applicant is advised that the development will be required to meet all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Building Act 2011* and National Construction Codes;
3. The development is required to comply with the Shire of Manjimup's Health Local Laws 2020;
4. In all buildings approved for use as a Holiday Accommodation, a system of emergency lighting will need to be installed to assist in the evacuation of occupants in the event of fire and this lighting will need to:
  - 4.1 Be activated by a smoke alarm(s).
  - 4.2 Consist of:
    - 4.2.1 Lights incorporated into the smoke alarm itself; and
    - 4.2.2 Lighting incorporated in the corridor, hallway or area served by the required smoke alarm(s).
  - 4.3 Should changes to the legislation be finalised before this approval expires, a renewal will not be required in 2025.

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

### 9.5.5 Proposed Industry - Extractive at Lot 10910 (879) Middlesex Road, Smith Brook

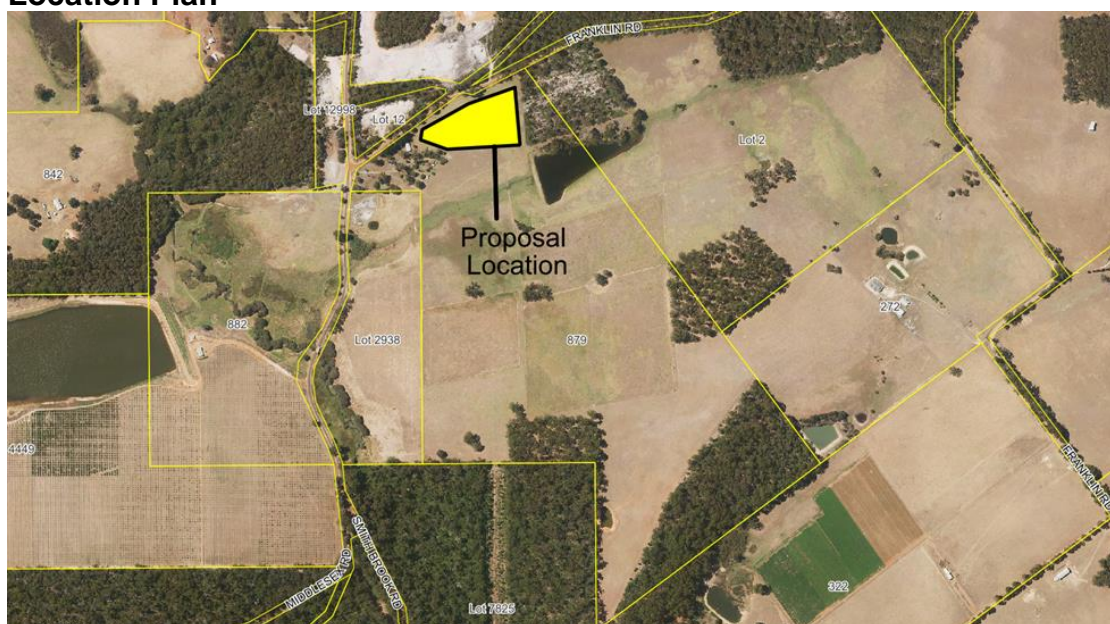
<b>PROPONENT</b>	A J Starkie
<b>OWNER</b>	A J Starkie
<b>LOCATION / ADDRESS:</b>	Lot 10910 (879) Middlesex Road, Smith Brook
<b>WARD:</b>	Rural
<b>ZONE:</b>	Priority Agriculture
<b>DIRECTORATE:</b>	Development & Regulation
<b>FILE REFERENCE:</b>	DA24/42, P54772, TP38/2024
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i> , Shire of Manjimup Local Planning Scheme No.4
<b>AUTHOR:</b>	Jason Giadresco
<b>DATE OF REPORT:</b>	17 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

## BACKGROUND

Council is requested to consider an application for development approval for the establishment and operation of an Industry – Extractive (Sand) at Lot 10910 (879) Middlesex Road, Smith Brook. Lot 10910 is a 64.4 hectare property located on the south side of Franklin Road where it intersects with Middlesex Road. A copy of the submitted application is attached.

**ATTACHMENT: 9.5.5 (1)**

## Location Plan



The application as submitted proposes:



- The extraction of white quartzite sand over a 2ha area adjacent to the northern property boundary with the Franklin Road reserve. Only 1 ha will be open for extraction at any one time.
- The depth of sand extraction across the area will be to 1.5m.
- The volume of extraction is to be 20,000m<sup>3</sup>. Sand will be stockpiled in windrows.
- No crushing or screening of the extracted material is required.
- Topsoil will be stored for later rehabilitation.
- The proposed hours of operation will be between 6am and 6pm weekdays on weekdays in summer months (November to April), and on weekends as needed. Hours of operation will be reduced in winter (May to October) to between 7am and 5pm.
- Sand will be hauled from the site by semi-trailer trucks and 25 tonne dump trucks. All truck movements to and from the site will be from Middlesex Road.
- The extraction site will be setback 30m to the northern boundary with Franklin Road.
- No land clearing is required.

Council is required to determine the application, as Shire officers do not have the delegated authority to determine Industry – Extractive proposals.

## **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 42-day period to the relevant government agencies and neighbouring landowners.

Correspondence was also sent to:

- Ward Councillors;
- Adjoining and nearby landowners located (or partially located) within a 1000m radius of the extraction area;
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Mines, Industry Regulation and Safety (DMIRS);
- Department of Water and Environmental Regulation (DWER); and
- Main Roads Western Australia (MRWA).

An advertisement was also placed in the Manjimup – Bridgetown Times on 20 March 2024.

Submissions closed on 18 April 2024. At the close of the advertising period, submissions were received from MRWA, DMIRS, DPIRD, DBCA & DWER. Whilst these submissions are discussed in the comment section below, a full copy of the submissions are attached.

### **ATTACHMENT: 9.5.5 (2)**

It should be noted that the submissions did not object to the proposal.

## COMMENT

The provisions of Local Planning Scheme No. 4 (the Scheme) include the subject and within the Priority Agriculture Zone.

In determining an application for development 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 relevant Local Planning Scheme operating within the Scheme area;*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the local government’s adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.5, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (xvii) *the amount of traffic likely to be generated by the proposal, particularly in relation to capacity of the road system in the locality and the probable effect of traffic flow and safety; and*
- (xxvii) *the comment 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 proposed land use is classified as “Industry – Extractive”, which is defined in the Scheme as follows:

*‘an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, on or adjacent to, the land from which the materials are extracted, but does not include industry-mining.’*

### Land Use Permissibility

An Industry-Extractive is an ‘A’ land use within the Priority Agriculture Zone. That is a use, which *‘is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6.’*

### Consistency with Zoning

The purpose of the Priority Agriculture zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality. Provided the use is appropriately managed no impacts on the agricultural activities already occurring on the subject property or adjacent land are anticipated.

### Setbacks

In accordance with clause 5.34.2.4 of the Scheme, unless otherwise approved by Council, development within the Priority Agriculture Zone is required to be setback 30m from the front and rear boundaries and 10m to side boundaries.

The proposed setbacks either meet or exceed the prescribed setbacks for the zone.

### Access

The site is to be accessed to and from Middlesex Road. Trucks will then move toward South West Highway, given Middlesex Road terminates to this road at both ends. With respect to road maintenance, the applicant will be required to maintain the current road standard at their expense. Shire Officers will undertake an inspection of Middlesex Road prior to the commencement of operations. A condition reflecting this will be included on any approval issued by Council.

### School Bus Route

It is noted that Middlesex Road is a designated school bus route. It is noted that the extractive industry approved in 2020 at Lot 9 Middlesex Road to the north Council imposed a condition that the proponent prepare and submit a Traffic Management Plan for the proposed haulage route including a prohibition on truck movements for a period of 40 minutes in the morning and in the afternoon to ensure truck movements do not conflict with school buses using Middlesex Road on school days.

Given the above, and in the interests of consistency the same condition is recommended to be imposed.

### Amenity

An Industry – Extractive as proposed has the potential to impact on the amenity of the area through noise and dust associated with the extraction and transportation processes. Extractive Industries also have the potential to create impacts through truck movements associated with the transportation of the product off-site.

The closest dwelling is approximately 500 metres from the extraction pit to the northeast. Shire officers consider that no visual, noise or dust impacts on dwellings will be generated by the proposal given the setback distance. In order to ensure compliance, an advice note requiring the proposal to comply with the *Noise Regulations 1997* of the *Environmental Protection Act 1986*, be included on any approval issued by Council to undertake the works.

### Site Rehabilitation

The applicant has indicated in their submission that topsoil will be stockpiled and following the extraction of sand, the land will be prepared for a return to pasture. To ensure rehabilitation of the extraction site occurs in a timely and progressive manner, a condition it is recommended appropriate conditions of approval be imposed.

### Time Limit on Approval

It is noted that the applicant has stated that the extraction pit will have a lifespan to 2026. Shire staff as a standard generally recommend any extraction approval be limited to the term proposed by the applicant or the total proposed amount of material, whichever comes first. Limiting the approval will allow for the operation to be considered in the event an extension in time or volume of material is requested.

### Policy Compliance

The objective of the Policy is to protect the economic viability of the general farming areas and to retain the rural character of the area by preventing operation of the Industry – Extractive in a detrimental manner. The Policy provides that, as a condition of approval, the hours of operation during the summer months only (November to April) be 8:00 am to 6:00 pm Monday to Saturday and other times during the year the hours be 9:00 am to 5:00 pm. Council's discretion to approve other hours of operation is not limited by the Policy.

The application proposes that the hours of operation are to be 6:00am and 6:00pm weekdays on weekdays in summer months (November to April), and on weekends as needed. Hours of operation will be reduced in winter (May to October) to between 7:00am and 5:00pm.

It is noted that Council granted approval for an extractive industry on the property immediately to the north on Lot 9 (807) Middlesex Road in 2020 limiting the operational activities associated with this site to be restricted to the hours of 7am to 6pm November to April and 7:30am to 5pm during other months, Monday to Friday only, and shall not operate on Public Holidays or weekends.

As a measure of consistency, it is recommended that Council uphold the same operating hours on this proposal as approved on Lot 9.

### Submissions Received

#### *MRWA, DMIRS and DPIRD*

These agencies have provided no objection to the application as proposed.

#### *DBCA*

DBCA provided no objection provided control of dust and noise during the extraction process and transport phase of the operation conforms with the *Occupational Health and Safety Act 2020*, *Environmental Protection Act 1986* and local government statutory standards to ensure impact on neighbouring

properties is within acceptable limits. Advice to this effect will be included in any approval issued by Council.

#### *DWER*

DWER have identified 9 matters that require consideration by Council:

#### *Non-compliance with the Rights in Water and Irrigation Act 1914 (RIWI Act)*

The Department has identified it currently has a compliance issue with the landowner in regard to section 17 of the RIWI Act. This statement has been made with regard to current dam construction occurring on the property, at the site of an existing dam that has been drained that straddles the boundary of Lot 10910 and Lot 2 Franklin Road. This dam construction is not subject to assessment under this proposal. The applicant has been previously advised that should the dam be filled, either adjustment of the current property boundary around the dam area or development approval from the Shire for a setback reduction will be required.

#### *Water Supply*

DWER has recommended a condition that the proponent quantify their water requirements for all aspects of the extraction and provide evidence of a secure water source to the satisfaction of the Shire. DWER have also noted in the application that it has been stated that the “if water is required for dust suppression, it will be sourced from an existing dam belonging to the owner of the property.”

Given that the dam onsite has been drained and no other known water source is available, it is recommended that this condition be included in any approval issued by Council to ask the applicant to clarify how they intend to source water for the site.

#### *Unknown potential for groundwater interception*

DWER notes that no information has been provided with regards to the depth of the groundwater at the site, however notes that a pit depth of 1.5m is proposed. The height of the extraction area makes it unlikely that groundwater would be intercepted, but it is not confirmed. Given this, the Shire supports DWER’s recommendation that a condition be included in the approval that limits the depth of extraction to 1.5 from the natural surface of the land.

#### *Stormwater management*

DWER have provided advice that stormwater measures in accordance with Water Quality Protection Note 15 are required to manage erosion during storm events mitigating the effect sediment may have on the waterway below the site. The requirement to undertake this will be included on any approval issued.

#### *Environmental risks*

The advice also generally discusses how the applicant can limit environmental risks to their operations and the environment through the implementation of the recommendations given in Water Quality Protection Note 15.

*Staging plan*

DWER recommend that the extraction take place in accordance with the agreed staging plan, and that commencement of the extraction subject of this approval be subject to the previous extraction stage be substantially rehabilitated. A condition upholding this advice will be included on any application approved by Council.

*Rehabilitation Plan and final landform*

The Department notes that the extraction area will be rehabilitated to pasture and horticultural production (potato cropping). To ensure rehabilitation of the site is achieved, conditions will be included on any approval issued by Council consistent with the Department's advice on the matter.

*Fuel and chemical management*

Advice has been provided that activities involving the use of hazardous chemicals should be managed in accordance with DWER's Water Quality Protection Note 56 – Toxic and hazardous Substance Storage and Use. Conditions will be included in the recommendation upholding this requirement.

*Dieback management plan*

DWER has suggested that a condition for a Dieback Management Plan be imposed, given no information has been provided in this application regarding the management of dieback. DWER also suggested that DBCA should be consulted.

DBCA provided no specific comment on the need for a dieback management plan.

Conclusion

Following assessment of the application, Shire Officers are recommending that the application be granted conditional approval. To ensure that operation of the Industry-Extractive does not detrimentally impact on the amenity of the area, the environment or local road network, a number of conditions are contained within the Officers recommendation.

**STATUTORY ENVIRONMENT**

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

**POLICY / STRATEGIC IMPLICATIONS**

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

**ORGANISATIONAL RISK MANAGEMENT**

Approval of this application by Council subject to appropriate conditions will not, in the opinion of Shire staff, generate any organisational risk.

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY**

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

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

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council**

**In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Extractive (Sand) at Lot 10910 (879) Middlesex Road, Smith Brook (Application TP38/2024) in accordance with the plans and specifications as submitted and subject to the following conditions:**

- 1. The development hereby approved must 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.**
- 2. The depth of extraction is limited to 1.5m from the natural ground level of the site. Should groundwater be intercepted, operation of the Industry – Extractive is to cease and the Shire of Manjimup and Department of Water notified.**
- 3. All drainage and stormwater associated with the extraction pit shall be contained on site to the satisfaction of the Shire of Manjimup.**
- 4. No storage of petroleum products or chemicals shall occur on-site unless otherwise approved by the Shire of Manjimup.**

5. The applicant shall specify the water source to be used for on-site dust suppression to the satisfaction of the Shire of Manjimup.
6. This development approval expires on 31 December 2026, or once extraction volume of sand totals 20,000m<sup>3</sup>, whichever occurs sooner.
7. The applicant shall install and maintain traffic control measures along all roads used by the development to the specification and satisfaction of the Shire of Manjimup.
8. Any damage to Middlesex Road caused by vehicles associated with the approved Industry - Extractive is to be repaired at the applicant's cost, to the satisfaction of the Shire of Manjimup.
9. No more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup.
10. All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process to the satisfaction of the Shire of Manjimup.
11. Rehabilitation of the site being completed to the satisfaction of the Shire of Manjimup within 90 days of completion of the extraction activities or the expiration of this approval, whichever occurs first.
12. The development must not cause airborne dust nuisance to neighbours, or properties located on the nominated haulage route.
13. Control of dust and noise during the extraction process and transport phase of the operation should conform with the Work Health and Safety Act 2020, Environmental Protection Act 1986 to ensure impact on neighbouring properties is within acceptable limits.
14. No standing water shall occur at the site post-rehabilitation.
15. The operational activities associated with the Industry – Extractive hereby approved shall be restricted to the hours of 7am to 6pm November to April and 7.30am to 5pm during other months of the year, Mondays to Fridays only and shall not operate on Public Holidays or weekends.
16. The applicant is to prepare and submit a Traffic Management Plan for the proposed haulage route including a prohibition on truck movements for a period of 40 minutes in the morning and in the afternoon to ensure truck movements do not conflict with school buses using Middlesex Road on school days.



**Advice to Applicant:**

1. The approved operation is required to comply with the '*Environmental Protection (Noise) Regulations, 1997*';
2. With regard to Condition 3. stormwater measures are to be undertaken in accordance with the Department of Water and Environment Regulation Water Quality Protection Note 15.
3. With regard to Condition 4. activities involving the use of hazardous chemicals should be managed in accordance with DWER's Water Quality Protection Note 56 – Toxic and hazardous Substance Storage and Use.

**COUNCIL RESOLUTION:**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29477**

**That Council:**

**in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Extractive (Sand) at Lot 10910 (879) Middlesex Road, Smith Brook (Application TP38/2024) in accordance with the plans and specifications as submitted and subject to the following conditions:**

1. The development hereby approved must 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.
2. The depth of extraction is limited to 1.5m from the natural ground level of the site. Should groundwater be intercepted, operation of the Industry – Extractive is to cease and the Shire of Manjimup and Department of Water notified.
3. All drainage and stormwater associated with the extraction pit shall be contained on site to the satisfaction of the Shire of Manjimup.
4. No storage of petroleum products or chemicals shall occur on-site unless otherwise approved by the Shire of Manjimup.
5. The applicant shall specify the water source to be used for on-site dust suppression to the satisfaction of the Shire of Manjimup.
6. This development approval expires on 31 December 2026, or once extraction volume of sand totals 20,000m<sup>3</sup>, whichever occurs sooner.

7. The applicant shall install and maintain traffic control measures along all roads used by the development to the specification and satisfaction of the Shire of Manjimup.
8. Any damage to Middlesex Road caused by vehicles associated with the approved Industry - Extractive is to be repaired at the applicant's cost, to the satisfaction of the Shire of Manjimup.
9. No more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup.
10. All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process to the satisfaction of the Shire of Manjimup.
11. Rehabilitation of the site being completed to the satisfaction of the Shire of Manjimup within 90 days of completion of the extraction activities or the expiration of this approval, whichever occurs first.
12. The development must not cause airborne dust nuisance to neighbours, or properties located on the nominated haulage route.
13. Control of dust and noise during the extraction process and transport phase of the operation should conform with the Work Health and Safety Act 2020, Environmental Protection Act 1986 to ensure impact on neighbouring properties is within acceptable limits.
14. No standing water shall occur at the site post-rehabilitation.
15. The operational activities associated with the Industry – Extractive hereby approved shall be restricted to the hours of 7am to 6pm November to April and 7.30am to 5pm during other months of the year, Mondays to Fridays only and shall not operate on Public Holidays or weekends.
16. The applicant is to prepare and submit a Traffic Management Plan for the proposed haulage route including a prohibition on truck movements for a period of 40 minutes in the morning and in the afternoon to ensure truck movements do not conflict with school buses using Middlesex Road on school days.

**Advice to Applicant:**

1. The approved operation is required to comply with the '*Environmental Protection (Noise) Regulations, 1997*';
2. With regard to Condition 3. stormwater measures are to be

undertaken in accordance with the Department of Water and Environment Regulation Water Quality Protection Note 15.

3. With regard to Condition 4. activities involving the use of hazardous chemicals should be managed in accordance with DWER's Water Quality Protection Note 56 – Toxic and hazardous Substance Storage and Use.

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

Councillor De Campo declared an Impartiality Interest in this Item as he owns a transport company. Councillor De Campo declared that he would consider this matter on its merits and vote accordingly.

## **ATTACHMENT APPENDIX**

### **9.12.1 Proposed Review of Council Policy 9.1.1 Road Use Approval for Permit Type Loads**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	NA
<b>ZONE</b>	NA
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F160373
<b>LEGISLATION</b>	<i>Local Government Act 1995; Road Traffic (Administration) Act 2008; Road Traffic (Vehicles) Act 2014</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	18 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### **BACKGROUND:**

Council policies are regularly reviewed to ensure consistency between the policies, the Council decision making and the response to community feedback. Generally, this occurs after a period of four years or where requested by Council. The purpose of this report is to present to Council the following reviewed policy 9.1.1 Road Use Approval for Permit Type Loads.

The current policy can be found in the appendix.

#### **APPENDIX: 9.12.1(A)**

#### **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

#### **COMMENT**

The policy review is intended to make adjustments to existing policies based on past performance, to ensure currency with legislation and to correct

terminology. All reviewed policies need to accord with current policies, standards and/or legislation.

The amended policy can be found in the attachment.

#### **ATTACHMENT: 9.12.1(1)**

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995, Road Traffic (Administration) Act 2008, Road Traffic (Vehicles) Act 2014.*

### **POLICY / STRATEGIC IMPLICATIONS**

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

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil. The required administration fee is included on Council's approved Fees and Charges for the 2023/24 financial year.

### **SUSTAINABILITY**

Environmental: Appropriate management of heavy vehicles on local roads helps maintain a safe and efficient road network.

Economic: Maintaining an efficient RAV road network allows for a more economically viable transport industry.

Social: Nil.

### **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council adopt the reviewed Technical Services Policy 9.1.1 Road Use Approval for Permit Type Loads, as shown in Attachment: 9.12.1(1).**

**COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29478**

**That Council adopt the reviewed Technical Services Policy 9.1.1 Road Use Approval for Permit Type Loads, as shown in Attachment: 9.12.1(1).**

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

**ATTACHMENT****9.13.1 Quarterly Report January to March 2024 - Works and Services**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Shire of Manjimup
<b>WARD</b>	All
<b>ZONE</b>	NA
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F160966
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	15 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

A report outlining activities for the quarter ending 31 March 2024 for the Works and Services Directorate is attached.

**ATTACHMENT: 9.13.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

**POLICY / STRATEGIC IMPLICATIONS**

Nil.

**ORGANISATIONAL RISK MANAGEMENT**

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

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council receive the January to March 2024 Quarterly Report – Works and Services as contained in Attachment: 9.13.1(1).**

## **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29479**

**That Council receive the January to March 2024 Quarterly Report – Works and Services as contained in Attachment: 9.13.1(1).**

**ADOPTED BY EN BLOC RESOLUTION: 9/0**



## ATTACHMENT APPENDIX

### 9.16.2      **Unconfirmed Minutes and Revised Terms of Reference of the Sustainability Advisory Committee Meeting held 27 March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Manjimup
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	Whole Shire
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F220159
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Ann Bentley
<b>DATE OF REPORT:</b>	10 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

## BACKGROUND

The Sustainability Advisory Committee is an Advisory Committee of Council, formed under the provisions of the *Local Government Act 1995*. The functions of the Committee as outlined in the current Terms of Reference are:

1. *Identification of opportunities for activation of sustainability practices in the Shire of Manjimup;*
2. *Liaison with other relevant community groups and / or service agencies over potential sustainability projects;*
3. *Communicate and inform the local community about activities of the Committee;*
4. *To provide advice to Council on the development, management, and promotion of sustainability practices in the Shire of Manjimup;*
5. *To make recommendation to Council in regard to matters that will improve sustainability in the Shire of Manjimup for the benefit of the broader community; and*
6. *To provide advice on trends in sustainability (e.g., technologies, government policy).*

The purpose of this report is to present the unconfirmed minutes of the Sustainability Advisory Committee meeting held 27 March 2024 and revised Terms of Reference, as attached, for Council consideration.

**ATTACHMENT: 9.16.2 (1)**

**ATTACHMENT: 9.16.2 (2)**

The previous committee Terms of Reference are appended for Councillors information.

**APPENDIX: 9.16.2 (A)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

Only one decision made by the Committee requires consideration by Council as an outcome of the meeting. The Committee voted unanimously to adjust the Terms of Reference to update the Shire Representatives as per the revised Terms of Reference (attached).

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

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

## **ORGANISATIONAL RISK MANAGEMENT**

The Advisory Committee are discussing Climate Change related risk management as part of the review of the Draft Environmental Sustainability Strategy.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The Advisory Committee will make recommendations to Council and the Shire on various environmental improvements the Shire could potentially make to address sustainability measures.

Economic: The measures put in place by the Shire on advice from the Advisory Committee has the potential to introduce savings to the Shire's operational budget.

Social: The Advisory Committee will make recommendations about emergency preparedness in relation to climate change.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council**

- 1. Receive the unconfirmed minutes of the Sustainability Advisory Committee Meeting held 27 March 2024 as shown at Attachment: 9.16.2 (1).**
- 2. Adopt the revised Terms of Reference for the Sustainability Advisory Committee as shown at Attachment: 9.16.2 (2).**

**COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29480**

**That Council**

- 1. Receive the unconfirmed minutes of the Sustainability Advisory Committee Meeting held 27 March 2024 as shown at Attachment: 9.16.2 (1).**
- 2. Adopt the revised Terms of Reference for the Sustainability Advisory Committee as shown at Attachment: 9.16.2 (2).**

**ADOPTED BY EN BLOC RESOLUTION: 9/0**

**ATTACHMENT****9.16.4 Unconfirmed Minutes of the Plant Replacement Committee Meeting Held 26 March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Enter text
<b>WARD</b>	Enter text
<b>ZONE</b>	Enter text
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F170382
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	16 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The purpose of this report is to consider the unconfirmed minutes of the Plant Replacement Committee meeting held on 26 March 2024. A copy of the minutes are attached.

**ATTACHMENT: 9.16.4 (1)**

The functions of the Plant Replacement Committee are:

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

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The Committee discussed disposal of the 18 year old Bomag roller, which sold below the budgeted price due to re-occurring failures with the equipment. The committee also discussed the failed purchase of the Auto Patching Truck, due to the suppliers going into receivership. The Committee considered the draft Plant Replacement Schedule 2024/25, which is attached.

**ATTACHMENT: 9.16.4 (2)**

<b>Committee Recommendation</b>	<b>Officer Comment</b>
That Council instruct the CEO to seek recompense or lodge an insurance claim with Western Australian Local Government Association and Local Government Insurance Scheme.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.

The Committee endorse the proposed Plant Replacement schedule 2024/25 to 2034/35 attached subject to amendment of the purchase dates ensuring they are correct, for Council to consider as part of its 2024/25 budget deliberations	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
---	--

Following the Committees recommendation to ensure correct dates are noted against each piece of plant and/or vehicle, the Plant Replacement Schedule 2024/25 has been amended and is attached for Councils approval.

#### **ATTACHMENT: 9.16.4 (3)**

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

### **POLICY / STRATEGIC IMPLICATIONS**

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

### **ORGANISATIONAL RISK MANAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

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

### **SUSTAINABILITY**

Environmental: Fuel efficiency technologies are continuously improving.

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

Social: Nil.

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

**That Council**

- 1. Receive the minutes of the Plant Replacement Committee meeting held on 26 March 2024 shown in Attachment: 9.16.4 (1).**
- 2. Instruct the CEO to seek recompense or lodge an insurance claim with Western Australian Local Government Association and Local Government Insurance Scheme.**
- 3. Approve the proposed Plant Replacement schedule 2024/25 to 2034/35 attached subject to amendment of the purchase dates ensuring they are correct, for Council to consider as part of its 2024/25 budget deliberations as shown in attachment: 9.16.4 (3).**

**COUNCIL RESOLUTION:**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29481**

**That Council**

- 1. Receive the minutes of the Plant Replacement Committee meeting held on 26 March 2024 shown in Attachment: 9.16.4 (1).**
- 2. Instruct the CEO to seek recompense or lodge an insurance claim with Western Australian Local Government Association and Local Government Insurance Scheme.**
- 3. Approve the proposed Plant Replacement schedule 2024/25 to 2034/35 attached subject to amendment of the purchase dates ensuring they are correct, for Council to consider as part of its 2024/25 budget deliberations as shown in attachment: 9.16.4 (3).**

**ADOPTED BY EN BLOC RESOLUTION:9/0**

### 9.2.1 Proposed Holding Over of Windy Harbour Professional Fisherman Leases

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Crown (Management Order to Shire)
<b>LOCATION / ADDRESS</b>	Reserve 38881 Windy Harbour Sites 205, 206, 207, 306 and 307
<b>WARD</b>	Rural Ward
<b>ZONE</b>	Special Use Zone No 5
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F161345
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	19 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages" and since 2001 has been granting 20 year leases for the designated lease sites.

Ancillary to the main reserve purposes and 225 holiday cottage leases, there are seven (7) lease sites designated for professional fishermen. Additional lease conditions require leaseholders of those seven sites to hold a commercial fishing licence and a fishing boat licence.

At the Ordinary Council Meeting held on 11 April 2024 (29479) Council resolved in part to:

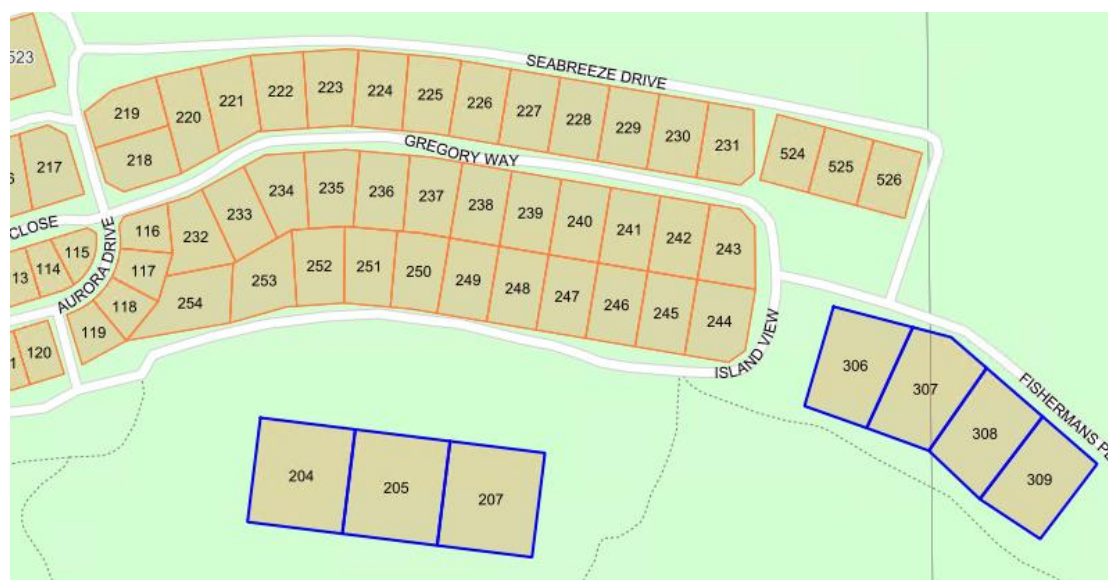
1. *Update the Windy Harbour Management Plan 2007 - 2017 by:*
  - (a) *Deletion of plan statement 26 (Fisherman's leases to continue as ancillary component of the settlement) and this being replaced by an action to read as follows 'The use of Fisherman's leases as an ancillary component of the settlement be reviewed'.*
2. *The draft updated Windy Harbour Management Plan (as updated above) be submitted to Council for final approval.*
3. *A draft Implementation Plan be prepared.*

It was noted in the agenda item that the question of the ongoing use of the Fishermen's leases can be accommodated as an action in the Implementation Plan. The priority for this action will be determined by the Council when preparing this plan.

Five (5) of the professional fisherman leases are due to expire this year. To assist with administration of these leases, this agenda item proposes to hold over the leases on a monthly basis after the expiry dates until the lease conditions have been reviewed.

The current professional fisherman leases are as follows:

Site	Leaseholder/s	Expiry Date
204	Mr A V C & Mrs P A Miles	26/05/2024
205	Ms M G Johnson	23/06/2024
207	Ms J E Dittmer	23/06/2024
306	Mr N B Kelly	25/08/2024
307	Mr S J Hughes	25/08/2024
308	Mr F Renzullo	30/08/2037
309	Amora Shells Pty Ltd	31/07/2040



The lease of Site 205 also needs further consideration as the current leaseholder does not hold the required fishing licences, which was previously considered by Council at the meeting of 24 October 2019 (27994), where it was resolved:

*That Council, subject to the transfer proceeding, approve the transfer of the existing lease over Site 205 Windy Harbour from Brendan Johnson and Marcia Johnson as joint tenants to Marcia Johnson, subject to the following conditions:*

- a) Approval is given for an extension of the period of time referred to additional conditions 3(a) and 3(b) of the lease, to sell/assign the lease, from 'within 12 months' to 'by 23 June 2024'; and*
- b) Approval of the Minister for Lands.*



The purpose of this agenda item is to seek Council's approval to hold over the Windy Harbour Fishermen Leases in question, giving Lessees legal right to occupy their leases until such time as the Windy Harbour Management Plan review is completed.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

In accordance with Council Policy 4.2.2 *Windy Harbour Leases*, when a 20 year lease expires, the existing leaseholders are given first right of refusal for a new lease, provided they are not in default of the lease.

For the five (5) leases that are due to expire a new lease with the current lease conditions can be offered. Should there be any change to the lease conditions resulting from the review, a variation of lease or a new lease could be executed later if required. However, administratively it would be preferred to have the option to hold over the leases until the review is completed, given the process to update the Windy Harbour Management Plan and prepare an Implementation Plan has commenced.

The leaseholder of Site 205 intends to ask for a new 20 year residential lease rather sell or transfer the leasehold as required by the previous Council resolution. Although the leaseholder is in breach of the lease conditions, given the sensitivity of the situation it is recommended to wait until an informed decision can be made on this matter.

The recommendation is to authorise the Chief Executive Officer to hold over the leases, and the extension relating to the default for Site 205, on a monthly basis while the Management Plan processes are undertaken. The respective leaseholders will still be given the option of being granted a new 20 year lease with the current lease conditions if that is their preference.

It is acknowledged that, with the priority regarding the professional fisherman leases yet to be determined by Council, it is unknown how long the leases may potentially be held over for.

## **STATUTORY ENVIRONMENT**

Each lease and any subsequent transfers or variations must receive the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

Council Policy 3.4.2 Windy Harbour Leases provides the guidelines for granting Windy Harbour leases and delegated authority to the Chief Executive Officer. The ability to hold over leases by mutual consent between the Lessor and Lessee is included in the lease agreements. Actions regarding a lessee being in default of the lease must be referred to Council.

Designation of the fisherman leases is by the Windy Harbour Management Plan 2007 – 2017.

## **ORGANISATIONAL RISK MANAGEMENT**

Update of the Windy Harbour Management Plan 2007-2017 is to occur before making an informed determination for a change of land use or lease conditions for the professional fisherman lease sites.

## **FINANCIAL IMPLICATIONS**

Leaseholders are required to pay the lease preparation at the time of each new lease and transfer or variation of an existing lease. There are no administration fees for the holding over of leases. Rates and lease fees continue to apply during a hold over period.

## **SUSTAINABILITY**

Environmental Nil.

Economic Nil.

Social Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION:**

That Council authorise the Chief Executive Officer to:

1. **Hold over the professional fishermen leases on Sites 204, 205, 207, 306 and 307 Reserve 38881 Windy Harbour on a monthly basis after their respective expiry dates until the Windy Harbour Management Plan is updated, an Implementation Plan is adopted by Council and the land use and lease conditions are reviewed.**

2. Extend the period of time for the requirement to sell or assign the lease of Site 205 Windy Harbour with the period of holding over of the lease.

**COUNCIL RESOLUTION:**

**MOVED:** Cr Omodei      **SECONDED:** Cr De Campo

**29482**

**That Council authorise the Chief Executive Officer to:**

1. Hold over the professional fishermen leases on Sites 204, 205, 207, 306 and 307 Reserve 38881 Windy Harbour on a monthly basis after their respective expiry dates until the Windy Harbour Management Plan is updated, an Implementation Plan is adopted by Council and the land use and lease conditions are reviewed.
2. Extend the period of time for the requirement to sell or assign the lease of Site 205 Windy Harbour with the period of holding over of the lease.

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

Mr Giadresco declared a Financial Interest in this Item as he owns a share in trotting horses with the applicant. Mr Giadresco had recused himself from involvement in the preparation of the agenda item and left the Chamber at 5.59pm.

## ATTACHMENT

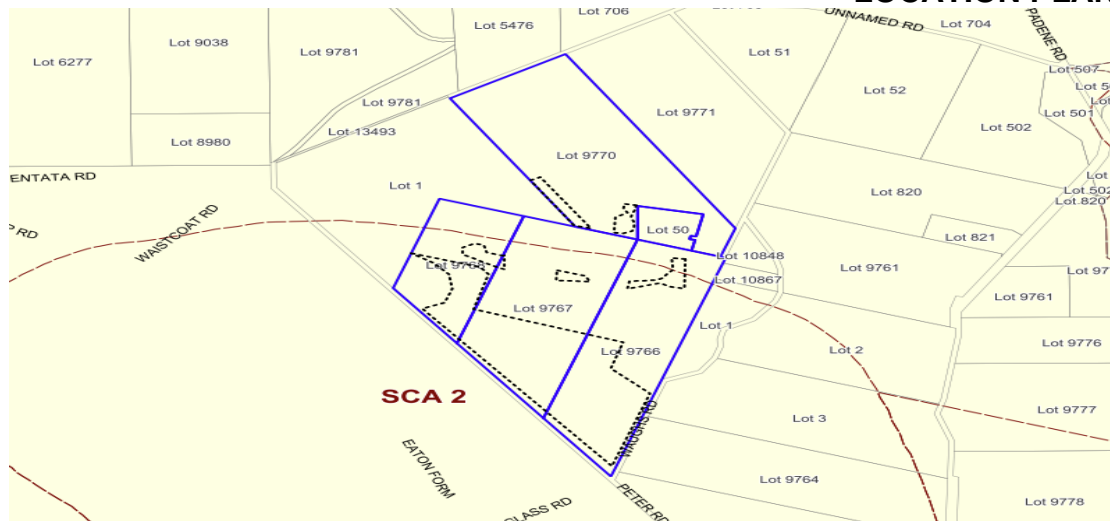
### 9.5.3 Proposed Land Clearing at Lots 9770, 50, 9767, 9768 and 9766 (260) Waughs Road, Glenoran

<b>PROPONENT</b>	Brumby Lane Land Holdings No. 2 Pty Ltd
<b>OWNER</b>	Brumby Lane Land Holdings No. 2 Pty Ltd
<b>LOCATION / ADDRESS</b>	Lots 9770, 50, 9767, 9768 and 9766 (260) Waughs Road, Glenoran
<b>WARD</b>	Rural
<b>ZONE</b>	Priority Agriculture
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA24/47 P50857
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	15 April 2024
<b>DECLARATION OF INTEREST</b>	The Acting Director of Development of Development and Regulation is a close associate of the applicant, with a financial interest and has had no involvement in the preparation of this item.

## BACKGROUND

The subject land consists of Lot 50, 9766, 9767, 9768 and 9770 Waughs Road, Glenoran. Existing development on the land consists of several dams, sheds, a dwelling and an orchard. Remnant vegetation exists on Lot 9770, 9766 and 9767 with the remainder of the land used for pasture. A location plan is shown below.

## LOCATION PLAN



In 2021, Council approved an application to construct a Dam on Lot 9766. As part of the application details, the applicant had included information relating to proposed land clearing totalling 41ha. Due to an oversight in the assessment, Shire Staff reported on and recommended approvals to only the Dam aspect of the application, on the understanding that the land clearing was exempt from requiring planning approval.

The applicant was advised to undertake a clearing permit application should any clearing be required. Whilst a clearing permit was approved by the Department of Water and Environmental Regulation (DWER), members of the public were able to appeal the decision. As part of the consideration of the appeals, DWER contacted Shire Staff to confirm whether prior planning was required due to the Special Control Area overlay.

As a result, the landowner has now lodged an application to commence development for land clearing. Whilst the applicant has been advised by DWER to reduce the area of clearing to remove the area in the southern portion of Lot 9768, the applicant has made a request to gain planning approval from the Shire for the total area.

Details submitted in support of the application are attached.

#### **ATTACHMENT: 9.5.3 (1)**

Council is requested to consider the application as a number of objections were received during the public consultation period.

### **PUBLIC CONSULTATION UNDERTAKEN**

In accordance with the requirements of Local Planning Scheme No. 4 (the Scheme) the proposal was referred to DWER, the Department of Biodiversity Conservation and Attractions (DBCA) for a period of 42 days and to neighbouring landowners for a period of 21 days. Comments were received by DWER and DBCA and objections were received from three landowners (two from the same property).

The Shire's Sustainability Officer was referred the application for an assessment on the potential local biodiversity impacts of the proposal. All comments received are attached and the objections discussed in the Comment section below.

#### **ATTACHMENT: 9.5.3 (2)**

### **COMMENT**

The land is zoned Priority Agriculture under the Scheme and has an overlay of Special Control Area 2 – Manjimup Dam Catchment Area. To assist Council in determining the application the following comments are provided:

#### Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4,*
- (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;*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (xxvi) *any relevant submissions received on the application; and*
- (xxvii) *the comments or submissions received from any authority consulted under Clause 10.1.*

The following comments are offered in respect of the above matters in order to assist Council in determining the application.

#### The Strategic Objectives of the Scheme and Local Planning Strategy

- (i) protect areas of agricultural significance for sustainable production, protect these areas from inappropriate land use and practices, and conserve its non-urban character whilst accommodating other complementary rural activities;
- (ii) promote sustainable economic growth in rural areas by identifying and securing suitable land and water resources for existing and future requirements of agriculture, forestry and timber production;
- (vii) ensure that land use is managed in accordance with integrated catchment management and natural resource management principles;
- (x) ensure the natural environment is protected and managed in a responsible and sustainable manner.

#### The Aims of the Scheme

- (iv) maintain and protect valuable areas of agricultural production;
- (xiii) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken in a sustainable manner with biodiversity values at the fore-front of decision-making;
- (xiv) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity and environmental and heritage values.

#### Zone Purpose and Objectives

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

The objectives of the Scheme relating to this zone is to reinforce the requirement for the protection of the rural activities and the protection and

enhancement of bio-diversity of these areas. Whilst the objectives of the zone appear in conflict, the underlying purpose of the zone is to preserve existing and to allow for new agricultural production.

Land capability data shows that the land proposed for land clearing for future agriculture contains greater than 70% that has moderate to high capability of annual horticulture and 50-70% of the land has high capability of perennial horticulture.

#### Clearing Land

Clause 5.7.1 of the Scheme states that prior planning approval is required for the clearing of land within areas zoned Tourist Enterprise, Rural Residential, Rural Conservation and Rural Small Holdings and there is a general presumption against approving clearing in those zones.

Clause 5.7.2 applies to applications for planning approval for clearing in zones other than those referred to in 5.7.1, but not including Priority Agriculture or General Agriculture, and states that the local government will have regard to the extent of the clearing, the quality and type of vegetation to be removed and may impose conditions or make arrangements with the applicant to retain some vegetation on the land.

Shire Staff consider that given the provisions above, these provisions do not apply to the Priority Agricultural zone.

#### Special Control Area 2 – Manjimup Dam Catchment

The southern portion of the land is located within Special Control Area 2 – Manjimup Dam Catchment (SCA2). The objective of the water catchment areas is to ensure that land use and development is compatible with the protection and long-term management of water resources for public water catchment areas designated under the *Country Areas Water Supply Act 1947*.

*In accordance with clause 6.1.5 notwithstanding any other provision of the Scheme, and in particular the provisions of clause 8.4 – Permitted Development; development is prohibited on land within any of the Special Control Areas....without the prior approval of the local government.*

Provisions contained within clause 6.2. - Relevant Considerations relate to land use compatibility tables for Public Drinking Water, a list containing prohibited land uses such as piggeries, tanneries and abattoirs and preventing and/or minimising potential risk to groundwater contamination.

Shire Staff consider that the SCA2 overlay provisions are relevant to land use and the protection of groundwater from contamination and do not apply to works.

It should be noted that there is a possible discrepancy with the SCA overlay on the Scheme, the dataset from DWER for water catchment areas indicate that the area may be for the Lefroy Brook catchment. Nevertheless a SCA is still in place over the land.

### Setbacks

Notwithstanding the above clauses, the requirement for prior planning approval has been identified, clause 5.34.2.4 of the Scheme identifies that development (works) within the Priority Agricultural Zone is required to conform to the following standards:

- Minimum front and rear setbacks of 30m;
- Minimum side setbacks of 10m; and
- 100m from State Forest, National Park, Conservation Reserves or other timbered Crown or local government controlled land.

Whilst existing firebreaks are located along all property boundaries, land clearing is proposed within the prescribed boundary setbacks. The variation was referred to adjoining landowners for comment.

### Relaxation of Standards

Council may approve an application, despite the non-compliance with a standard or requirements prescribed by the Scheme in accordance with Clause 5.5.1 of the Scheme. The power conferred by this clause may only be exercised if the local government is satisfied that:

- (i) Approval to 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 any adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

The applicant is seeking approval to clear land within the prescribed setbacks for the zone. In considering an application for a setback reduction in this zone the local government is to consider environmental impacts, visual impacts as well as possible bushfire hazards, alternative development sites, effluent disposal and servicing/infrastructure implications.

Shire Staff consider that the above considerations are more appropriately applied to works of a physical building in nature, rather than the clearing of land, despite the literal environmental impacts and potential visual impacts on the neighbouring properties.

### Policy Assessment

Local Planning Policy 6.1.19 - Managing the Natural Environment (the Policy) ensures principles of ecologically sustainable development are considered in planning decisions.

Policy provisions that relate to this application state that an application for land clearing will be assessed against the following:

- i. Proposals are not to detract from the conservation and landscape values of the area;
- ii. Where significant erosion risks exist shall only be permitted where adequate mitigation measures are implemented;
- iii. Shall not be approved if in the opinion of the Shire, the clearing will cause adverse environmental impacts; shall not be approved if in the



opinion of the Shire, the clearing will cause significant damage to the amenity of the surrounding area; and

- iv. Gives due regard to any advice received from DBCA, DWER and DPIRD.

The Shire's Sustainability Officer has provided advice on the proposal and has recommended that the land clearing be limited to the revised area as proposed by DWER, a fauna expert be engaged, the Black Cockatoo survey be recompleted and weed and disease management is undertaken during land clearing. These conditions have been incorporated into the recommendation; however it is noted that a refusal under the Policy provisions was not recommended.

#### Submissions Received

DBCA advised that the Parks and Wildlife branch had no objections to the proposal. Advice from DWER is that there is an appeals process in place on a previously granted clearing permit and that clearing has not been authorised whilst that process is ongoing. Notwithstanding a determination on a planning application, a clearing permit will be required to be granted from DWER.

#### *Neighbours Comments*

Comments received from neighbours relate to several themes including:

- the overallocated water catchment and water licensing;
- potential increase in salinity of the waterways;
- impacts on breeding, foraging and living habitats of threatened and critically endangered species;
- impacts on the visual amenity of neighbours;
- proposal is inconsistent with the Local Planning Strategy; and
- proponents history of land clearing.

#### Water licensing

The objections received in relation to the overallocated water catchment state that there is no water available for expanded horticultural operations. The applicant has, in it's application for planning approval, stated that it intends to broaden its agricultural aspirations on the property. Shire Staff requested more information with regard to this intention and the applicant has not yet determined the activities. As agriculture could be either the growing of crops or the raising of animals, the availability of water is not an explicit requirement for agricultural aspirations. Nevertheless, the water licencing is regulated by DWER and allocations are controlled by that government agency. It should be noted that to establish an activity on the land, prior planning approval will be required due to the SCA.

#### Water and Land Degradation

Comments received from neighbours suggest that the land clearing will have an impact on the quality of the waterways, potentially increasing the salinity. Whilst broad acre clearing and over farming is known to have led to salinity issues in the wheatbelt and eastern State's, the State Government has stated, in its Clearing Permit - Appeal Report, that there is the risk for soil erosion and eutrophication from phosphorus export as a result of the clearing, which could be minimised if the landowner constructs the proposed dams. As this potential

environmental impact has been dismissed by the State environmental agency, Shire Staff understand the risk has been assessed.

#### Impacts on Fauna Habitat

The applicant supplied a *Black Cockatoo Habitat Tree Assessment* prepared by Greg Harewood in support of the land clearing. This has been reviewed by Shire Staff and recommended to be it be updated specifically regarding feeding detail, reporting of existing data and forest health reference to surrounding area. Advice of DWER contained within the Appeal Report states that the surveys undertaken were broadly consistent with the relevant guidelines and sufficient to determine habitat values. It was determined that given that there is more than 20,000ha of conservation estate to the south of the subject land, the local impact that the proposed clearing, is unlikely to have a significant impact to the roosting or breeding for the black cockatoo species.

On inspection by Shire Staff, it was found that a third of the subject land located to the south western is visually a different vegetation complex to the remaining two thirds, being predominately Jarrah and Marri as opposed to Karri. The State Government has recommended that the area proposed for clearing is reduced to the eastern section to minimise impacts to the local Black Cockatoo populations.

#### Impacts on Visual Amenity

Objections received from neighbours stated that their visual amenity will be negatively impacted by this land clearing. Whilst it is acknowledged that the vegetation forms a significant backdrop to the neighbours visual outlook, it should be noted that the neighbours dwelling is approximately 800m from the closest boundary of the subject land and 1.5km from the area recommended for retention. Between the dwelling and the vegetation there is an existing (dammed) watercourse, roadside vegetation and irrigated pasture. Given the separation distance between the neighbouring owners residence and the proposed area to be cleared being located in an area zoned for agriculture, it is considered by Shire Staff that a rural outlook, with roadside vegetation is to be expected for the locality.

#### Consistency with the Local Planning Scheme and Local Planning Strategy (LPS)

Comments from neighbouring landowners have been made that the proposed land clearing should not be supported as it is not consistent with the LPS. As discussed above there is several objectives of the Scheme and LPS that identify the protection of natural resources and the environment. Within the same documents, it is stated that existing agricultural should be preserved and new activities enabled on land with high capability of production.

### Options

In accordance with cl.68(2) Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government may determine an application for development approval by:

- (a) granting development approval without conditions
- (b) granting development approval with conditions; or (option 1)
- (c) refusing to grant development approval (option 2).

Council is also afforded the right to defer its decision on an item it is presented (option 3).

#### *Option 1*

By granting approval to the application subject to conditions, advice can be provided to DWER and the appeal process can be continued. It is the understanding of Shire Staff that the Office of the Appeals Convenor is potentially delaying a decision, pending the determination of the Shire. As discussed above, the environmental impact of the proposal is being assessed by the State Government agency allocated to review these such proposals and that the assessment is done by technical officers trained in undertaking those assessments.

#### *Option 2*

Grounds for refusing the application could be made that the proposal is not consistent with all of the provisions of the Scheme and LPS. However, the land is zoned as Priority Agriculture and its underlying purpose is to preserve and expand agricultural activities.

#### *Option 3 (Recommended)*

Should Council resolve to defer its decision on this application, it is recommended that this be on the basis that DWER complete the process on the appeal of the clearing permit. Once a decision is made on the clearing permit, based on its environmental assessment, the Shire will have the necessary information to support the proposal, with confidence that the impacts on the wider environment will be minimal.

### Conclusion

The Scheme does not contain provisions for assessing applications for clearing on Priority Agriculture Zoned land. As such, the application has been assessed against the purpose and objectives of the zone. Despite one objective being to protect and enhance bio-diversity, all other objectives and the overarching purpose is to provide for agricultural activities which is what is intended by the applicant. Shire Staff consider that the potential impacts of the proposed Land Clearing on the environment, should be determined by the State agency with the technical expertise to inform the decision making process.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

It is apparent that there are conflicting objectives within the Local Planning Strategy and the Local Planning Scheme when considering proposals for clearing on Priority Agricultural zoned land. Consideration of the strategic planning direction for this zone should be refined during future amendments or drafting of new documents.

## **ORGANISATIONAL RISK MANAGEMENT**

The application was received 1 March 2024. The application will be deemed to be refused on the 1 June 2024.

## **FINANCIAL IMPLICATIONS**

The application fee has been paid.

## **SUSTAINABILITY**

Environmental: Advice has been received from the State Government regarding an active assessment on the potential risks to the environment.

Economic: By clearing this land, the applicant will have more opportunities to expand the current agricultural activities on the land.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION:**

**That Council defer consideration of the proposed Land Clearing at Lot 50, 9766, 9767, 9768 and 9770 Waughs Road, Glenoran application (TP46/2024) until such time as the Minister for the Environment and the Department of Water and Environment finalises the Appeal process on Clearing Permit CPS 9047/1.**

**Reasons for the deferral:**

- **The Shire of Manjimup is unable to provide a comprehensive environmental impact assessment and considers that the Department of Water and Environment is equipped with the**

**technical expertise and statutory function to determine the environmental impacts of the proposal.**

**COUNCIL RESOLUTION:****MOVED: Cr De Campo    SECONDED: Cr Miolin****29483****That Council:**

- 1. Subject to the applicant demonstrating that the Minister for the Environment and the Department of Water and Environment finalises the Appeal process on Clearing Permit CPS 9047/1 and granted approvals:**

- i. Delegate authority to the Chief Executive Officer to grant approval in accordance with Part 10 and clause 5.5 of Local Planning Scheme No. 4 grant approval for the proposed Land Clearing at Lot 50, 9766, 9767, 9768 and 9770 Waughs Road, Glenoran application (TP46/2024) in accordance with the plans and specifications contained at attachment 9.5.3 (1) and subject to the following conditions:**

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

<b>Reference</b>	<b>Document Title</b>	<b>Date Received</b>
<b>1.</b>	<b>Revised Clearing Area</b>	<b>1 March 2024</b>

- b) The works involved in the implementation of the development must not cause a nuisance to neighbours through dust and/or sand drift. In the event that Shire of Manjimup is made aware of the existence of such problems, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate shall be installed or implemented to the satisfaction of the Shire of Manjimup;**
- c) The applicant is to implement best practise measures to mitigate the risk of the spread of dieback, weeds or disease during clearing and clean up of the property.**

**Advice to Applicant**

- i. 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*;**
- ii. No clearing of trees or vegetation is permitted in the Public Reserve(s) adjacent to the application site without the prior approval of Shire of Manjimup;**

- iii. Where the applicant is proposing any carting of produce from the property it is to contact the Shire's Technical Services to discuss permit requirements; and
- iv. The applicant is reminded that all development (works and use) requires prior planning approval of the Shire of Manjimup due to the Special Control Area overlay on the property.

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

Mr Giadresco returned to the Chamber at 6.06pm.

## ATTACHMENT

### 9.5.4 Proposed Rural Pursuit and Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex

<b>PROPONENT</b>	Mr M J Doherty
<b>OWNER</b>	Mr M J & Mrs A M Doherty
<b>LOCATION / ADDRESS</b>	Lot 13374 (28519) South Western Highway, Middlesex
<b>WARD</b>	Rural
<b>ZONE</b>	Priority Agriculture
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA24/22; P54647
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Kaylene Roberts
<b>DATE OF REPORT</b>	16 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

Council is requested to consider a development application for a proposed Rural Pursuit and Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex. Plans and supporting information relating to the proposal are attached.

## ATTACHMENT: 9.5.4 (1)

### Location Plan



The property has an area of 17.18 hectares and currently contains a dwelling, garage, outbuilding, two water tanks and small dam.



The applicant is proposing to use an area of approximately 220m<sup>2</sup> which includes a 3m x 2m x 2m (6m) stall which is to be constructed of treated pine, and Colorbond® sheeting in Monument Grey with the timber being painted in Crisp White and is to be built on a concrete pad. The area to be used as parking is 34m x 7.5m by 26m x 9m and will cater for four vehicles including caravans. There is also proposed a further car parking bay on the opposite side of the stall. The applicant has also stated and shown that a caravan turn around is also available 60 metres down the existing driveway.

The proposed wayside stall is located at the start of a slip lane which is for the access into the Department of Primary Industries and Regional Development (DPIRD) with the crossover located some 100 metres from the proposed wayside stall.

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

## **PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with clause 9.6 of the Scheme for a 21 day period to the adjoining landowners and 42 days to Main Roads WA (MRWA) and DPIRD. Council records indicate that the letters were sent from the Shire office on 20 February 2024 with the submission period closing 3 April 2024. During this time three submissions were received and these were from MRWA and DPIRD and an employee of DPIRD. These will be discussed in the comment section below.

Copies of the submissions are attached.

**ATTACHMENT: 9.5.4(2)**

## **COMMENT**

### Matters to be Considered

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

- (i) *The aims and provisions of the Scheme and any other relevant Planning Scheme operating within the Scheme area;*
- (xi) *any social issues that have an effect on the amenity of the locality;*
- (xv) *the preservation of the amenity of the locality;*
- (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; and*
- (xxvi) *any relevant submissions received on the application.*

The following comments are offered to assist Council in determining the application.

The provisions of the Scheme include the subject land within the Priority Agriculture zone.

Within the Scheme, the definition of a “Wayside Stall” is as follows:

***“....a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.”***

#### Zoning Purpose

The purpose of the Priority Agriculture zone is to provide for intensive agricultural and horticultural production, including market gardens, orchards and vineyards.

The proposed Wayside Stall is to be for the sale and display of produce from the subject property.

#### Land Use Permissibility

The application also involves the establishment of a ‘Rural Pursuit’ as they are intending to sell the produce that is produced on the subject property. A ‘Rural Pursuit’ means any premises used for:-

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

In the Scheme a ‘Rural Pursuit’ is a ‘P’ land is permitted within the Priority Agriculture Zone that is, a use which is *“permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.”*

The building to be used for the wayside stall is considered consistent with the Scheme requirements. No further assessment of that aspect of the development is required.

#### Impact on Amenity

The proposed wayside stall is not expected to have any impact on the amenity or environmental attributes of the surrounding area. The new building is to be located within an open area and is surrounded by natural bush. No impacts on adjacent properties are expected.

#### Car Parking

All parking will be contained to the site. The plans submitted show that there is parking for 5 vehicles on the site, with enough room for a car/4WD with a caravan to park. The applicant has stated that there is a caravan turn-around available approximately 60m from the wayside stall area. No parking will be permitted in the existing slip-lane that is for DPIRD users. The applicant is

proposing to place “NO PARKING” signage along the slip-lane for proposed users of the wayside stall.

#### Signage

For a wayside stall, there is a limit of three temporary signs – two double sided portable signs that are located approximately 500m from the stall in each direction and one on the structure with the sign structure not being no greater than 0.5m<sup>2</sup> and to be erected parallel with the road. The portable sign is not to be greater than 1.0m in height and 800mm wide per side and placed so as not present a safety hazard to motorists.

The applicant has not stated if any signage is proposed, so they will need to seek approval from the Shire and Main Roads WA (MRWA). A condition to be added to any approval advising signage approval is required from both Shire and MRWA.

#### Public Liability

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

#### Submissions Received

During the submission period, three submissions were received with the main issues being the use of the slip-lane, the parking and the increase in traffic on the highway.

Submission one has concerns regarding the signage, access for caravan visitors and that the slip-lane in front of the proposed wayside stall being occupied by cars and caravans visiting the stall. The cause may be two-fold with visitors not realising they can park as indicated and caravan visitors perhaps not realising that they cannot visit the stall without parking illegally in the slip-lane. The submitter has stated that the slip-lane has been used as an emergency stopping lane or a place to leave broken down cars previously. Questions were also raised if there will be signage to instruct visitors of parking requirements.

Submission two states that they have no issue with the stall but are concerned about the traffic and road safety of staff when entering and exiting the Research Facility. Another concern that was raised is that there is insufficient room for caravans/trailers to park or turn around. The submitter suggested a solution to ensure the slip way remains safe and clear for use to the users to have a “No Parking” sign installed to the south side of the driveway.

The submission from MRWA was not in support the proposed wayside stall due to the access and car parking being not considered adequate for the proposed use which could create potential conflicts and accessing the adjoining property, MRWA advises that the proposal will detract from the function and safety of South Western Highway and that the crossover is only a single lane which could create conflict for vehicles entering and leaving the site. Plans indicate only three parking bays and has not allowed for vehicles

to potentially with caravans stopping in the slip-lane or entering and/or reversing from the driveway.

Further comments were received from MRWA after the applicant had supplied new drawings addressing the concerns previously raised. It was again stated that the South Western Highway is a major rural highway with significant and increasing traffic demands and this function needs to be maintained and that ad hoc commercial uses have the potential to increase traffic demands which detract from the function and safety of the highway. The principle concern is to maintain the safety and function of the highway.

Shire Staff have been liaising with the applicant in regards to the comments from MRWA and the applicant has made every attempt to satisfy the comments made. The new drawings were sent to all submitters for their comments.

The applicant has addressed the issue of the parking by increasing the area so that a car with a caravan can park there be able to exit it in a forward motion. There are now 5 car parking spaces with the addition of a caravan turn around area about 60 metres down from the parking area. The applicant is also proposing to have "No Parking" signs on the subject land adjacent to the slip-lane.

Shire Staff are satisfied that the applicant has addressed the concerns of all submitters.

#### Conclusion

The Wayside Stall and Rural Pursuit are considered to be consistent with the land use definition and requirements of the Scheme. Conditional approval is therefore recommended.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

Nil.

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

### **FINANCIAL IMPLICATIONS**

The applicant has paid the relevant fees as per the Shire's approved 2023 - 2024 fees and charges.

## SUSTAINABILITY

Environmental: Nil.

Economic: The proposed wayside stall will generate income from the produce grown on the subject lot.

Social: Nil.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants approval for Rural Pursuit and a Wayside Stall at lot 13374 (28519) South Western Highway, Middlesex (TP22/2024) in accordance with the plans as attached at 9.5.4 (1), and subject to the following conditions and advice notes:

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
1.	Site Plan	15 April 2024
2.	Stall Construction	15 April 2024

2. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup within 2 months of the date of this approval.
3. The produce sold shall be restricted to that grown or made from items grown on the subject lot.
4. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality satisfaction of the Shire of Manjimup.
5. Prior to the occupation or commencement of the use, a sign application will need to be submitted to both the Shire and Main Roads WA as a separate application for planning approval.

### Advice to Applicant

1. The development is defined as a “Food Business” under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Manjimup’s Environmental Health Team.

**COUNCIL RESOLUTION:****MOVED: Cr Darin****SECONDED: Cr De Campo****29484****That Council:**

- 1. Defer consideration of the proposed Rural Pursuit and Wayside Stall (TP22/2024) at Lot 13374 (28519) South West Highway, Middlesex for a period of 21 days in order to consult further with Main Roads WA to workshop an acceptable outcome to proceed with the proposed development;**
- 2. In the event an outcome acceptable to Main Roads WA is achieved, delegate authority to the Chief Executive Officer to approve application (TP22/2024) subject to the following conditions:**
  - a. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.**
  - b. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup within 2 months of the date of this approval.**
  - c. The produce sold shall be restricted to that grown or made from items grown on the subject lot.**
  - d. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality to the satisfaction of the Shire of Manjimup.**
  - e. Prior to the occupation or commencement of the use, a sign application will need to be submitted to both the Shire and Main Roads WA as a separate application for planning approval.**

**and any other condition(s) deemed necessary by Main Roads WA for the development to proceed.**
- 3. Should Main Roads WA advise it does not support the proposal after further consultation, this item will be returned to Council at its Ordinary Meeting to be held on 23 May 2024 for determination.**

**Reason for the deferral**

Main Roads WA have made contact with the Shire after reading the Officer Report on this proposal to reaffirm they do not support the proposal as provided.

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

Councillor Omodei declared an Impartiality Interest in this Item as he is a member of the Pemberton Community Resource Centre. Councillor Omodei declared that he would consider this matter on its merits and vote accordingly.

## APPENDIX

### 9.9.1 Request for Clarification - Pemberton Community Resource Centre - Lotterywest Request

<b>PROPONENT</b>	Pemberton Community Resource Centre
<b>OWNER</b>	Pemberton Community Resource Centre
<b>LOCATION / ADDRESS</b>	Brockman Street Pemberton 6260
<b>WARD</b>	Rural
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F160259
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Gail Ipsen Cutts
<b>DATE OF REPORT</b>	24 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

Agenda Item 9.9.3 *Consideration of a Request by the Pemberton Community Resource Centre Pertaining to the Lotterywest Fit-Out Grant for the Pemberton Community Co-location* was presented to Council for formal deliberation at the Ordinary Meeting of Council held 11 April 2024. The Officer's report is appended.

### APPENDIX: 9.9.1(1)

The Officer recommendation addressed relevant matters pertaining to the request, including advice that the Pemberton Community Resource Centre had an outstanding invoice from the Shire of Manjimup and that no funds had been allocated in the budget for this purpose. The recommendation is presented below:

#### That Council:

1. **Advise the Pemberton Community Resource Centre that it does not support their request to make application to Lotterywest for a variation to the Pemberton Community Co-location Lotterywest fit out grant for \$16,000 on the basis that:**

- 1.1 **The allocated amount of \$14,108 (ex GST) to the Shire of Manjimup has already been expended in accordance with the agreed funding spreadsheet.**



- 1.2 **An invoice was issued to the Pemberton Community Resource Centre on 15 May 2023 for the aforementioned amount and is now outstanding.**
2. **Advise the Pemberton Community Resource Centre that it supports a variation to the Lotterywest grant for any funds remaining after the payment of any outstanding invoices.**
3. **Agrees to give consideration, during the 2024/2025 budget deliberation process, to allocating an ex-gratia payment of \$11,835 to the Pemberton Community Resource Centre. This payment serves as recognition of the administrative works undertaken on behalf of Pemberton Community Co-location stakeholders, demonstrating appreciation for their contributions to the fit-out.**

During the Council Meeting an alternative motion was moved and passed as follows:

**“That Council advise the Pemberton Community Resource Centre that it does support their request to make application to Lotterywest for a variation to the Pemberton Community Co-location Lotterywest fit out grant for \$16,000.”**

Council will note that the amended motion does not consider the Shire’s outstanding \$14,108 (ex GST) invoice issued to the PCRC in May 2023 and as such the requirement for the PCRC to pay this invoice remains (the outstanding payment cannot be waived or written-off by staff or the CEO). Furthermore, Council’s amended motion does not identify an appropriate budget allocation or amendment. Excerpt from the previous agenda item as follows:

**“Option 2 Support the request and waive the outstanding invoice by identifying a funding source: Acknowledging the PCRC's administrative role for the grant funds, Council may opt to support their request and cover the outstanding expenditure of \$14,108 (ex GST) from the 2023/24 municipal budget. As no Shire funds were allocated to these fit-out items, an appropriate budget source will need to be determined.”**

The purpose of this agenda item is for Staff to seek clarification from Council as to how to proceed on these matters.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

It is the role of Council to set clear direction on such matters pertaining to strategy and budget. Staff do not have legislative power to waive appropriately raised outstanding debt nor the ability to approve budget amounts not previously identified by Council.

For the amended motion to be enacted by Staff Council are required to provide clear direction on the following two matters:

1. Outstanding \$14,108 (ex GST) invoice issued to the PCRC in May 2023; and
2. Subject to the determination of point 1 above identify an appropriate funding source.

Whilst it is assumed that the intent of the alternative motion was to waive or write-off the outstanding debt and cover the amount in the 2023/24 financial year budget, the Council resolution does not state this.

Advice from staff to Council is that the approach outlined in the 11 April 2024 Officer Recommendation is the most appropriate course of action. As such, the original recommendation is re-presented and Council are requested to provide direction on the matter.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Financial Management Regulations*

## POLICY / STRATEGIC IMPLICATIONS

Council Policy 1.1.1 Council Meeting System, appended, was presented to Council, and adopted July 2023. This Policy is set out to ensure that proposed alternative motions and amendments, are consistent, implementable, use clear language and are legal. The key is to mitigate ambiguity and to present recommendations that are 'standalone'. The Policy is appended.

**APPENDIX: 9.9.1(2)**

## ORGANISATIONAL RISK MANAGEMENT

Ambiguity in Council resolutions has implications for staff resourcing and the ability of the Chief Executive Officer to execute Council decisions.

## FINANCIAL IMPLICATIONS

Council's Resolution 29506 intimates' intent that the \$14, 108 outstanding invoice is to be waived. Should Council confirm that this is the case a suitable funding source within the current (2023/2024) municipal budget will need to be

identified. Please note that such decision of Council requires an Absolute Majority vote.

The following table summarises the Pemberton Community Co-location project cost to date.

Funding Source	Shire	Lotterywest Construct	Lotterywest Fit Out	Other (approx.)	Total
Funding Amount	\$1,282,700	\$918,800	\$236,700	\$100,000	\$2,538,200

**Table 1: Pemberton Community Hub summary expenditure to date.**

Alternative sources of funding to consideration may include:

- Writing off the amount as a bad debt.
- Reduce the budget of a different Shire funded project (capital re-allocation).
- Reduce the budget of a Shire funded operation/s (operating re-allocation).

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: While it remains a priority to consider equity across all community groups within the Shire, the reality of limited ratepayer funds makes it impractical for the Council to accommodate every request for financial assistance. However, it is crucial to emphasise that this limitation does not diminish the respect and recognition that the Council holds for the invaluable role and activities performed by community groups.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council**

- 1. Advise the Pemberton Community Resource Centre that it does not waive the outstanding invoice of \$14,108 as:**
  - 1.1. The allocated amount of \$14,108 (ex GST) to the Shire of Manjimup has already been expended in accordance with the agreed funding spreadsheet.**

- 1.2. An invoice was issued to the Pemberton Community Resource Centre on 15 May 2023 for the aforementioned amount and is now outstanding.
2. Advise the Pemberton Community Resource Centre that it supports a variation to the Lotterywest grant for any funds remaining after the payment of any outstanding invoices.
3. Agrees to give consideration, during the 2024/2025 budget deliberation process, to allocating an ex-gratia payment of \$11,835 to the Pemberton Community Resource Centre. This payment serves as recognition of the administrative works undertaken on behalf of Pemberton Community Co-location stakeholders, demonstrating appreciation for their contributions to the fit-out.

**COUNCIL RESOLUTION:**

**MOVED: Cr De Campo    SECONDED: Cr Ventris**

**29485**

**That Council**

1. Write-off the Pemberton Community Resource Centre Invoice amount of \$14,108 (ex GST) to the bad debt account.
2. Advise the Pemberton Community Resource Centre that it supports a variation to the Lotterywest grant for remaining funds.

**MOTION CARRIED 6/3**

**For:** Cr Darin, Cr De Campo, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Cr Beugge, Mr Eiby, Cr Miolin

**APPENDIX****9.9.2 Proposed Construction of Replica Tobacco Kiln - Manjimup Heritage Park**

<b>PROPONENT</b>	Sam Karamfiles
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Lot 628 Edwards Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Community Services
<b>DIRECTORATE</b>	Enter text
<b>FILE REFERENCE</b>	F160964-03
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Gail Ipsen Cutts
<b>DATE OF REPORT</b>	26 March 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The proposal to develop a replica tobacco kiln in the Manjimup Heritage Park (Park), reflecting a significant phase of the regions working life, stems back twenty years and has been recognised in various strategies and Manjimup Timber Park (now Heritage Park) Advisory Committee minutes. Due to limited capacity to deliver the project and competing priorities it had remained as a pended action item.

In 2016 the Proponent made an announcement at an Ordinary Council Meeting that he wanted to build, as a community exercise, a replica tobacco kiln in the Park. The build and donation to the community was to give recognition to his father who had built most of the original Tobacco Kilns during the industries peak period in the 1940's and 1950's. At the time the Shire President and Councillors applauded the Proponent and encouraged him to proceed.

The proponent had a Development Application for the proposal approved in 2021, which has now expired. The proponent remains committed to the proposal and intends to resubmit their Development Application, without design change, and to seek Building Approval.

A recent review of communication around the proposal has identified that whilst there has been considerable verbal support and email discussions, Council has not formally considered the proposal in its entirety.

The purpose of this report is to seek formal Council resolution on matters pertaining to the proposed Tobacco Kiln.

## **PUBLIC CONSULTATION UNDERTAKEN**

The proposal to develop a replica tobacco kiln in the Park was publicly advertised as part of the Manjimup Heritage Park Management and Development Strategy 2022 – 2027 in December 2021 and endorsed by Council in January 2022.

## **COMMENT**

The Proponent has affirmed that on completion of construction of the replica tobacco kiln it remains his intention to donate the building and artefacts to the Shire of Manjimup.

The Proponent has confirmed the following:

- New Development Application to be submitted, no change is proposed to design or location. The Approval is appended.

### **APPENDIX: 9.9.2(A)**

- Building Application to be submitted as per designs in the appended Development application.
- Estimated value of the building (materials and constructions costs, separately) \$49,000.00 total plus voluntary labour.
- Seeks to donate the building to the Shire of Manjimup on completion.
- Seeks to donate the heritage artefacts within the building to the Shire of Manjimup.

The Shire of Manjimup and Councilor's have previously committed to the following:

- Identification of site within the Hamlet (Confirmed).
- Removal of vegetation in accordance with the Development Application (Completed).
- Provision of a sand pad (will be provided prior to building commencement).
- Construction site and compliance to be handed to registered builder on commencement.
- Catering for volunteers on a 'community build weekend'.

For Council to make an informed decision on the matter about receiving a gifted asset (and its ongoing management), consideration should be given to the following matters:

- a. Acceptance of Donation  
Policy 3.1.7 Manjimup Heritage Park Collections outlines the process for accepting donations. Policy 3.1.7 is appended.

**APPENDIX: 9.9.2(B)**

The proposed Tobacco Kiln and artefact donation strongly aligns with the objectives of the Collections Policy as follows:

- Collect and conserve important objects associated with the history of the region.
- Develop the collection as an educational resource.
- Interpret the history and development of region.
- Treat all historical buildings the same as the collection objects and ensure they are conserved for future generations whilst continuing to make available the internal space for object displays.

As such acceptance of the donation/s is recommended for support.

- b. Insurance costs. As with any construction site the registered builder is required to cover insurance and all compliance matters.
- c. Operational and Financial Management. Pending Council accepting the donation of the completed building and artefacts insurance liability, operating costs, and asset management and renewal costs will become the full responsibility of the Shire of Manjimup, as with all Shire owned Collections within the Heritage Park.

Further matters for consideration:

- Statutory applications and fees (clarity on responsible party).
- Building commissioning costs (clarity on responsible party).

The Proponent, from the outset, has intended to donate the completed building and artefacts to the Shire of Manjimup as such Council may deem it appropriate to consider waiving internal application fees and meeting the cost of external building fees.

In conclusion, the establishment of a replica tobacco kiln within the Heritage Park has long been recognised by the Council, Shire of Manjimup, Park stakeholders and broader community. The proponent has committed to constructing the replica tobacco kiln and generously donating the completed building and artefacts to the community via the Shire of Manjimup.

Staff propose that addressing the above matters will allow the proposal to move past the stage of general project conversations and false starts and into a binding agreement (e.g. a Deed of Agreement), enabled via a Council resolution, which formalises each party's responsibilities in delivering the project.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **POLICY / STRATEGIC IMPLICATIONS**

### **Policy 3.1.7 Manjimup Heritage Park Collections**

Outlines the Parks Mission and Objectives:

The mission of the Park is to continue to engage the local community and visitors to the Park with stories of our region, its industries and its people, through the display of a diverse but focused collection, whilst undertaking best practice collection management.

The objectives that underpin development of the collection are:

- Collect and conserve important objects associated with the history of the region.
- Develop the collection as an educational resource.
- Interpret the history and development of region.
- Treat all historical buildings the same as the collection objects and ensure they are conserved for future generations whilst continuing to make available the internal space for object displays.

Manjimup Heritage Park Management and Development Plan 2022 – 2027.

Strategy 4.5 Continue to deliver the strategies identified in the Timber and Heritage Park Precinct Interpretation Plan and Exhibition Design (2017).

Action:

- Partner with the Macedonian community to develop a replica Tobacco Kiln inclusive of exhibit.

An extract from the Management and Development Plan referencing Strategy 4.5 is appended.

### **APPENDIX: 9.9.2(C)**

Shire of Manjimup commissioned Mulloway Studio to prepare the following report in 2017 - Timber and Heritage Park Precinct Interpretation Plan and Exhibition Design.

- Section 9.05 Historic Hamlet recognised the Tobacco kiln inclusion and details associated required interpretation.

Manjimup Timber and Heritage Park Landscape Design by OPUS 2013 also recognises the Tobacco Kiln as a future building located in the Hamlet.

These documents can be made available on request.

## **ORGANISATIONAL RISK MANAGEMENT**

Council, through its endorsement of the above plans has committed to the intent of supporting the development of a Tobacco Kiln in the Heritage Park.



In saying this Council has not formally considered aspects of ownership and maintenance responsibility of the Tobacco Kiln longer term, however as documentation endorsed by Council is silent on this there is probable presumption that the Tobacco Kiln was to be incorporated under Shire of Manjimup ownership as per all other buildings in the Park.

A decision not to accept the donation of the Tobacco Kiln on its completion may result in some reputational damage with some sectors of the community.

It should also be noted that the Shire of Manjimup has responsibility for a significant number of buildings across the Shire and adding another building will increase pressures on the Shires tight financial resources. Furthermore, the Heritage Park itself is home to Heritage Collections of significant national, state, and regional value. The financial and organisations reputational implications associated with this responsibility need to be recognised.

## **FINANCIAL IMPLICATIONS**

Whilst there are no immediate budget implications for accepting the donation of the proposed Tobacco Kiln, the cost, overtime, for general management, asset renewal, and maintenance of all buildings in the Heritage Park will continue to increase.

Operational budgets have capacity to cover legal costs associated with the preparation of a Deed of Agreement, and any minor statutory fee waivers.

## **SUSTAINABILITY**

Environmental: Nil

Economic: The Tobacco Kiln symbolises an important period of the region's economic heritage.

Social:

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Direct the Chief Executive Officer to have prepared, a Deed of Agreement that will formalises each Party's responsibility pertaining to the development and the proposed donation of the replica tobacco kiln in the Manjimup Heritage Park, as follows:**
  - 1.1. Proponent to prepare and comply with all Development, Building and Health statutory and compliance matters.**

- 1.2. Shire of Manjimup to undertake preliminary site preparation as per the approved Development Application.
  - 1.3. Registered Builder to be responsible for all compliance whilst site is under construction.
  - 1.4. Shire of Manjimup to waive all statutory fees associated with the approved development.
  - 1.5. Shire of Manjimup commit to provide catering of food and refreshments for a 'community build weekend'.
  - 1.6. Proponent agrees to relinquish full ownership and control and donate the completed building and artefacts to the Shire of Manjimup.
  - 1.7. Pending completed construction, the Shire of Manjimup accepts full donation of the replica tobacco kiln valued at \$49,000 and associated artefacts for inclusion in the Heritage Park Collection.
  - 1.8. Pending building completion and donation, the Shire of Manjimup accepts full ownership, insurance, management, and responsibility in of the building and artefacts.
2. Acknowledge the generosity of the proponent Sam Karamfiles in his endeavour to recognise the importance of the tobacco industry in the working life history of the region.

#### **COUNCIL RESOLUTION**

**MOVED: Cr De Campo    SECONDED: Cr Omodei**

**29486**

**That Council:**

1. Direct the Chief Executive Officer to have prepared, a Deed of Agreement that will formalises each Party's responsibility pertaining to the development and the proposed donation of the replica tobacco kiln in the Manjimup Heritage Park, as follows:
  - 1.1. Proponent to prepare and comply with all Development, Building and Health statutory and compliance matters.
  - 1.2. Shire of Manjimup to undertake preliminary site preparation as per the approved Development Application.
  - 1.3. Registered Builder to be responsible for all compliance whilst site is under construction.
  - 1.4. Shire of Manjimup to waive all statutory fees associated with the approved development.
  - 1.5. Shire of Manjimup commit to provide catering of food and refreshments for a 'community build weekend'.

- 1.6. Proponent agrees to relinquish full ownership and control and donate the completed building and artefacts to the Shire of Manjimup.
- 1.7. Pending completed construction, the Shire of Manjimup accepts full donation of the replica tobacco kiln valued at \$49,000 and associated artefacts for inclusion in the Heritage Park Collection.
- 1.8. Pending building completion and donation, the Shire of Manjimup accepts full ownership, insurance, management, and responsibility in of the building and artefacts.
2. Acknowledge the generosity of the proponent Sam Karamfiles in his endeavour to recognise the importance of the tobacco industry in the working life history of the region.

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

### 9.12.2 Old Vasse Road Upgrade - Request for Activity Notice by Karri Karrak Aboriginal Corporation

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Old Vasse Road, Yeagarup
<b>WARD</b>	Rural
<b>ZONE</b>	Road Reserve
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F200431
<b>LEGISLATION:</b>	<i>Aboriginal Heritage Act 1972, Environmental Protection Act 1986, Land Administration Act 1997, Land and Public Works Legislation Amendment Act 2023, Local Government Act 1995 and The Roads Act 1902</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	24 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The project to upgrade the unsealed Old Vasse Road, Yeagarup to sealed road has been an approved and budgeted project on the Shire's Infrastructure Works Budget Program since 2020. As a result, the Shire has been progressing road construction design, purchase of road construction materials such as gravel and drainage supplies and also the necessary state government approvals and permits associated with this project. To date the Shire has acquired all the necessary materials and tree clearing permits to begin construction for a sealed running surface on Old Vasse Road from, and including, the Hawke Road intersection then heading towards the Vasse Highway for up to one kilometre. The Shire has also carried out a Due Diligence Assessment (DDA), as required under the *Aboriginal Heritage Act 1972* (AH Act), which identifies no registered or lodged sites within / adjoining the project boundary.

However, as a result of media coverage in February 2024 about the proposed upgrade works on Old Vasse Road, the Karri Karrak Aboriginal Corporation (KKAC) contacted the Shire requesting further information about the project and in particular, evidence of its DDA. KKAC is the regional corporation for the South West Boojarah region, which includes Busselton, Capel, Margaret River, Witchcliffe, Augusta, Windy Harbour, Northcliffe, Pemberton, Manjimup, Bridgetown and Nannup. The KKAC is the registered Indigenous Land Use Agreement body for the Southwest Land Agreement. This region refers to the Wardandi, Bibulmun/Piblemen and Kaneang Noongar language or dialectical groups.

KKAC have very recently recommended that the Shire follow a best practice process to ensure that the Shire's assessment is robust and will withstand

scrutiny. This will require the Activity Notice is prepared by the Shire, presented to KKAC and then considered by the Cultural Advice Committee who will then determine what cultural connection exists or could exist, to support (or not) this section of Old Vasse Road being considered 'Cultural Lands' as part of the Noongar Boodja Trust.

Given the time required to prepare the Activity Notice will very likely delay any on-ground works for this project, such as tree clearing, for the remaining construction season, Council is requested to consider the matter.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

KKAC's new heritage management process outlined in their Standard Heritage Agreement will require Proponents to send Activity Notices for all activities on Country. While the Shire of Manjimup is not currently a signatory to this agreement (nor is it currently statutorily obligated to be), KKAC still recommend lodging an Activity Notice, ensuring the Shire's DDA is as robust as it can be, especially in light of the media interest the activity has generated.

KKAC also advises that while there are no documented heritage sites directly within the footprint, the clearing will impact on Country by removing significant habitat to the Baudin's Cockatoo and the Western Ringtail Possum which are threatened species. KKAC also advise that the absence of evidence should not be considered as evidence that cultural heritage does not exist within the site.

As the registered body for the Southwest Land Agreement, KKAC will not only assist with and advise any recommendation relating to aboriginal cultural heritage in the western half of the Shire, it is critical the Shire work with KKAC to ensure legislative compliance is met with all of the Shire's road construction and maintenance projects. A quick, and by no means exhaustive, review of the Aboriginal Cultural Heritage Inquiry System identifies registered, lodged and/or historic sites of significance exist on Channybearup Road, North Walpole Road and Graphite Road. As such, the Shire will begin a similar process for these roads to what is now proposed for Old Vasse Road.

In light of the fact the AH Act requires approval for any ground disturbing works that may affect any type of Aboriginal cultural heritage, it is important for the Shire to carry out its road construction and maintenance works in compliance with the AH Act. Further, as a process that addresses best practice and will also lead to a positive working relationship with KKAC, staff recommend delaying any on-ground works while an Activity Notice is being prepared by the Shire and then being considered by the KKAC Cultural Advice Committee

## **STATUTORY ENVIRONMENT**

*Aboriginal Heritage Act 1972, Environmental Protection Act 1986, Land Administration Act 1997, Land and Public Works Legislation Amendment Act 2023, Local Government Act 1995 and The Roads Act 1902.*

## **POLICY / STRATEGIC IMPLICATIONS**

Whilst lodging an Activity Notice with the KKAC is not statutorily required by the Shire, presently, consideration to the enduring relationship between the recognised Aboriginal corporation and the Shire is recommended to be given due consideration in this matter.

## **ORGANISATIONAL RISK MANAGEMENT**

There is a risk of reputational damage if the Shire were to proceed on the basis that it considered its DDA to be exhaustive and that no cultural heritage will be disturbed as a result of the tree clearing and road construction activities.

Equally there is risk of reputational damage by not proceeding with the project as recently resolved by Council.

## **FINANCIAL IMPLICATIONS**

If the decision of Council is to defer on-ground works while an Activity Notice is prepared (by Shire Staff) and considered (by KKAC), Shire staff will need to liaise with the Regional Road Group regarding carry-over of project funding into the new financial year.

## **SUSTAINABILITY**

Environmental: Addressed in previous reports.

Economic: Addressed in previous reports.

Social: Whilst lodging an Activity Notice with the KKAC is not statutorily required by the Shire, presently, consideration to the enduring relationship between the aboriginal corporation and Shire is recommended to be given due consideration in this matter.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council notwithstanding resolution 29476 from 11 April 2024:**

- 1. Approve the delay in undertaking on-ground works on Old Vasse Road while an Activity Notice is prepared and lodged with the Karri Karrak Aboriginal Corporation.**
- 2. Direct the Chief Executive Officer to liaise with Main Roads WA Regional Road Group to seek to secure carry-over of project funding for Old Vasse Road.**

**COUNCIL RESOLUTION:**

**MOVED: Cr De Campo    SECONDED: Cr Ventris**

**Cr Miolin foreshadowed the Officer Recommendation during debate.**

**29487**

**That Council:**

- 1. Reconfirm its decision to continue with the current approved and funded 2023/24 works program for bitumen sealing of Old Vasse Road from, and including, the Hawke Road intersection and then continuing approximately 1km towards Vasse Highway, acknowledging that all statutory due diligence and approvals for environmental and cultural heritage have already been obtained for this portion of the Old Vasse Road project.**
- 2. Direct the Chief Executive Officer to not lodge a voluntary Activity Statement with the Karri Karrak Aboriginal Corporation for this portion of the Old Vasse Road project (being the bitumen sealing of Old Vasse Road from, and including, the Hawke Road intersection and then continuing approximately 1km towards Vasse Highway).**
- 3. Direct the Chief Executive Officer to prepare and lodge a voluntary Activity Statement with the Kari Karrak Aboriginal Corporation for the remainder of the Old Vasse Road project.**
- 4. Direct the Chief Executive Officer to investigate the potential for the Shire of Manjimup to enter into a form of Noongar Standard Heritage Agreement with the Karri Karrak Aboriginal Corporation and the Wagyl Kaip Aboriginal Corporation and report findings back to Councillors, via a workshop.**
- 5. Direct the Chief Executive to liaise with Main Roads WA Regional Roads Group to seek to secure carry-over of project funding for Old Vasse Road, if required.**

**MOTION CARRIED 7/2**

**For: Cr Buegge, Cr Darin, Cr De Campo, Cr Omodei, Cr Ventris, Cr Willcox.**

Cr Winfield.

**Against:** Cr Eiby, Cr Miolin.



**ATTACHMENT****9.16.1 Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting Held 20 March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Northcliffe Forest Park
<b>WARD:</b>	Rural
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Works & Services
<b>FILE REFERENCE:</b>	F170372
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Nicole Booth
<b>DATE OF REPORT:</b>	8 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Northcliffe Forest Park Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

This report is to present to Council the unconfirmed minutes of the Northcliffe Forest Park Advisory Committee meeting held on 20 March 2024, as attached.

**ATTACHMENT: 9.16.1 (1)**

The functions of the advisory committee are to:

1. Ensure the park is managed in accordance with the Northcliffe Forest Park Management Plan;
2. Provide advice to the Friends of Group and Council regarding daily and strategic management of the park; and
3. To provide comment on the Shire of Manjimup's forward fuel reduction plan for the Northcliffe Forest Park and to communicate with the agency carrying out any fuel reduction actions in order to minimise any conflict with park use.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

There were a number of recommendations requiring Council approval including amending the current Terms of Reference. The current Terms of Reference are appended for Council's reference.

**APPENDIX: 9.16.1 (A)**

<b>Committee Recommendation</b>	<b>Officer's Recommendation</b>
Note the election of Cr Wendy Eiby as Chairperson of the Northcliffe Forest Park Advisory Committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
Note the election of Graham Evans as minute taker of the Northcliffe Forest Park Advisory Committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The eastern boundary of Northcliffe Forest Park, north of Muirillup Road, to be surveyed when budget allows.	The Committees resolution is supported and dealt with administratively.
The remaining 2023/2024 budget be used to pay or partially pay a surveyor as resolved in item 9.2, as that any additional survey costs be met from a separate allocation of funds in the 2024/2025 budget, or if unavailable, from the general budget allocation.	Supported pending staff seeking quotes to determine the total cost of surveying the northern and eastern boundaries of Forest Park and these costs being a 2024/25 budget consideration for Council.
Note Cameron Baldock and Thida Baldock are nominated to fill the vacant Community Representative member positions of the Northcliffe Forest Park Advisory Committee.	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 Northcliffe Forest Park Advisory Committee to add Cameron Baddock and Thida Baldock as Community Representative members	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
That Local Government Insurance Scheme be asked to do a risk assessment of Northcliffe Forest Park.	Not supported by staff, though an internal risk assessment of the park and its facilities can be carried out by the Parks and Gardens Manager in the new financial year.
That during budget negotiations the Shire is asked to consider all the risks identified in the actions plans and meeting reports of the Northcliffe Forest Park Advisory Committee and to consider all identified risks in allocating funding as part of Council's 2024/25 Budget deliberations.	The Committee's resolution is supported and 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 for Council approval.

#### **ATTACHMENT: 9.16.1 (2)**

There is one Committee recommendation that is not supported by Shire staff and provides an alternative action to support the Committee's proposal. In regard to the Committee's recommendation to have a risk assessment of the Northcliffe Forest Park carried out by the Local Government Insurance Scheme (LGIS), staff believe a more appropriate risk assessment will be carried out by responsible Shire staff. This is following the Shire's experience with other parks having risk assessments carried out by LGIS and the following recommendations being particularly onerous and/or not always complimenting the park's natural environment.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Advisory Committees of Council ensure appropriate levels of community involvement in assisting the Shire manage its public open space and the relevant infrastructure assets.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil. However, if Council were to consider having LGIS undertake a risk assessment of Northcliffe Forest Park, the recommendations may not only incur a financial burden but may also see parts of the Northcliffe Forest Park become closed to the public due to the inherent and hard to control risk of falling limbs and other tree debris.

## **FINANCIAL IMPLICATIONS**

The Northcliffe Forest Park Advisory Committee is responsible for the management of the budget allocated for the Northcliffe Forest Park's maintenance, capital improvement and reserves.

## **SUSTAINABILITY**

Environmental: The Northcliffe Forest Park is a heavily vegetated reserve in close proximity to the town providing both social benefits and public safety concerns in respect to fire management.

Economic: Nil.

Social: The Northcliffe Forest Park is an important reserve for the Northcliffe community.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Receive the Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee meeting held on 20 March 2024, as shown in attachment.**
- 2. Note the election of Cr Wendy Eiby as Chairperson of the Northcliffe Forest Park Advisory Committee.**
- 3. Note the election of Graham Evans as minute taker of the Northcliffe Forest Park Advisory Committee.**
- 4. Accept the nominations of both Cameron Baldock and Thida Baldock as Community Representatives.**
- 5. Instruct the Chief Executive Officer to consider all the risks identified in the actions plans and meeting reports of the Northcliffe Forest Park Advisory Committee and to consider all identified risks in allocating funding as part of Council's 2024/25 Budget deliberations.**
- 6. Instruct the CEO to undertake an internal risk assessment of the Northcliffe Forest Park and its facilities (as opposed to contracting the risk assessment to the Local Government Insurance Scheme).**
- 7. Confirm the Terms of Reference for the Northcliffe Forest Park Advisory Committee as detailed in attachment.**

### **COUNCIL RESOLUTION:**

**MOVED: Cr Eiby**

**SECONDED: Cr De Campo**

**29488**

**That Council:**

- 1. Receive the Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee meeting held on 20 March 2024, as shown in attachment.**
- 2. Note the election of Cr Wendy Eiby as Chairperson of the Northcliffe Forest Park Advisory Committee.**
- 3. Note the election of Graham Evans as minute taker of the Northcliffe Forest Park Advisory Committee.**
- 4. Accept the nominations of both Cameron Baldock and Thida Baldock as Community Representatives.**

5. **Instruct the Chief Executive Officer to consider all the risks identified in the actions plans and meeting reports of the Northcliffe Forest Park Advisory Committee and to consider all identified risks in allocating funding as part of Council's 2024/25 Budget deliberations.**
6. **Instruct the CEO to undertake an internal risk assessment of the Northcliffe Forest Park and its facilities (as opposed to contracting the risk assessment to the Local Government Insurance Scheme).**
7. **Confirm the Terms of Reference for the Northcliffe Forest Park Advisory Committee as detailed in attachment.**

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**9.16.3 Unconfirmed Minutes of the Pemberton Town Activation  
Advisory Committee Meeting Held 9 April 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Pemberton Town Centre
<b>WARD</b>	Rural
<b>ZONE</b>	NA
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F170456
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	16 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

- *Identification of opportunities for space activation within the main street or adjacent open space;*
- *Liaison with other relevant community groups and / or service agencies over potential art or cultural projects; and*
- *Assisting Shire of Manjimup Officers in drafting design guidelines to guide future developments within the Town Centre precinct.*

The purpose of this report is to present the unconfirmed minutes of the Pemberton Town Activation Committee meeting held on 9 April 2024. A copy of the minutes is attached.

**ATTACHMENT: 9.16.3 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

As reflected in the unconfirmed minutes, there are two Committee recommendations requiring a Council resolution, one of the recommendations is to amend the current Terms of Reference, which are appended for Council's reference.

**APPENDIX: 9.16.3 (A)**

Committee Recommendation	Officers Comment
--------------------------	------------------

That Council consider Stage 1 of the Playground to be included as part of the 2024/25 budget.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
Amend the Terms of Reference to show Manager Parks and Gardens as vacant.	The Committee's resolution is supported and 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: 9.16.3 (2)**

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Revitalisation of the Pemberton 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**

Stage 1 of the Brockman Park Pemberton playground was estimated to cost \$500,000 in February 2023. Council initially considered allocating funds to this project at its Ordinary Meeting of Council 2 March 2023. A copy of this report is appended.

### **APPENDIX: 9.16.3 (B)**

It should be noted that the Shire is yet to identify any appropriate funding sources for which this project is eligible, despite having \$58,000 seed funding available in Council's 2023/24 Annual Budget. In particular Lotterywest will have a preference for single grant applications from applicants per financial year and it should be noted that the Shire already has an active Lotterywest grant for the Pemberton Community Hub.

## SUSTAINABILITY

Environmental: The Committee aims to assist the Shire guide future developments in the town.

Economic: By addressing opportunities for space activation within the town centre, local businesses will benefit.

Social: The Terms of Reference for this committee pay particular attention to encouraging a cohesive social fabric.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION:

That Council:

1. Receive the Unconfirmed Minutes of the Pemberton Town Activation Committee meeting held on 9 April 2024 as attached: 9.16.3(1).
2. Consider Stage 1 of the Playground to be included as part of the 2024/25 budget, acknowledging that the future of the management order of that reserve is currently under consideration and yet to be resolved.
3. Accept the amended Terms of Reference attached at 9.16.3(2).

### COUNCIL RESOLUTION:

**MOVED: Cr Ventris      SECONDED: Cr De Campo**

**29489**

That Council:

1. Receive the Unconfirmed Minutes of the Pemberton Town Activation Committee meeting held on 9 April 2024 as attached: 9.16.3(1).
2. Consider Stage 1 of the Playground to be included as part of the 2024/25 budget, acknowledging that the future of the management order of that reserve is currently under consideration and yet to be resolved.
3. Accept the amended Terms of Reference attached at 9.16.3(2).

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.



## ATTACHMENT APPENDIX

### 9.16.5 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 26 March 2024

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Shire of Manjimup
<b>WARD</b>	All
<b>ZONE</b>	NA
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F180208
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	16 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

The purpose of this report is to consider the minutes of the Road Infrastructure Advisory Committee meeting held on 26 March 2024. 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: 9.16.5 (1)

The functions of the Committee are:

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

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

The Committee considered and discussed a number of issues including supply of gravel for road construction purposes, road safety improvements on some Ipsen Street intersections as well as the Shire's construction and maintenance projects.

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

**APPENDIX: 9.16.5(A)**

<b>Committee Recommendation</b>	<b>Officer's Recommendation</b>
Amend the Terms of Reference for the Road Infrastructure Advisory Committee to show Suketu Bhatt as Manager Technical Services.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
That Council instruct the Chief Executive Officer to advocate for improved gravel supply accessibility across the Shire of Manjimup through state forest and private property and various tenure.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee requests the Chief Executive Officer to provide costings to install infrastructure at the site as per the Main Roads WA Local Government Safety Audit recommendations to make the intersections of Springall Road and West Boundary Road and Ipsen Street and West Boundary Road safer, and present the costings to the next Road Infrastructure Advisory Committee meeting but also to approach Main Roads WA to request installation of a stop sign at the intersection	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee recommends that the next financial year budget considerations reflect an alteration to swap funding allocated for resheeting of Boorara Road in 2024/2025 be reallocated to Riverway Road for resheeting in 2024/2025	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee recommends the remaining Local Roads and Infrastructure Program budget of \$88,979 be spent on reseal on Middleton Road subject to approval from Local Roads and Infrastructure Program.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.

Following the Committees recommendations above, the Terms of Reference have been amended and is attached.

**ATTACHMENT: 9.16.5 (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 26 March 2024, as shown in Attachment: 9.16.5(1).
2. Amend the Terms of Reference for the Road Infrastructure Advisory Committee to show Suketu Bhatt as Manager Technical Services as shown in Attachment: 9.16.5(2).
3. Instruct the Chief Executive Officer to advocate for improved gravel supply accessibility across the Shire of Manjimup through state forest and private property and various tenure.
4. Requests the Chief Executive Officer to provide costings to install infrastructure at the site as per the Main Roads WA Local Government Safety Audit recommendations to make the intersections of Springall Road and West Boundary Road and Ipsen Street and West Boundary Road safer, and present the costings to the next Road Infrastructure Advisory Committee meeting but also to approach Main Roads WA to request installation of a stop sign at the intersection.

5. Budget considerations reflect an alteration to swap funding allocated for resheeting of Boorara Road in 2024/2025 be reallocated to Riverway Road for resheeting in 2024/2025.
6. Approve the remaining Local Roads and Infrastructure Program budget of \$88,979 be spent on reseal on Middleton Road subject to approval from Local Roads and Infrastructure Program.

**COUNCIL RESOLUTION:**

**MOVED:** Cr Eiby

**SECONDED:** Cr Miolin

**29490**

**That Council:**

1. Receive the unconfirmed minutes of the Road Infrastructure Advisory Committee meeting held on 26 March 2024, as shown in Attachment: 9.16.5(1).
2. Amend the Terms of Reference for the Road Infrastructure Advisory Committee to show Suketu Bhatt as Manager Technical Services as shown in Attachment: 9.16.5(2).
3. Instruct the Chief Executive Officer to advocate for improved gravel supply accessibility across the Shire of Manjimup through state forest and private property and various tenure.
4. Requests the Chief Executive Officer to provide costings to install infrastructure at the site as per the Main Roads WA Local Government Safety Audit recommendations to make the intersections of Springall Road and West Boundary Road and Ipsen Street and West Boundary Road safer, and present the costings to the next Road Infrastructure Advisory Committee meeting but also to approach Main Roads WA to request installation of a stop sign at the intersection.
5. Budget considerations reflect an alteration to swap funding allocated for resheeting of Boorara Road in 2024/2025 be reallocated to Riverway Road for resheeting in 2024/2025.
6. Approve the remaining Local Roads and Infrastructure Program budget of \$88,979 be spent on reseal on Middleton Road subject to approval from Local Roads and Infrastructure Program.

**CARRIED: 9/0**

**For:** Cr Buegge, Cr Darin, Cr De Campo; Cr Eiby, Cr Miolin, Cr Omodei; Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**10. LATE REPORTS**

Nil.

**11. QUESTIONS FROM MEMBERS**

**11.1 Response to questions from members taken on notice.**

**Cr Omodei**

Will the Shire President advise the Southern Forest Irrigation Committee that the Shire of Manjimup would like to have some input on the spend of residual funding?

**Response: Shire President**

The Southern Forest Irrigation Reference Group was announced in October 2022.

Between November 2022 and January 2023 the group met eight times hearing from over 20 growers and stakeholders.

The Grant scheme resulting from the group and implementation by Department of Primary Industries and Regional Development was announced on Friday 19 April 2024.

**11.2 Questions from members.**

**Cr Buegge**

1. The Southern Forest Irrigation Reference Group was announced in October 2022. Between November 2022 and January 2023 the group met eight (8) times, hearing from over 20 growers and stakeholders. Between November 2022 and January 2023 did the sitting Shire President instruct or advise that the Shire should present to the Southern Forest Irrigation Group in reference to the spend of the \$15.3 million?
2. During the time that the former Shire President sat on the Regional Road Group was there any conversation about the adjustment of requirements taking into account the unique environment of the Old Vasse Road funding?

**12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

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

Nil.

**14. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**15. CLOSURE**

**There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.51pm.**



**SIGNED:.....DATE: 23 May 2024**

**Donelle Buegge  
Shire President**