



# AGENDA

## ORDINARY MEETING OF COUNCIL

23 MAY 2024

Our Community Vision

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

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

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

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

**SHIRE OF MANJIMUP – ORDINARY MEETING OF COUNCIL - AGENDA**

**23 MAY 2024**

**NOTICE TO ALL COUNCILLORS**

**An Ordinary Meeting of Council is called for Thursday 23 May 2024 commencing at 5:30pm in the Jarrah Room, Pemberton Sports Club.**



**Benjamin (Ben) Rose  
CHIEF EXECUTIVE OFFICER**

16 May 2024

**DISCLAIMER**

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

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

- 1. Please note this meeting may be electronically recorded.**
- 2. Decisions made in this meeting are unable to be acted upon by the person who has been granted the authorisation unless and until the decision is able to be implemented by the Chief Executive Officer and in any event not before the afternoon of the first business day following this meeting. If you are in any doubt about a decision please contact the Shire prior to making any commitments.**
- 3. Please be advised that if you provide notes on your presentation to Council, they will be included in the Minutes of this meeting as an Attachment.**

**SHIRE OF MANJIMUP**  
**ORDINARY MEETING OF COUNCIL**  
**THURSDAY 23 MAY 2024**  
**TO BE HELD**  
**IN THE JARRAH ROOM, PEMBERTON SPORTS CLUB**  
**COMMENCING AT 5:30PM**

**AGENDA**

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

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

**2. ANNOUNCEMENTS BY THE PRESIDENT**

To be advised at the Meeting.

**3. ATTENDANCE**

**3.1 Apologies**

Nil at time of publication.

**3.2 Approved Leave of Absence**

Nil.

**4. DECLARATIONS OF INTEREST**

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

## **5. PUBLIC QUESTION TIME**

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

#### **Sam Karamfiles**

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**

The Shire of Manjimup to date has expended \$356,152 on Renewal and upgrade works at 5D Brockman Street. Of the \$356,012, \$49,955 is related to works contained in Tender Request 1/21.

In terms of what Council is preparing to spend, this has not been determined as yet, subject to design and a quantitative survey being completed. Council considered the matter in Agenda Item 9.1.3 of the Council Meeting of 11 April 2024 and indicative costs to complete the outstanding works are given in that report.

### **5.2 Public Question Time**

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

## **6. PRESENTATIONS**

### **6.1 Petitions**

Nil.

### **6.2 Presentations**

Nil.

### 6.3 Deputations

A Deputation will be presented by Mark Hudson relating to the State Government Strategy on Trails for Pemberton.

### 6.4 Delegate Reports

Nil at time of publication.

### 6.5 Conference Reports

Nil at time of publication.

## 7. CONFIRMATION OF PREVIOUS MINUTES

\_\_\_\_\_ / \_\_\_\_\_

That the Minutes of the Ordinary Meeting of the Council held on 2 May 2024 be confirmed as a true and accurate record.

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

### APPENDIX

#### 8.1 Notice of Motion (Cr Ventris) - Balang Miya Hub (Pemberton Community Hub)

<b>PROPONENT</b>	Councillor Ventris
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	61 Brockman Street, Pemberton (Reserve 19566)
<b>WARD:</b>	Rural
<b>ZONE:</b>	Public Purposes
<b>DIRECTORATE:</b>	Office of the CEO
<b>FILE REFERENCE:</b>	F200464-002; P58100
<b>LEGISLATION:</b>	Local Government Act 1995
<b>AUTHOR:</b>	Benjamin Rose (Chief Executive Officer)
<b>DATE OF REPORT:</b>	14 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

***Notice of Motion – Councillor Ventris***

***“NOTICE OF MOTION FOR COUNCIL MEETING MAY 23<sup>RD</sup> 2024***

***THAT COUNCIL PROVIDE DIRECTION FOR THE BALANG MIYA HUB***

1. a) ***Council supports a Lotterywest Application to finish the Balang Miya Hub and the Project Manager and Staff to follow up with:-***
  - ***Little Taddies***
  - ***RSL***
  - ***Pemberton Heritage and History Group***
  - ***Pemberton Community Resource Centre***
  - ***Pemberton Visitor Centre***
  - ***Pemberton Arts Group***
  - ***Pemberton Chamber of Commerce***

***to identify details of works required.***
- b) ***At the completion of all works an official opening to be conducted by Council inviting community and all contributors to the completed Project Opening.***
- c) ***All utilities to be waived until the completion and opening of Balang Miya Hub.***
2. a) ***Council acknowledge approximately \$600,000 has been received from Lotterywest to build a suitable facility for the operation of the Pemberton Community Resource Centre as per information provided Agenda Dec 8<sup>th</sup> 2022 9.1.1.***
- b) ***Establish a Community Resource Centre side and a Visitor Centre side to the Balang Miya Hub as per 2020 proposal (attached) placing the RSL Memorial Library into the RSL Memorial Hall to be open 5.5 days per week as committed to the community and Lotterywest.***
- c) ***CEO to negotiate a Management Contract with Pemberton Community Resource Centre for a 5.5 day Library Service, Area Lease and whole of Hub Booking and Precinct Management Contract and present to Council for a financial and budget decision.***
3. ***Public Toilets situated in the Balang Miya Hub to be maintained and cleaned by Council to provide for Library patrons and visitors to the Shire.***
4. ***As a Council-owned and centrally located facility gardens and landscaping to be maintained by Council and included as part of Parks and Gardens budget.***
5. ***The above items 1,2,3,4 to be costed and brought back to Council for a final decision with a report and financial costings for an Absolute Decision of Council."***

## BACKGROUND

The Notice of Motion as presented by Cr Ventris relates, in part, to matters previously considered by Council at its Ordinary Meetings held 17 November 2022 (Minute 28964, Item 9.16.3) and 8 December 2022 (Minute 28979, Item 9.1.1). The previous reports are appended for reference.

**APPENDIX: 8.1(A)**

**APPENDIX: 8.1(B)**

Cr Ventris has submitted a Notice of Motion to the Chief Executive Officer (CEO), in writing and having given seven clear working days prior to the 23 May 2024 Ordinary Meeting of Council. The Notice of Motion has therefore been given in accordance with *Clause 5.3 of the Shire of Manjimup Standing Orders Local Law 2013* (Standing Orders).

Under s5.41(a)(b) of the *Local Government Act 1995* it is the function of the CEO to:

- (a) Advise the council in relation to the functions of a local government under the Act and other written laws;
- (b) Ensure that advice and information is available to the council so that informed decisions can be made.

The Notice of Motion, as put, has multiple layers of complexity that require further investigation and clarity. Furthermore, the proposed Motion may have confidentiality, contractual, operational, financial, legal or other implications.

Cr Ventris' recommended building layout (noted in point 2b) is appended.

**APPENDIX: 8.1(C)**

The purpose of this report is for Council to consider receiving the Notice of Motion and setting direction for the Chief Executive Officer.

## PUBLIC CONSULTATION UNDERTAKEN

Nil by Shire, at present (as it relates to the Notice of Motion).

## COMMENT

Given the complexity of matters raised in the Notice of Motion, it is recommended (in alignment with point 5 of the Notice of Motion) that Council direct the Chief Executive Officer to bring a report back to the 13 June 2024 Ordinary Council Meeting for further consideration. In addition, it is recommended this additional time will enable the CEO to seek further explanatory commentary from Cr Ventris to support his Notice of Motion.

## STATUTORY ENVIRONMENT

### Shire of Manjimup Standing Orders Local Law 2013.

#### 5.3 Motions of which previous notice has been given:

- (1) *Unless the Act, Regulations or these local laws otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.*
- (2) *A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good governance of the district.*
- (4) *The CEO*
  - (a) *may, with the concurrence of the President, exclude from the agenda paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;*
  - (b) *will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;*
  - (c) *may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
  - (d) *may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget, and law.*
- (5) *A motion of which notice has been given is to lapse unless—*
  - (a) *the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or*
  - (b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.*

## POLICY / STRATEGIC IMPLICATIONS

- Shire of Manjimup Corporate Business Plan 2023 – 2027
- Shire of Manjimup Strategic Community Plan 2021 – 2031

## ORGANISATIONAL RISK MANAGEMENT

For consideration as part of the detailed report to Council for the Ordinary Meeting 13 June 2024.

## FINANCIAL IMPLICATIONS

Financial implications will be better determined after further investigation relating to the points in the Notice of Motion. These implications will be considered as part of the report to the 13 June 2024 Ordinary Meeting of Council.

## SUSTAINABILITY

Sustainability implications will be considered as part of the report to the 13 June 2024 Ordinary Meeting of Council.

## VOTING REQUIREMENTS:SIMPLE MAJORITY

## OFFICER RECOMMENDATION

That Council:

1. Receives the Notice of Motion from Councillor Ventris, in accordance with clause 5.3 of the Shire's Standing Orders, as follows:

1. a) ***Council supports a Lotterywest Application to finish the Balang Miya Hub and the Project Manager and Staff to follow up with:-***

- ***Little Taddies***
- ***RSL***
- ***Pemberton Heritage and History Group***
- ***Pemberton Community Resource Centre***
- ***Pemberton Visitor Centre***
- ***Pemberton Arts Group***
- ***Pemberton Chamber of Commerce***

***to identify details of works required.***

- b) ***At the completion of all works an official opening to be conducted by Council inviting community and all contributors to the completed Project Opening.***

- c) *All utilities to be waived until the completion and opening of Balang Miya Hub.*
- 2. a) *Council acknowledge approximately \$600,000 has been received from Lotterywest to build a suitable facility for the operation of the Pemberton Community Resource Centre as per information provided Agenda Dec 8<sup>th</sup> 2022 9.1.1.*
- b) *Establish a Community Resource Centre side and a Visitor Centre side to the Balang Miya Hub as per 2020 proposal (attached) placing the RSL Memorial Library into the RSL Memorial Hall to be open 5.5 days per week as committed to the community and Lotterywest.*
- c) *CEO to negotiate a Management Contract with Pemberton Community Resource Centre for a 5.5 day Library Service, Area Lease and whole of Hub Booking and Precinct Management Contract and present to Council for a financial and budget decision.*
- 3. *Public Toilets situated in the Balang Miya Hub to be maintained and cleaned by Council to provide for Library patrons and visitors to the Shire.*
- 4. *As a Council-owned and centrally located facility gardens and landscaping to be maintained by Council and included as part of Parks and Gardens budget.*
- 5. *The above items 1,2,3,4 to be costed and brought back to Council for a final decision with a report and financial costings for an Absolute Decision of Council."*

- 2. Directs the Chief Executive Officer to review the Notice of Motion, and bring a report to the 13 June 2024 Ordinary Meeting of Council, which:
  - 2.1. Provides advice to Council in relation to the financial, contractual, operational and other material implications of implementing the proposed Notice of Motion.
  - 2.2. Includes the opportunity for further written commentary from Cr Ventris in explanation / support of the Notice of Motion.

## APPENDICES

- |   |                    |
|---|--------------------|
| <p><b>A⇒</b> Minute 28964 November 17 2022 Item 9.16.3 Unconfirmed Minutes of the Pemberton Community Hub and Councillor Amended Motion</p> | <p>9<br/>Pages</p> |
|---|--------------------|

- B⇒** Minute 28979 8 December 2022 Item 9.1.1 Further Direction Required to Implement the Decision of Council Minute 28964 Pemberton Community Hub 12 Pages
- C⇒** Cr Ventris Recommended layout proposal - Balang Miya Hub 1 Page

## 9. OFFICERS' REPORTS

VOTING TYPE	ITEM	OFFICER REPORTS	Page No.
<b>OFFICE OF CEO</b>			
	<b>9.1</b>	<b>OFFICE OF CEO</b>	
	9.1.1	Review of Council Policy 2.6.1 Work Health and Safety	13
<b>BUSINESS DIRECTORATE</b>			
	<b>9.2</b>	<b>CORPORATE AND GOVERNANCE</b>	
	9.2.1	Proposed Sublicences - Portion of Railway Reserve, Manjimup	15
	<b>9.3</b>	<b>FINANCE AND ADMINISTRATION</b>	
	9.3.1	Shire Financial Payments for April 2024	19
	9.3.2	Monthly Statement of Financial Activity - March 2024	22
	<b>9.4</b>	<b>INFORMATION COMMUNICATIONS TECHNOLOGY</b>	
<b>DEVELOPMENT AND REGULATION DIRECTORATE</b>			
	<b>9.5</b>	<b>STATUTORY PLANNING</b>	
	9.5.1	Delegated Planning Decisions April 2024	25
	9.5.2	Quarterly Report January - March 2024 - Development and Regulation Directorate	28
	9.5.3	Proposed Over Height Outbuilding at Lot 238 (80) Pritchard Street, Manjimup	30
	9.5.4	Proposed Outbuilding at Lot 321 (21) Kelly Street, Pemberton	35
	9.5.5	Proposed Subdivision at Lot 25 (45) Jacksonii Avenue, Walpole	40
	9.5.6	Proposed Extension to the Pemberton Timber Mill Workers' Cottages Precinct Heritage Curtilage	47
	9.5.7	Proposed Rural Pursuit and Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex	53
<b>Absolute</b>	9.5.8	Proposed Budget Amendment - State Natural Resource Management Program - Empowering Community in Managing Threatened Species Habitats	61
	<b>9.6</b>	<b>BUILDING SERVICES</b>	
	<b>9.7</b>	<b>RANGER AND EMERGENCY SERVICES</b>	
	<b>9.8</b>	<b>ENVIRONMENTAL HEALTH SERVICES</b>	

<b>COMMUNITY SERVICES DIRECTORATE</b>			
	<b>9.9</b>	<b>COMMUNITY AND RECREATION SERVICES</b>	
	9.9.1	Biannual Report October 2023 - March 2024 Community Services Directorate	65
	9.9.2	Request for Funding for Maintenance of the Warren Blackwood Stock Route Trail	67
	<b>9.10</b>	<b>HACC SERVICES</b>	
	9.10.1	Proposed Review of Council Policy - Home and Community Care Council Policy 12.1.1 Aims, Philosophy and Objectives	72
	<b>9.11</b>	<b>LIBRARIES AND CULTURAL SERVICES</b>	
<b>WORKS AND SERVICES DIRECTORATE</b>			
	<b>9.12</b>	<b>TECHNICAL SERVICES</b>	
	<b>9.13</b>	<b>WORKS</b>	
<b>Absolute</b>	9.13.1	Proposed Budget Amendment for Drainage - Repair Rural Road Culverts	75
	<b>9.14</b>	<b>PARKS AND GARDENS</b>	
	<b>9.15</b>	<b>OCCASIONAL AND MANAGEMENT COMMITTEES</b>	
	<b>9.16</b>	<b>ADVISORY COMMITTEES</b>	

\_\_\_\_\_ / \_\_\_\_\_

## ATTACHMENT APPENDIX

### 9.1.1 Review of Council Policy 2.6.1 Work Health and Safety

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	N/A
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Office of CEO
<b>FILE REFERENCE</b>	F160048
<b>LEGISLATION</b>	<i>Local Government Act 1995, Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022</i>
<b>AUTHOR</b>	Jessica Raper
<b>DATE OF REPORT</b>	9 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

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

### APPENDIX: 9.1.1 (A)

The policy underwent substantial review in 2022 with the introduction of new Work Health and Safety legislation. No further changes were made in the 2023 review, and no material changes are proposed for this review (albeit some minor formatting). A copy of the policy for adoption is attached.

### ATTACHMENT: 9.1.1 (1)

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

### COMMENT

This policy is required to be reviewed annually. Its intent is to highlight Council's commitment to providing a safe working environment at the Shire of Manjimup. No changes to policy are proposed.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

Policies should be periodically reviewed to ensure currency and effectiveness.

## **ORGANISATIONAL RISK MANAGEMENT**

As described above at Policy/Strategic Implications.

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

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

## **ATTACHMENTS**

1 ➡ Proposed Council Policy 2.6.1 Work Health and Safety 2 Pages

## **APPENDICES**

A ➡ Council Policy 2.6.1 Work Health and Safety Policy - Adopted 15 June 2023 1 Page

**ATTACHMENT****9.2.1 Proposed Sublicences - Portion of Railway Reserve, Manjimup**

<b>PROPONENT</b>	Manjimup Project Pty Ltd
<b>OWNER</b>	NRMA Public Transport Authority of Western Australia
<b>LOCATION / ADDRESS</b>	Reserve 47286, Lot 889 Johnston Crescent / Ralston Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Railways
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160761
<b>LEGISLATION</b>	<i>Public Transport Authority Act 2003</i> <i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	9 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Public Transport Authority of Western Australia (PTA) and Arc Infrastructure Pty Ltd (Arc) manage the Rail Reserve within Manjimup townsite and have granted a licence to the Shire of Manjimup for use and occupation of the section of Rail Reserve from Graphite Road to Seven Day Road.

Manjimup Project Pty Ltd own 89-101 (Lot 600) Mottram Street (Woolworths complex). The Shire sublicences a portion of the Railway Reserve Lot 889 adjoining Lot 600 to Manjimup Project Pty Ltd for the purpose of car park. The current agreement is for ten years from 1 January 2022 to 31 December 2031.

Manjimup Project Pty Ltd have requested approval to grant a sublicence to NRMA Electric Highways Pty Ltd (NRMA) for the purpose of installing and operating an electric vehicle charging station within their car park. The location is shown on the attachment.

**ATTACHMENT: 9.2.1 (1)**

This agenda item is for Council to consider approval for both a new sublicence to Manjimup Project Pty Ltd and a further sublicence to be granted to NRMA. The current sublicence to Manjimup Project Pty Ltd will need some changes to allow the sublicence to NRMA.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

The current use of the sublicence area as a car park is approved by PTA and Arc. The proposed electric vehicle charging station will need their further approval. Arc have reviewed the proposed sublicence from Manjimup Project Pty Ltd to NRMA and indicated they will consent to this.

It is proposed that the current sublicence from the Shire to Manjimup Project Pty Ltd will be terminated and a new sublicence granted to allow:

1. The proposed sublicence to NRMA, as the conditions in the current sublicence agreement prevent Manjimup Project Pty Ltd from being able to grant a sublicence.
2. A minor increase to the sublicence area as, although existing car park area is proposed to be used, the proposed location for the electric vehicle chargers extends outside the current sublicence area.
3. Additional permitted use of electric vehicle charging station.
4. Full ten year licence terms for both Manjimup Project Pty Ltd and NRMA.

Details of the proposed electric vehicle charging station will be subject to statutory development approval and approval from Arc.

The land is primarily managed by PTA and Arc and as they have indicated they will consent to the proposal, Council approval for the requested sublicence arrangements is recommended.

## STATUTORY ENVIRONMENT

Nil.

## POLICY / STRATEGIC IMPLICATIONS

A licence is only a permit to use or occupy the site. A licence is not considered disposal of land as it does not create an interest in the land or a right of exclusive use.

This proposal is consistent with A24.2 of the Corporate Business Plan 2023-2027 being:

*A24.2 Secure grant funding or work with the private sector to establish EV charging infrastructure” will be achieved.*

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## **FINANCIAL IMPLICATIONS**

The Shire currently pays a licence fee of \$1,173 per annum (increases by CPI annually) for use of the Rail Reserve from Graphite Road to Seven Day Road. The fee is not directly attributable to the small portion within this area occupied by Manjimup Project Pty Ltd and therefore a licence fee has not been applied to the current sublicence. The car park is servicing commercial businesses and is also used by the general public and visitors (including long vehicle parking).

NRMA will have some commercial benefit and charge customers a fee for using the electric vehicle charging station.

It is recommended that the licence fees are reviewed by the Chief Executive Officer prior to the proposed sublicence agreements being finalised, to determine if licence fees can be applied due to the commercial aspect of the land use by Manjimup Project Pty Ltd and NRMA.

Manjimup Project Pty Ltd and NRMA will be responsible for any costs incurred for preparation of the new sublicence agreements.

## **SUSTAINABILITY**

Environmental:

Nil.

Economic:

Nil.

Social:

Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to negotiate and execute documents for portion of Rail Reserve Lot 889 for:**

- 1. Termination of the existing sublicence agreement between the Shire of Manjimup and Manjimup Project Pty Ltd.**
- 2. New sublicence from the Shire of Manjimup to Manjimup Project Pty Ltd for a term of up to 10 years.**
- 3. Sublicence portion from Manjimup Project Pty Ltd to NRMA Electric Highways Pty Ltd for a term of up to 10 years, subject to:**
  - 3.1 Sublicence conditions and annual fees are proposed to the satisfaction of the Chief Executive Officer.**
  - 3.2 Sublicence agreement preparation expenses being recouped from Manjimup Project Pty Ltd.**

**3.3 Consent from Arc Infrastructure Pty Ltd.**

**3.4 Relevant approvals being obtained for the proposed electric vehicle charging station.**

## **ATTACHMENTS**

**1**  Railway Reserve Sublicences 1 Page

**ATTACHMENT****9.3.1 Shire Financial Payments for April 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>	01 May 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 \$2,287,340.32 for the months of April 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for March 2024 are attached.

**ATTACHMENT: 9.3.1(1)**

<b>Payment by Fund</b>	<b>Amount</b>
Municipal – April 2024	\$2,287,340.32
Trust Fund	\$0.00
<b>Total</b>	<b>\$2,287,340.32</b>

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Ordinary Meeting of Council of 23 May 2024.

<b>Fund</b>	<b>Batch or cheque no.</b>	<b>Amount</b>
<b>Municipal Payments for Month April 2024</b>		
Cheque payments	95531 – 95541	\$34,432.88
EFT	319 – 322	\$1,443,851.50
Direct Debits		\$38,141.08
Payroll – April 2024		\$770,914.86
<b>Total Payments – April 2024</b>		<b>\$2,287,340.32</b>

<b>Direct Debit for Card Payments</b>	<b>Amount</b>
Corporate Credit Cards – March 2024	\$12,022.55
Wright Express - Coles – March 2024	\$429.10
<b>Total</b>	<b>\$12,451.65</b>
<b>Direct Debit payments included on Warrant Listing Report - April 2024</b>	

<b>Fuel Card Payments</b>	<b>Amount</b>
BP Cards – March 2024	\$8,234.97
Ampol Cards – March 2024	\$1,808.59
<b>Total</b>	<b>\$10,043.56</b>
<b>Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – April 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 April 2024 accounts for payment totalling \$2,287,340.32, as detailed within Attachment: 9.3.1(1).**

**ATTACHMENTS**

1 ➞ Payments for April 2024 41 Pages

**ATTACHMENT****9.3.2 Monthly Statement of Financial Activity - March 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Whole Shire
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160188
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	9 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

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

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

The Statement of Financial Activity report for the period to 31 March 2024 is attached. The report is summarised by “Type” with operating comments identifying departments with a reportable variance.

**ATTACHMENT: 9.3.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The financial performance for the Shire of Manjimup to the 31 March 2024 is a projected surplus of \$24,722.

The projected surplus is based on a conservative approach highlighting possible issues as they occur, which in most cases can be rectified or offset

with under expenditure in other areas as the Shire progresses through the financial year.

The March 2024 review of accounts has seen a general tightening of budgets as staff make every effort to complete annual programs and projects set down in the 2023/24 adopted budget. Maintenance accounts across all directorates are under the most pressure as staff look to maintain an appropriate level of service to the community, particularly in the area of road maintenance.

Below is a list of the moderate items, both in the positive and negative that will determine the Shire's end of year position:

The items negatively affecting the end of year position are:

- Electricity Costs – Manjimup Regional AquaCentre \$40,000 – In August 2023 an inverter within the solar array was hit with a power spike and failed. The new inverter supply and replacement took some time and was finally installed early January 2024;
- Power Up Electricity Museum Income \$50,000 - Whilst we are now entering the period of higher use, a comparison of income to a pro rata of the year-to-date budget shows entry fees \$29,253 behind the year-to-date budget; and
- Road Maintenance – Rural Unsealed \$150,000 – Contractor based expenditure related to the grading of gravel roads has exceeded budget due to the dry summer and volume of requests. The road maintenance accounts will be monitored for savings to arrest the projection.

Items that are positively affecting the end of year position are:

- Interest revenue \$160,000 - To the 31 March 2024 actuals are \$94,071 ahead of the year to date budget. It is expected that the rate of interest generated will slow as we progress through the year with money being expended, however a conservative projection should see \$160,000 of additional income received;
- Manjimup Tipping Fees \$85,000 – To the 31 March 2024 actuals were \$367,201 from a 2023/24 budget of \$390,000. Any excess income will be transferred to the Waste Management Reserve; and
- Development Application Fees \$20,000 – Planning applications fees to the 31 March 2024 are \$11,928 ahead of the whole year budget, so a \$20,000 projection is a conservative estimate should activity slow in the coming months.

Other than those items listed above, no major discrepancies have come to light in the first nine months after adopting the 2023/24 budget. Given the level of projected surplus, with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position by the 30 June 2024.

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As described in above summary.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council receive the Monthly Statement of Financial Activity Report for March 2024, as per Attachment: 9.3.2(1).**

## **ATTACHMENTS**

1 ➡ Statement of Financial Activity - March 2024 19 Pages

**ATTACHMENT****9.5.1 Delegated Planning Decisions April 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>	7 May 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 April 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 April 2024, fourteen (14) 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 April 2024 compared to April 2023.

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

	<b>April 2023</b>	<b>April 2024</b>
<b>Delegated Decisions</b>	10 (\$655,300)	14 (\$2,999,722)
<b>Council Decisions</b>	5 (\$236,000)	8 (\$1,994,000)
<b>Total</b>	<b>15 (\$891,300)</b>	<b>22 (\$4,993,722)</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**

	<b>YTD 2022-23</b>	<b>YTD 2023-24</b>
<b>Delegated Decisions</b>	109 (\$9,495,781)	94 (\$14,616,146)
<b>Council Decisions</b>	60 (\$9,701,375)	32 (\$7,863,370)
<b>Total</b>	<b>169 (\$19,197,156)</b>	<b>126 (\$22,479,516)</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 April 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 April 2024 as per Attachment: 9.5.1 (1).**

## **ATTACHMENTS**

1 ➡ Attachment 1 - Planning Decisions April 2024 1 Page

**ATTACHMENT****9.5.2 Quarterly Report January - March 2024 - Development and Regulation Directorate**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Shire of Manjimup
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F160966
<b>LEGISLATION</b>	Various
<b>AUTHOR</b>	Jason Giadresco
<b>DATE OF REPORT</b>	6 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

A report outlining activities for the January – March 2024 quarter for the Development and Regulation Directorate is attached.

**ATTACHMENT: 9.5.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

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

**STATUTORY ENVIRONMENT**

Nil.

**POLICY / STRATEGIC IMPLICATIONS**

Nil.

**ORGANISATIONAL RISK MANAGEMENT**

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

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council receive the January to March 2024 Quarterly Report – Development and Regulation as contained in Attachment 9.5.2 (1).**

## **ATTACHMENTS**

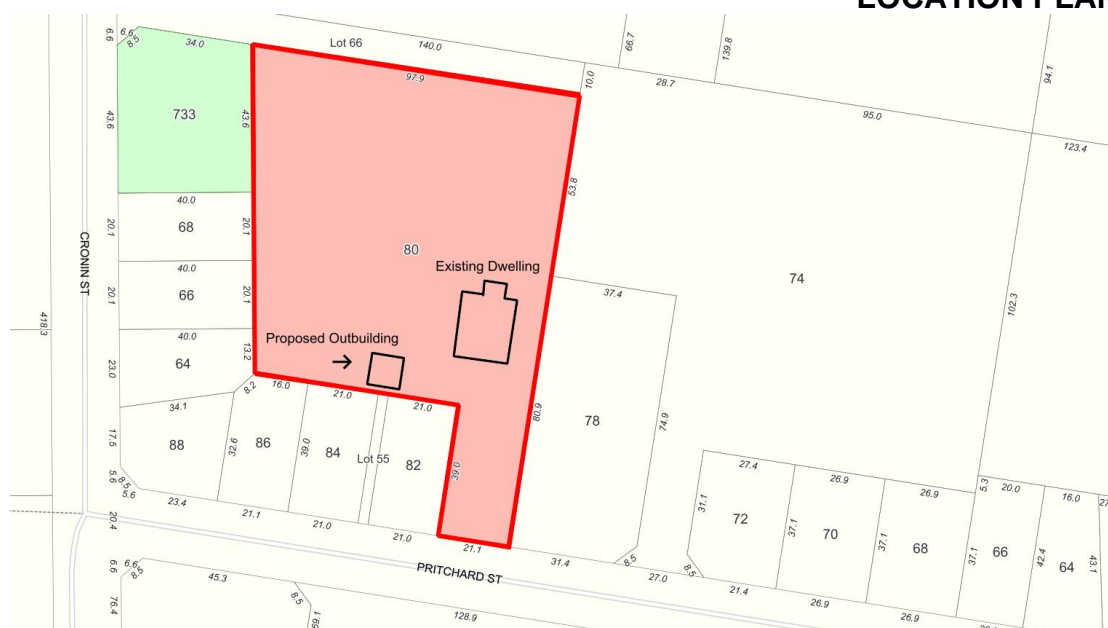
1 ➡ Quarterly Report Jan -Mar 2024 30 Pages

**ATTACHMENT****9.5.3 Proposed Over Height Outbuilding at Lot 238 (80) Pritchard Street, Manjimup**

<b>PROPONENT</b>	Sheds West Direct
<b>OWNER</b>	Mrs S J & Mr J A Robertson
<b>LOCATION / ADDRESS:</b>	Lot 238 (80) Pritchard Street, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Residential R20
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA24/58 P55548 TP56/2024
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR:</b>	Karleha Brown
<b>DATE OF REPORT:</b>	30 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

A development application has been received for an over height outbuilding with setback variation at Lot 238 (80) Pritchard Street, Manjimup. The property is located within the Manjimup townsite. A location plan is below.

**LOCATION PLAN**

The subject property is 9,429m<sup>2</sup> and currently consists of a dwelling. The proposed outbuilding is 108m<sup>2</sup> and is to be setback 1.12m off the southern side boundary and 35.5m from the western side boundary. The barn style outbuilding comprises three bays with the middle bay being higher than the two side bays. The height of the walls of the outbuilding are proposed to be 3.28m, with the wall of the middle bay proposed to be 4.5m with a ridge height of 4.85m. A copy of the application is attached.

**ATTACHMENT: 9.5.3 (1)**

There are various elements of the proposal that do not comply with the State and Local Planning Policies and therefore the application is presented to Council for determination.

## **PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with Clause 9.6 of the Local Planning Scheme No. 4 (Scheme) for a period of 21 days to the neighbouring landowners. No submissions were received following the close of the advertising period.

## **COMMENT**

The property is zoned Residential with a density of R20. The proposed development is required to comply with the requirements relating to R20 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's local planning policy for outbuildings. The land is included within Special Control Area 9/2 for the West Manjimup Structure Plan Area.

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

### Matters to be considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*
- (iii) *any approved State Planning Policies of Commission;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under clause 2.*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area*
- (xv) *the preservation of the amenity of the locality; and*
- (xxvi) *any relevant submissions received on the application.*

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

### R-Codes

The proposed outbuilding is to be setback 1.12m to the side boundary of the subject property. The subject property is not uniform to the other existing properties fronting Pritchard Street. The property has a street frontage to Pritchard Street, which provides the site with access to a larger landholding at the rear of the existing properties. The proposed outbuilding is to be located at

the rear of Lot 9 Pritchard Street and Lot 10 Pritchard Street, Manjimup. Table 2a – Boundary Setback – Walls with no major openings requires a setback distance of 1.5m for walls that are 9m wide and 3.28m high. The proposed setback distance of 1.12m is 0.38m closer to the boundary of the neighbouring landowners.

The application was advertised to these neighbours and no concerns were raised as a result of the advertising period.

#### Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in a Residential Zone, replacing section 5.4.3 of the R-Codes due to the construction of outbuildings in the Shire of Manjimup being generally greater in terms of floor area and height than those considered appropriate in the metropolitan area.

The Policy outlines that an outbuilding should not exceed 3m in wall height and 4.2m in ridge height, with an availability of a 10% variation subject to no objections. The proposed wall height exceeds the acceptable variation by 1.2m and ridge height 0.65m above the height requirements.

The reduced side setback of 0.38m is considered a minor variation to R- Codes requirements.

#### Impact on Amenity

In this instance the increased height of the outbuilding is 0.65m above the ridge height of the Policy requirements for the outbuilding. The applicant has stated that the outbuilding is to store cars and general household storage, and the height requirement is to accommodate a hoist for personal use as the owner is a car enthusiast. The lot is also one of the larger sized lots within the Manjimup town site.

In this instance, the height of the proposed outbuilding will have a minimal impact on the adjacent neighbouring properties.

#### Structure Plan Area

The matters to be addressed in the West Manjimup Structure Plan Area include the shared costs of provision of engineering and other like studies, costs of provision of drainage, public open space and roads and road improvements. A draft structure plan was prepared for the area in 2007 however was not progressed due to the inability for landowners to agree to the developer contribution plan. Despite this land has progressively been subdivided in a way consistent with the draft structure plan.

In accordance with clause 27(2) of Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a decision maker may approve an application for planning approval if it is satisfied that:

- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and

- (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

The proposed outbuilding is located close to the neighbouring boundary allowing for future subdivision and additional development on the surrounding land, consistent with the West Manjimup Structure Plan Area.

#### Conclusion

The proposed outbuilding meets the objectives of the Scheme and the Policy. The location of the outbuilding will not detract from the streetscape of Pritchard Street, due to the size of the surrounding properties. Also, as no concerns were raised by the neighbouring landowners regarding the proposed height of the outbuilding it is considered the proposed bulk and scale of the outbuilding is in keeping with the community's expectations.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

Local Planning Policy 6.1.3 Outbuildings.

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

### **FINANCIAL IMPLICATIONS**

The development application fee in accordance with the Shire of Manjimup's 2023/2024 Fees and Charges Schedule has been paid.

### **SUSTAINABILITY**

Environmental: No vegetation is proposed to be removed for the construction of the outbuilding.

Economic: Nil.

Social: Nil.

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

## OFFICER RECOMMENDATION

That Council, in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4, grant development approval for an over height outbuilding at Lot 238 (80) Pritchard Street, Manjimup, application (TP56/2024), in accordance with the plans and specifications at 9.5.3(1) 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.

Reference	Document Title	Date Received
1.	Site Plan	28 March 2024
2.	Elevation Plan	28 March 2024

2. The approved outbuilding is not to be used for human habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained.
3. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup.
4. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

### Advises the Applicant that:

- A. This development approval is not a building permit. A building permit must be formally applied for and obtained from Building Services before the commencement of any site and/or development works.

## ATTACHMENTS

- |   |            |
|---|------------|
| 1 ➡ Site and Development Plans for Lot 238, 80 Pritchard Street<br>Manjimup | 2<br>Pages |
|---|------------|

**ATTACHMENT****9.5.4 Proposed Outbuilding at Lot 321 (21) Kelly Street, Pemberton**

<b>PROPONENT</b>	Mr C P Hodges
<b>OWNER</b>	Mr C P Hodges and Ms R L Thomson
<b>LOCATION / ADDRESS</b>	Lot 321 (21) Kelly Street, Pemberton
<b>WARD</b>	Rural
<b>ZONE</b>	Residential R10
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA23/182; P50543
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Kaylene Roberts
<b>DATE OF REPORT</b>	7 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Shire is in receipt of a development application for the demolition of a single garage and the construction of a new Outbuilding at Lot 321 (21) Kelly Street, Pemberton. The subject property is located within the Timber Mill Workers' Cottages Heritage Precinct.

A location plan is shown below.

**LOCATION PLAN**

The application is proposing the demolition of the existing Outbuilding which is located at the rear of the property and the replacement with a 9m by 6m (54m<sup>2</sup>) Colorbond® Outbuilding. The proposed Outbuilding is to be constructed with a 0.05m setback to the rear and 0.09m to the side boundary and is to be constructed of steel, in the Colorbond® colours of Wallaby and Windspray.

The subject site has an area of 736m<sup>2</sup> and currently contains a dwelling and Outbuilding with a lean to. A copy of the development plans are attached.

**ATTACHMENT: 9.5.4 (1)**

Council is asked to consider the application as Shire staff are of the opinion that the application should not be approved and do not have the delegation to refuse application.

**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. The application was also advertised to the State Heritage Office at the Department of Planning Lands and Heritage. A copy of the submission from the State Heritage Office is attached. No submissions were received from adjacent landowners.

**ATTACHMENT: 9.5.4 (2)**

**COMMENT**

The Scheme includes the property within the Residential Zone with an applicable density of R10. Additionally, the Scheme includes the land within the Planning Precinct – Pemberton Precinct 4 – Urban Centre and also within the Pemberton Mill Workers Cottages Heritage Precinct.

When determining applications for Development Approval, clause 10.2 of the Scheme, when considering the application for planning approval, the local government must have regard to various matters. In the opinion of the Shire staff, the most relevant matters to be considered in respect of this application are as follows:

- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme;*
- (ix) *the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australian Act 1990;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use or development of adjacent and nearby land and taking into account any Special Control Area;*
- (xv) *the preservation of the amenity of the locality; and*
- (xxvii) *the comments or submissions received from any authority consulted under 10.1.*

To assist Council in determining the application, the following comments and advice are provided.

### Heritage Status and Values

The Pemberton Mill Workers Cottage Precinct was established in connection with State-owned sawmills 2 and 3, located immediately south of the precinct and first identified as having heritage value by the Shire's initial Municipal Heritage Inventory (the Inventory) adopted by Council in 1997. The Inventory recommended that the precinct be included for entry onto the State Register of Heritage Places.

In 2001 the Shire developed a policy to ensure that the character of the precinct as a whole and the buildings within it was retained. In 2003 the property was entered onto the State Heritage Register and in 2012 a Conservation Plan for the precinct was prepared to help guide the future development and works for the area. The Conservation Plan is in draft format.

The current Local Heritage Survey (formally Municipal Heritage Inventory) has identified the Management Category of A+ for the precinct, which is the highest level of preservation, having been included within the WA State Register of Heritage Places. In accordance with this status, proposals must be referred to the Heritage Council and approval is required under the Local Planning Scheme.

### Conservation Management Plan

Section 8.3.1.3 of the Conservation Management Plan (CMP) relates to rear laneways. It is noted in section 3.2.2 of the CMP, views along the rear laneways are as rich and distinctive as the main streetscapes. The key characteristics include informal, unsealed road surfaces and the diverse array of gabled weatherboard garages, small weatherboard sheds with raked roofs.

Under the above section, Policy 3.8 states: "maintain the general character of the built fabric by conserving traditional rear sheds and garages wherever possible and ensuring that any new development does not overtly intrude on views along the laneways from the adjacent streets."

Under the notes section it states that where traditional timber buildings have deteriorated to a point where conservation is not feasible, reconstruction of the traditional garage or outbuilding (like for like external size, form, materials and detailing) is permissible in the same location.

Policy 3.12 states that priority should be given to conserving fabric of considerable significance and the traditional heritage character of overall townscape.

"Demolition should not be supported solely on the grounds of economic gain or the owner's preferences for redevelopment of the land. It should only be considered on the grounds of structural inadequacy, as demonstrated by a suitably qualified engineer".

The contribution of the individual houses, garages and fencing is essential to the character of the Pemberton Timber Mill Workers' Cottages Precinct. If demolition is the only feasible option for a place of considerable significance, reconstruction to a known earlier state is the preferred outcome.

### Heritage Council Comments

The State Heritage Council considered the application and have provided the following:

#### *Advice*

Comments from the State Heritage Council do not support the proposal for the following reasons:

- The existing outbuildings are fabric of Considerable Significance and contribute to the significant cultural fabric of the Precinct.
- The outbuildings add to the character of the precinct and are visible from many locations.

Shire staff met with the applicant to discuss the State Heritage Office comments, Conservation Management Plan and to potentially work out a favourable outcome.

The applicant was offered the option to build in an alternate location however stated that this would reduce the outdoor area available.

The applicant did not agree to alter the proposal for the following reasons:

- Precedent has been set as the result of other outbuildings, within the laneway, which have been constructed of Colorbond® and these were referred to the State Heritage Office;
- Existing outbuilding is deteriorating due to the weather and age and cannot obtain weatherboards to replace like for like; and
- To locate the new outbuilding to opposite side of property, would not leave enough of an outdoor area.

It should be noted that new Colorbond® Outbuildings can be considered under the CMP however not as a replacement to the original heritage single garages, only in alternative locations.

After assessing the application against the Conservation Plan and the comments of the State Heritage Office, Shire staff have not been able to negotiate an outcome with the applicant that protects the heritage significance of the building fabric.

### Conclusion

The application received no objections from the adjoining landowners. Comments received from the State Heritage Office have been considered and the application is not consistent with the Conservation Plan with regards to the significance of the building fabric, it is therefore recommended that the application be refused.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

Shire of Manjimup Local Planning Policy LPS4 6.1.13 *Heritage*.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY**

Environmental:

Nil.

Economic:

Nil.

Social: Heritage significance and level of protection is due to the development of the Pemberton Townsite.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council REFUSE development approval to the proposed Outbuilding on Lot 321 (21) Kelly Street, Pemberton in accordance with Part 10 of Local Planning Scheme No. 4 for the following reason:**

- 1. The application as submitted is not compliant with Policy 3.12 of the Conservation Plan for Pemberton Timber Mill Workers' Cottages Precinct due to the proposed demolition of the single garage.**

## **ATTACHMENTS**

**1 ➡ Attachment No. 1 - Development Plans 6 Pages**

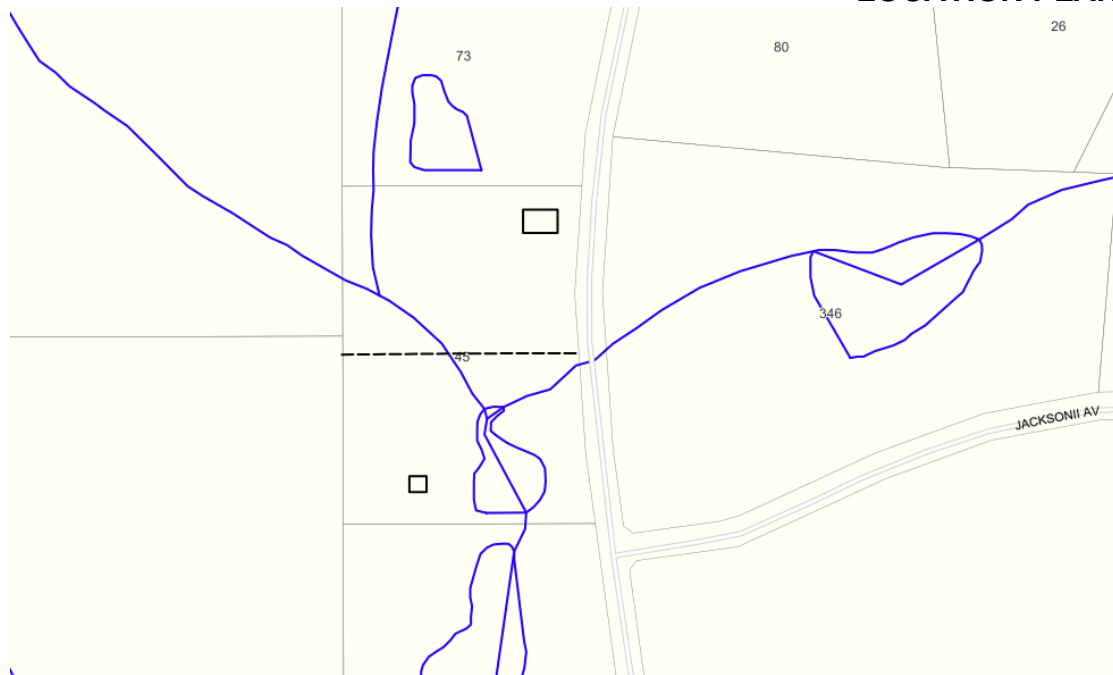
**2 ➡ Attachment No. 2 - State Heritage Office Submission 2 Pages**

**ATTACHMENT****9.5.5 Proposed Subdivision at Lot 25 (45) Jacksonii Avenue, Walpole**

<b>PROPONENT</b>	Edge Planning and Property
<b>OWNER</b>	Mr M Lutz and Ms E Ardon
<b>LOCATION / ADDRESS</b>	Lot 25 (45) Jacksonii Avenue, Walpole
<b>WARD</b>	Rural
<b>ZONE</b>	Rural Residential
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA24/76 P51628
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	7 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Western Australian Planning Commission (WAPC) is seeking comment on the proposed subdivision of Lot 25 (45) Jacksonii Avenue, Walpole. The subject lot is located on the eastern side of Jacksonii Avenue approximately 350m from the intersection with Allen Road. A location plan is show below.

**LOCATION PLAN**

The proposed subdivision, which will create one additional lot, is identified within the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme) as Rural Residential and assigned the code RR8. A copy of the subdivision plan is attached.

**ATTACHMENT: 9.5.5 (1)**

Lot 25 is 4.219ha and currently consists of a Dwelling, an Outbuilding, a Dam, remnant vegetation and riparian vegetation associated with Tingle Creek. At Ordinary Meeting of Council held 10 February 2022, Council resolved (Resolution 28716) to approve the dwelling and outbuilding in the current location by splitting the approved building envelope. The original envelope was located in the area which now contains the Outbuilding and a portion of the envelope was moved to facilitate the construction of a dwelling to reduce the fire risk and minimise vegetation clearing. As part of the information provided with the subdivision application, it has been stated that the owners are intending to convert the Outbuilding to a Dwelling once the subdivision is finalised.

If approved, the subdivision will create two lots, both 2.107ha in area.

Whilst Shire staff have delegation to provide a recommendation to the WAPC on this proposal, staff believe it is prudent for the Council to consider this matter given previous Council decisions on the property in relation to splitting of the building envelope and dam expansion.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

As mentioned above the land is located within the Rural Residential Zone – Area RR8 which relates to Tingleview Estate. The purpose of this zone is to provide for low density development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

### Matters to be Considered

Clause 10.2 of the Scheme prescribes that in determining applications for planning approval, the local government must have regard to various matters. Relevant considerations for the subject application are as follows:

- (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;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and*
- (xxvi) *any relevant submissions received on the application.*

### *Subdivision and Development*

The provisions of the Scheme relating to the Tingleview Estate require that the development and subdivision of the land generally complies with “*the Subdivision Guide Plan which formed part of Amendment 25 to Town Planning Scheme No 2, or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with clause 6.4 of the Scheme.*” As part of the Subdivision Guide Plan building envelopes were identified for each lot within the Estate.

The statement “generally in accordance with” is known to reflect minor changes and variations to an approved plan.

### *Building Envelopes*

The approved Subdivision Guide Plan for the Tingleview Estate identifies a 50m by 50m building envelope for Lot 25 as shown attached.

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

The Subdivision Guide Plan shows the approved building envelope was located in the south west corner of the property, on the western side of an existing dam. The envelope is setback 100m from Jacksonii Avenue and 47m from the southern boundary. As with the majority of Building Envelopes within the Tingleview Estate, the approved envelope was located within a vegetated area, which was common practice at the time.

As mentioned in the Background section of this report, Council has previously approved a relocated and split building envelope for the land.

### *State Planning Policy 3.7 Planning in Bush Fire Prone Areas*

Due to the remnant vegetation located on the subject property, the land is designated as a Bush Fire Prone Area. The proposed subdivision is required to adhere to State Planning Policy 3.7 Planning in Bush Fire Prone Areas State Policy (SPP3.7).

The intent of SPP 3.7 is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

To meet this requirement the applicant has prepared a Bush Fire Management Plan (BMP). Despite the referral from the WAPC stating that the application was not referred to the Department of Fire and Emergency Services (DFES), Shire staff have raised concerns regarding the administrative oversight and have been informed that a referral will occur.

The applicant has stated within the covering planning report that the BMP demonstrates compliance with the acceptable solutions for the applicable elements of the Guidelines for Planning in Bushfire Prone Areas, however Shire staff have reviewed the BMP and found that for Element 3 the subdivision proposal does not meet the intent of the Guidelines. The BMP is attached.

### **ATTACHMENT: 9.5.5(3)**

To achieve a desirable fire management outcome for the proposal it is considered by Shire staff that the applicant needs to provide a performance-based principle assessment.

#### *Environmental Impacts*

Whilst the applicant has stated that no native vegetation clearing is required to achieve compliance with the BAL 29, the property will require fire breaks to be installed along the new boundary which will impact on the riparian vegetation and existing native vegetation within close proximity of the boundary.

#### *Servicing*

All lots within the Tinglewood Estate are serviced by electricity. Rainwater is collected from rainwater tanks and stormwater is managed on the property. The Shire has granted permits for two septic systems on the property, connected to the dwelling and outbuilding. The applicant has referred to these approvals as justification not to abide by the Government Sewerage Policy 2019. A review of the mapping for Sewage Sensitive Areas indicates that the land is within 1km of significant wetlands and therefore a site soil evaluation should be undertaken. Despite the Shire approvals in place, a further expansion of the septic systems for the Outbuilding (Change of Use/Classification) may not be demonstrated as possible.

To ensure that the land is capable of disposing of effluent without a detriment to the environmental, it is recommended that the WAPC request a Site Soil Evaluation in support of the application.

#### *Precedent*

The applicant had acknowledged that, should the WAPC grant conditional approval, a precedent will be created for subdivision of the lots within the Tinglewood Estate for the creation of new lots at 2ha in area from those that are at least 4ha in area. This precedence would apply to several properties.

#### *Shire of Manjimup Cat Local Law 2021 (Cat Local Law)*

When preparing the Cat Local Law, Shire Rangers referred to the Scheme provisions which restrict cats within certain areas. The Cat Local Law specifically identifies lot numbers within the Tingleview Estate. The Cat Local Law will require amending should the approval be granted.

#### Conclusion

It is recommended that the application be deferred to enable the applicant to provide additional information including, performance-based assessment of the subdivision based on Element 3 of the Guidelines and a Site Soil Evaluation in accordance with the Government Sewerage Policy 2019. In the event that the WAPC support and approve the proposal, recommended conditions have been included in the Officer Recommendation.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

The assessment above aligns with the following strategies contained within the Shire of Manjimup Strategic Community Plan 2021-31.

- A3. Implement measures to mitigate or control the negative impact of feral animals on our natural environment.
- A5. Manage fuel hazards to minimise the risk of serious fire threat to ecosystems, human life and property.
- C13. Plan for emergency and natural disaster response, management, evacuation and recovery.

## **ORGANISATIONAL RISK MANAGEMENT**

The proposed application has been assessed against the Scheme.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The proposed subdivision will result in the construction of firebreaks which intersect the riparian vegetation and remnant vegetation.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

That Council:

1. Advise the Western Australian Planning Commission that the Shire of Manjimup does not support the intent of the proposed subdivision at Lot 45 (25) Jacksonii Avenue, Walpole, and recommends that the application WAPC 200191 be deferred and request the following information:

- 1.1. A revised Bushfire Management Plan, providing a performance based principle assessment against Element 3 of the Guidelines for Planning in Bushfire Prone Areas;
  - 1.2. A Site Soil Evaluation prepared in accordance with the Government Sewerage Policy 2019 demonstrating that the effluent from two dwellings can be accommodated on the land without detriment to the environment; and
  - 1.3. An indicative proposed vegetation clearing plan to demonstrate the impact of compliance with the Shire of Manjimup's Annual Firebreak and Fuel Hazard Reduction Notice.
2. In the event that the Western Australian Planning Commission approve the application without further consultation, Council recommends the following conditions be imposed:
- 2.1. Satisfactory arrangements being made with the local government for the cost recovery of amending the *Shire of Manjimup Cat Local Law 2021* to reflect to revised lot title details.
  - 2.2. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  

“The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.”
  - 2.3. The landowner / applicant shall provide a written undertaking to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land.
  - 2.4. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  

“This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.”
  - 2.5. Prior to the commencement of subdivision works, the landowner / applicant is to provide a site and soil evaluation to determine the type of on-site sewage treatment system required and the appropriate location for on-site sewage disposal.

**ATTACHMENTS**

- 1 ➡ Attachment 1- Proposed Plan of Subdivision 1 Page
- 2 ➡ Attachment 2 - Original Building Envelope Plan 1 Page
- 3 ➡ Attachment 3 - Bushfire Management Plan 27 Pages

**ATTACHMENT****9.5.6 Proposed Extension to the Pemberton Timber Mill Workers' Cottages Precinct Heritage Curtilage**

<b>PROPONENT</b>	Department of Planning Lands and Heritage
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	Rural
<b>ZONE</b>	Parks and Recreation, Industry, Town Centre, Railways and Public Purpose
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F180206
<b>LEGISLATION</b>	<i>Planning and Development Act 2005 and Heritage Act 2018</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	8 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

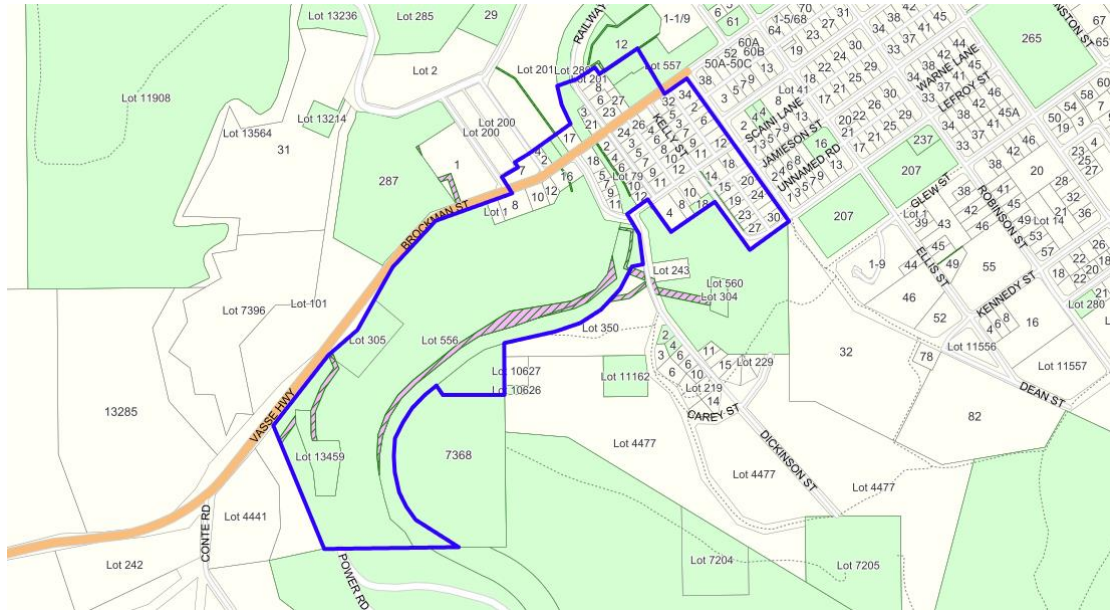
In July 2022 the Shire was informed that a review by the Heritage Council of WA (HCWA) for the Pemberton School site (fmr) was undertaken for its consideration for possible inclusion in the State Heritage Register, under the provisions of the *Heritage Act 2018*. HCWA advised that it determined that the School and Surrounds is unlikely to have the cultural heritage significance required to meet the condition for entry in the State Register under section 38 of the *Heritage Act 2018* as an individual place. However, the Heritage Council further resolved that the place should be considered as part of an expansion to the registered curtilage for *Pemberton Timber Mill Workers' Cottages Precinct*.

As part of the same correspondence, the Shire was informed that the following places were also being considered by the HCWA as part of the extension to the registered curtilage:

- Pemberton Mill and Chimney Complex
- Portion of *Pemberton-Northcliffe Railway and Railway Station* Registered Heritage Place (RHP)
- Pemberton Sports Club (fmr)
- Pemberton Mill House Café (fmr)
- Warren Lodge (fmr)
- *Mill Workers' Hall* (RHP)
- Pemberton Bakery & Deli (fmr)
- Medical Centre (fmr)

The term 'registered curtilage' is the area of the place which is entered into the State Register for Heritage Places.

A location plan is provided below.

**LOCATION PLAN**

At the time of the receipt of the correspondence in July 2022, it was considered that it was simply advice from HCWA to the Shire that these additional properties were under consideration for inclusion and no further action on the part of Shire needed to be taken on the matter. However, with the consideration of heritage values on the Pemberton Mill and Old School sites in recent times, Shire staff were advised by the Department of Planning, Lands and Heritage that the intent of the correspondence was formal notice that any modification to these places would require referral of any development application to HCWA for comment and assessment.

Council is requested to note the correspondence relating to the proposed extension and to consider the options to respond to HCWA. A copy of the correspondence is provided attached.

**ATTACHMENT: 9.5.6 (1)****PUBLIC CONSULTATION UNDERTAKEN**

Nil by Shire. Public consultation is for consideration by the HCWA.

**COMMENT**

In 1913, work commenced on the construction of the No. 1 Saw Mill (Deanmill) and twin mills (No. 2 and 3) at Pemberton. The State Sawmills Department developed a small private town to provide accommodation and services for the mill hands, fellers, bullockies, clerical staff and their families. The buildings were erected using local timber, which in the case of Pemberton was Karri. By 1920 there were:

- Two fourteen-room boarding houses,

- Thirty-seven single-men's huts,
- Two two-room houses,
- Twelve three-room houses,
- Thirty-three four room houses, and
- The manager's seven room house.

In the 1960's the Pemberton mills were sold and the workers reduced in number from 297 to 60 people. As a result, the number of mill workers' cottages was consolidated to the area within the current Heritage Curtilage. In 1997, the precinct was included in the Municipal Heritage Inventory (Local Heritage Survey (LHS)) and in 2003 entered on the State Register of Heritage Places. In 2013, the Shire commissioned the preparation of a conservation plan for the *Pemberton Timber Mill Workers' Cottages Precinct and Associated Areas* (the Conservation Plan). Whilst this document has been approved for advertising, and considered a seriously entertained document by HCWA, property owners and the Shire, advertising has not yet been completed.

The Conservation Plan provides guidance, policy statements and conservation actions which are to be used to inform design guidelines, interpretation plans and planting plans. These subsidiary documents can then be used to provide for planning exemptions.

#### Implications of Registered Places

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 Deemed Provisions for local planning schemes a Heritage Protected Places means a place —

- that is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42; or*
- that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or*
- that is the subject of an order under the Heritage Act 2018 Part 4; or*
- that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or*
- that is included on a heritage list as defined in clause 7; or*
- that is within a heritage area as defined in clause 7.*

Being a heritage protected place, certain works which would otherwise be exempt, now require planning approval. These types of works include demolition (including a cubby house or flag-pole), internal building works, single-dwellings and residential additions, swimming pools, shade sails, advertising devices, water tanks etc and also includes works urgently necessary for the safety of the public.

Planning approval is currently required for these types of works within the *Pemberton Timber Mill Workers' Cottages Precinct*. As mentioned in the Background section, HCWA has informed the Shire that eight additional buildings are being considered for inclusion in the Precinct Curtilage. However, although the individual buildings may not be worthy of protection, they are

considered to be significant due to their contribution to the development of Pemberton as a mill town and therefore are to be scheduled for inclusion.

Shire staff have considered the correspondence and have formed the opinion that the additional places have been included due to their mention within the Conservation Plan as contributing to the town development. It is noted that although the Pemberton Mill did not form part of the study area of the Conservation Plan, HCWA has included the entire land area and the wastewater treatment plan for heritage protection.

#### Options

Shire staff are of the opinion that a detailed review of the proposed extension to the Curtilage is required to refine the proposed area to ensure that the future development potential of the land is not restricted by unnecessary requirements for planning approval. The concerns relate to the extensive area of the Pemberton Mill as well as the inclusion of the wastewater treatment plant land. Shire staff provide the following options to Council.

#### *Option 1*

That the Shire contact HCWA and raise objections to the extension of the Curtilage and seek an alternative method of protecting and interpreting the significance of the additional area proposed.

#### *Option 2*

That the Shire contact HCWA and provide in-principle support for the extension of the Curtilage, however request that a detailed review be undertaken to the land parcel of the Pemberton Mill and the wastewater treatment plant.

#### *Option 3*

That the Shire contact HCWA and provide in-principle support for the extension of the Curtilage, however to inform the conservation of the place and manage alteration and future development proposals, request that HCWA assist the Shire financially to update the Conservation Plan to include the additional areas of the Curtilage. Once the update is complete, the Conservation Plan can be presented to Council for approval to advertise.

#### Conclusion

The Shire of Manjimup was informed in 2022 that the Heritage Curtilage for the *Pemberton Timber Mill Workers' Cottages Precinct* will be expanded. As a result, most works to the new areas will require prior planning approval. Shire staff are of the opinion that the expanded area requires refinement prior to being finalised. It is recommended that Council proceed with Option 3 above.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005 and Heritage Act 2018.*

## **POLICY / STRATEGIC IMPLICATIONS**

### *Local Planning Strategy 2003*

The 2003 Planning Strategy stated the need to provide for light industrial land, at the time the State Mill was not foreseen to be closing and land was identified to the south-west of the town, near the waste transfer station. Due to servicing limitations, this area is no longer considered feasible and the land surrounding the mill is considered a better location.

### *Strategic Community Plan 2021-31*

C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The Shire previously received grant funding for the preparation of the Conservation Plan from Lotterywest. Additional funding would be required to update the Conservation Plan to include the additional places.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: The historic precinct is valued by the community of Pemberton, the Shire of Manjimup and the wider community of Western Australia for social and cultural reasons.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council request the Chief Executive Officer of the Shire of Manjimup to issue correspondence to the Heritage Council of Western Australia that:**

- 1. Provides in-principle support for the proposed expansion of the Heritage Curtilage for the Pemberton Timber Mill Workers' Cottages Precinct.**
- 2. Requests financial assistance for the update to the draft Conservation Plan for the Pemberton Timber Mill Workers'**

**Cottages Precinct and Associated Areas, prior to public consultation.**

- 3. Suggests that the name of the precinct be renamed to reflect the wider area.**
- 4. Request that the Curtilage area be refined to reflect the true areas of significance prior to it being finalised (as a result of the update of the plan referred to in point 2 above).**

## **ATTACHMENTS**

- 1  Attachment 1 - Correspondance HCWA 3 Pages**

**ATTACHMENT****9.5.7 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; Jocelyn Baister
<b>DATE OF REPORT:</b>	15 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

At its Ordinary Council Meeting (OCM) 2 May 2024, Council considered item 9.5.4 and resolved as follows:

**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.

The purpose of this report is to return the item to Council, given Main Roads WA have advised that it does not support the proposal, after further consultation. Majority of the item is presented unchanged apart from the Consultation with Main Roads WA section.

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: 9.5.7 (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: 9.5.7(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.

Following the 2 May 2024 OCM, Shire staff met on site with MRWA and the applicant to review the proposal. MRWA suggested that relocating the wayside stall to the most northern boundary of the property could be supported as it was on the other side of a crest and closer to the speed limit change. This option was not acceptable to the applicant due to the dense vegetation along the northern boundary, the distance that vehicles would have to travel to exit safely or turn around was considered extreme and the condition of the boundary firebreak not being suitable for two-wheel drive.

MRWA has also advised that should Council determine to approve the application against its advice, it considers that all liability for the safety of vehicles entering and exiting the property will rest with the Shire of Manjimup. Shire staff have queried this statement as it would imply that the landowners or their visitors would also fall into that statement. The advice provide by MRWA after the site visit is attached.

#### **ATTACHMENT: 9.5.7(3)**

#### **Conclusion**

The Wayside Stall and Rural Pursuit are considered to be consistent with the land use definition and the land use operating from the property is supported, however, giving due regard to the comments and advice from MRWA, the location of the wayside stall on the property will require further consideration to ensure the users are entering and exiting in a safe manner.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Main Roads have advised that it absolves all liability for the safety of the vehicles entering and exiting the property associated with this application.

## **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: The location of the proposed Wayside Stall is on a major tourist route within the Shire of Manjimup. The support of Agri-tourism forms part of the Strategic Community Plan 2021-31.

## **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 a Rural Pursuit and a Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex (TP22/2024) generally in accordance with the plans as attached at (1), and subject to the following conditions and advice notes:**

- 1. Notwithstanding the approval to operate a Wayside Stall at Lot 13374 (28519) South Western Highway, Middlesex, the location of and access to the Wayside Stall is to be endorsed by Main Roads WA, and all signage associated with the operation shall form part of the endorsement package.**
- 2. The package referred to above shall be submitted within 90 days of this decision for approval by the Chief Executive Officer of the Shire of Manjimup.**
- 3. Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup within 2 months of the date of this approval.**
- 4. The produce sold shall be restricted to that grown or made from items grown on the subject lot.**

5. 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.

**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.

**ATTACHMENTS**

1 ➡	Attachment No. 1 - Development Proposal	20 Pages
2 ➡	Attachment No. 2 - Submissions	5 Pages
3 ➡	Attachment No. 3 - Post-site visit correspondence MRWA 16 May 2024	1 Page

**ATTACHMENT****9.5.8 Proposed Budget Amendment - State Natural Resource Management Program - Empowering Community in Managing Threatened Species Habitats**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	Various
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	F170190
<b>LEGISLATION:</b>	<i>Biodiversity Conservation Act 2016, Local Government Act 1995</i>
<b>AUTHOR:</b>	Ann Bentley
<b>DATE OF REPORT:</b>	26 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

A grant application to the State Natural Resource Management (NRM) Program was submitted to address the risk of threatened species becoming extinct in our area by empowering the community to manage threatened species habitats.

The Shire has been successful in three years of State NRM funding to undertake revegetation works at Windy Harbour and empower the community to manage threatened species habitats throughout the Shire.

Council is being requested to amend the 2023-2024 Annual Budget to receive the grant funding and allocate the funds over three years, towards the project as per the attached milestones and payments information extracted from the project schedule.

**ATTACHMENT: 9.5.8 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**Strategic Purpose

The grant application focused on the location of Windy Harbour to undertake the ground works component of the project. There is historic information on the threatened species that are known to be in the settlement, though current information is needed to better manage the 'A Class Reserve'. The project will enable 26 hectares of ecological restoration in sensitive coastal areas within the Windy Harbour settlement. Activities such as weed control and coastal dune

planting will protect the threatened flora and fauna in the area and help restore the area back to pristine condition.

The Shire's *Environmental Management and Sustainability Strategy 2013*, outlines the goal of improving biodiversity in reserves. The recommended actions include:

- Sourcing funding to provide adequate resources to carry out biodiversity improvement works;
- Support local residents and community groups to form and work as 'friends of the reserve' groups targeting appropriate reserves and working on them to an agreed plan; and
- Allocate at least one reserve to provide a site for a strong community engagement model for collaborative management of biodiversity conservation and fuel hazard reduction.

The Windy Harbour settlement has received ongoing investment from the Shire and the community to protect the sensitive environment area. For example, the Victorian Tea Tree has been reduced from 100ha to 20ha in the settlement, and this funding will give an extra boost to the weed control, aiming to eliminate the weed.

#### Community Support

The Shire has consulted with the community in preparation of the application. Letters of support, in-kind materials and technical assistance has been received from; Southern Forests Community Landcare, Department of Biodiversity Conservation and Attractions, South West NRM, and Manjimup Senior High School Ranger Cadets. The Shire will continue to consult with the Traditional Elders of the area who are represented by the Karri Karrak Aboriginal Corporation, who have been notified of the project activities.

The Windy Harbour Friends of Group has 22 members who are willing to participate, and the Windy Harbour Caretaker has three registered Shire volunteers that are able to contribute to the project.

The Windy Harbour Friends of Group has been formed to ensure the grant activities have on ground support and the future care of the reserve can be well planned. Protective structures will be installed to direct pedestrians away from sensitive areas. A series of workshops and training events in rehabilitation techniques and fauna monitoring will be held to build capacity in the community to undertake this project and other projects in the future.

The funding will also allow for widespread raising of community awareness of threatened species throughout the Shire and encourage citizen science monitoring. Programs like the Great Cocky Count will be promoted to encourage the community to use apps to record the movements of threatened species and provide data for long term management considerations. All three of the Black Cockatoo species that live in our Shire are listed as threatened nationally (Carnaby's – Endangered, Baudin's – Endangered, Forest Red-tailed – Vulnerable).

The funding will allow for an additional 6 hours a week for an officer to coordinate the project. The funding will also allow for an extra \$2,700 a year above the \$1,200 annual weed control budget to tackle a broad range of weeds.

## **STATUTORY ENVIRONMENT**

*Biodiversity Conservation Act 2016, Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

This project is consistent with A1.1 of the Shire of Manjimup Corporate Business Plan 2023-2027 being:

*A1.1 Implement strategies contained in the Environmental Management and Sustainability Strategy 2013.*

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The total grant amount of \$90,379 requires an in-kind contribution from the Shire and community. There is no cash contribution required for this project. The in-kind contribution is from Shire operations (staff time), and the donation of time and material by community groups. The proposed budget amendment is to enable the successful funding to be allocated in the Shire of Manjimup 2023-24 Annual Budget and carried through to the 2026/27 financial year.

## **SUSTAINABILITY**

Environmental: Acceptance of the grant will assist in improving biodiversity outcomes for the whole Shire area including protecting threatened species habitats.

Economic: This grant will provide resources that will allow for on ground restoration work and enable the community to contribute in an ongoing capacity once engagement and training is undertaken.

Social: This project will create opportunities for the community to be involved in local conservation projects.

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

That Council amend the Shire of Manjimup 2023/24 Annual Budget to recognise grant income from the State NRM Program and associated expenditure to deliver the Empowering Community in Managing Threatened Species Habitats project, in accordance with the following table:

Description	Current Budget	Amended Budget	Variation
Grant Revenue – State NRM Program – Empowering Community in Managing Threatened Species Habitats	\$0	(\$90,379)	(\$90,379)
Grant Expenditure – State NRM Program – Empowering Community in Managing Threatened Species Habitats	\$0	\$90,379	\$90,379
Net Rate Funds			\$0

**ATTACHMENTS**

1 [🔗](#) Grant Milestones and Payments 3 Pages

**ATTACHMENT****9.9.1 Biannual Report October 2023 - March 2024 Community Services Directorate**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Shire of Manjimup
<b>WARD:</b>	Shire of Manjimup
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F160966
<b>LEGISLATION:</b>	Various
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	10 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

Documentation outlining activities, grants, and donations data for the October 2023 to March 2024 report for the Community Services Directorate is attached for Councillor information.

**ATTACHMENT: 9.9.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

Nil.

**STATUTORY ENVIRONMENT**

Various.

**POLICY / STRATEGIC IMPLICATIONS**

Nil.

**ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

All activities were undertaken in accordance with the Shire of Manjimup's 2023/2024 Annual Budget.

## **SUSTAINABILITY**

Environmental: Nil.

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

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council receive the Community Services Directorate Biannual Report October 2023 to March 2024 as contained in the Attachment: 9.9.1(1).**

## **ATTACHMENTS**

1 ➡ [Community Services Q2 and Q3 Combined Report](#) 27 Pages

## ATTACHMENT APPENDIX

### 9.9.2 Request for Funding for Maintenance of the Warren Blackwood Stock Route Trail

<b>PROPONENT</b>	Warren Blackwood Alliance of Councils
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	Urban and Rural
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F190397
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Evy Apeldoorn
<b>DATE OF REPORT</b>	9 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Warren Blackwood Stock Route (WBSR) was a Warren Blackwood Alliance of Councils (WBAC) initiative originating in 2011. There are two Council Agenda items, dating from August and October 2017, whereby Council formally considered establishment of the trail.

**APPENDIX: 9.9.2(A)**  
**APPENDIX: 9.9.2(B)**

At its Board Meeting on 2 April 2024, the WBAC discussed a maintenance proposal for the WBSR and supported to split the proposed maintenance costs of \$42,419 (ex GST) equally between the three Shires in which the WBSR traverses. An action has been noted in the unconfirmed meeting minutes of the WBAC Board to request the Shires to contribute the funding from this year's (2023-2024) budget. The unconfirmed WBAC meeting minutes are tabled.

**TABLED**

The maintenance proposal and the received invoice for \$14,140 (ex GST) are attached.

**ATTACHMENT: 9.9.2(1)**  
**ATTACHMENT: 9.9.2(2)**

The purpose of this report is for Council to consider the WBAC invoice for a contribution of \$14,140 (ex GST) towards the proposed WBSR maintenance.

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

The WBSR is a 320km bridle trail based on the historic stock droving routes of the original farming families of the south west. The WBSR stretches from the coast at Nannup to Broke Inlet near Walpole and connects a number of towns and camping destinations including Bridgetown, Manjimup, Quinninup, Shannon and Willow Springs. The trail provides an opportunity for trail enthusiasts to experience the historic footsteps of the pioneer farming families that moved cattle to the coastal south west. The trail includes eight equine friendly campsites along the route at intervals of between 26km and 36km. The fully equipped campsites provide access to sleeping shelters, toilets, water and horse yards. The WBSR is designed to be completed in smaller or larger sections.

The trail alignment crosses multiple land tenures involving a variety of land managers including the Shires of Bridgetown-Greenbushes, Nannup, and Manjimup, Main Roads WA and the Department of Biodiversity, Conservation and Attractions. The trail was constructed as a Warren Blackwood Alliance of Councils project and funded by the Shires of Bridgetown-Greenbushes, Manjimup and Nannup, the South West Development Commission, Lotterywest and the Department of Local Government, Sport and Cultural Industries.

A Memorandum of Understanding (MoU) between WBAC, the three Shires, and the Department of Biodiversity, Conservation and Attractions (BDCA) was adopted by Council at its meeting on 24 August 2017. This MOU outlines the roles and responsibilities of each party in relation to the ongoing maintenance, marketing, and management of the WBSR. The MOU is attached.

### **ATTACHMENT: 9.9.2(3)**

Further to the abovementioned MoU, the Shire has the following arrangements in place for the WBSR:

- MoU between the Shire and the Warren Equestrian Centre Inc. to provide access to the WBSR campsite at the Warren Equestrian Centre, and for the cleaning, tidying, horse manure removal, and restocking of toilet consumables at the Centre's and Smeathers Road's campsites at a cost of \$7,000 (ex GST) annually.
- MoU between the Shire and the Quinninup Caravan Park owners for the WBSR campsite facilities at the caravan park.
- A land lease arrangement between the Shire and DBCA for the WBSR campsite on Smeathers Road is currently being developed.

In 2023 WBAC established a WBSR Working Group for the ongoing maintenance, marketing, and management of the WBSR with representatives from WBAC, each Shire, and DBCA.

At the end of 2023, WBAC undertook a comprehensive audit of the WBSR and subsequently produced attached report outlining the proposed maintenance requirements, which are summarised in below table.

Item	Quantity	Price (ex GST)
Stickers for plaques	750	\$11,250.00
Wooden name signs	23	\$2,760.00
Directional signs	18	\$1,080.00
Distance posts	66	\$1,412.40
Distance signs	168	\$2,100.00
Directional plaques	750	\$537.50
Installation		\$23,280.00
<b>Total</b>		<b>\$42,419.90</b>

The report proposes to equally split these costs (\$14,140 ex GST each) between the three Shires in which the WBSR traverses, which was supported by the WBAC Board, originally proposed to be paid from the current budget (2023/24). As there are no specifically allocated funds for this in the Shire's current budget, it is recommended that Council consider supporting the WBAC request by considering allocating the Shire's contribution (\$14,140 ex GST) via the 2024/25 Shire Budget.

## STATUTORY ENVIRONMENT

*Local Government Act 1995.*

## POLICY / STRATEGIC IMPLICATIONS

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

- Community Goal 2.6. The region grows in reputation as a world class culinary, agricultural, environmental and trails tourism destination; and
- Strategy B15. Further develop the 'Trails Hub' tourism destination concept and facilitate the implementation of a range of trail options connecting to and linking key destinations.

## ORGANISATIONAL RISK MANAGEMENT

There is probable financial, liability, and reputational risk to the Shire if service levels of facilities are not adequate.

It should be noted that it has been identified by WBAC that several essential documents are necessary to ensure user safety and facilitate effective management of the WBSR. The required documentation as identified in 2023 are attached.

### **ATTACHMENT: 9.9.2(4)**

These documents are recommended in the WA Trail Development Series (the Series), developed in 2019 by DBCA in partnership with trail specialists, key

stakeholders, and the trail community. The Series provide guidelines to assist land managers, trail professionals and trail groups in developing and managing trails sustainably and are an important resource for providing a consistent development approach to trails across Western Australia. The intent of these guidelines is to ensure future trails are a recreational asset to the community, and not a liability. To the knowledge of Shire staff, these documents have not yet been fully complete, and it is probable that any outstanding documentation has implications regarding risk and liability, however, the extent of these implications for the local government is uncertain at the time of this report.

## FINANCIAL IMPLICATIONS

The recommendation to consider supporting the request in the upcoming financial year (2024/25) provides protection to the Shire from unwarranted budget pressures.

The new / improved infrastructure, as proposed in the maintenance report, is likely to increase ongoing maintenance requirements for the WBAC / Shires in accordance with responsibilities under the MoU.

Should Council resolve to support the request by the WBAC in this current financial year (2023/24) a suitable funding source within the current municipal budget is recommended as follows:

Description	Current Budget	Amended Budget	Variation
Warren Blackwood Stock Route Maintenance	\$7,000	\$21,200	\$14,200
Loan Interest - Recreation	\$114,728	\$100,528	(\$14,200)
Net Rate Funds			\$0

Such a decision of Council would require an Absolute Majority vote.

## SUSTAINABILITY

Environmental: Nil.

Economic: Trails in general provide an opportunity to attract visitors to the region. The economic benefit of the proposal is not really known at this point as it is difficult to estimate.

Social: Recreational trails are considered a way to actively engage health and wellbeing in communities.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Agree to give consideration, during 2024/25 budget deliberations, to allocate \$14,140 (ex GST) to the Warren Blackwood Alliance of Councils for proposed maintenance of the Warren Blackwood Stock Route.**
- 2. Request the Chief Executive Officer to invite the Warren Blackwood Alliance of Councils representative to present an update on the Warren Blackwood Stock Route to an upcoming Council Informal Briefing Session.**

### **ATTACHMENTS**

- |            |  |             |
|------------|--|-------------|
| <b>1</b> ➡ | Warren Blackwood Stock Route Maintenance Report          | 17<br>Pages |
| <b>2</b> ➡ | Invoice Warren Blackwood Alliance of Councils            | 1 Page      |
| <b>3</b> ➡ | Warren Blackwood Stock Route Memorandum of Understanding | 8 Pages     |
| <b>4</b> ➡ | Warren Blackwood Stock Route Documentation Needs         | 1 Page      |

### **APPENDICES**

- |            |                                     |          |
|------------|-------------------------------------|----------|
| <b>A</b> ➡ | Council Agenda Item 24 August 2017  | 54 Pages |
| <b>B</b> ➡ | Council Agenda Item 26 October 2017 | 6 Pages  |

## ATTACHMENT APPENDIX

### 9.10.1 Proposed Review of Council Policy - Home and Community Care Council Policy 12.1.1 Aims, Philosophy and Objectives

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	N/A
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F161014
<b>LEGISLATION</b>	<i>Local Government Act 1995, Aged Care Act 1997, and Disability Act 2006</i>
<b>AUTHOR</b>	Liz Lockyear
<b>DATE OF REPORT</b>	7 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Shire of Manjimup is a registered Aged Care and Disability Service Provider which administers support and services to older people and people living with a disability through Manjimup Home and Community Care (MHCC), a non-profit community agency - the funding of which is auspiced by the Shire. To guide the objective of developing the community as an age and disability friendly community, Council endorsed Policy 12.1.1 Home and Community Care Aims, Philosophy and Objectives on 30 December 2019. A copy of the Policy is appended for Council reference.

### APPENDIX: 9.10.1 (A)

Council policies are reviewed regularly to ensure consistency between the policies and Council decision making, to reflect any relative legislation changes and to respond to any community feedback. This Policy was due for review in December 2023.

Following review by Shire Officers, no material changes are recommended to the content of the Policy. Some minor typographical errors were corrected as part of the review process. A copy of the reviewed Policy is attached for Council's consideration.

### ATTACHMENT: 9.10.1 (1)

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

The Policy aims to ensure that Shire employees and community members understand the aims and objectives of the supports and services that Manjimup Home and Community Care provide in the community and to acknowledge the rights of consumers and their carers.

## STATUTORY ENVIRONMENT

All government funded aged care providers are required to comply with the Aged Care Quality Standards.

All registered disability providers are required to comply with the National Standards for Disability Services.

## POLICY / STRATEGIC IMPLICATIONS

This policy relates to the Community Strategic Plan 2021-2031 through Our Community 3.3:

*We respond to an ageing demographic by cultivating age friendly communities that are also inherently dementia and disability friendly.*

## ORGANISATIONAL RISK MANAGEMENT

Nil

## FINANCIAL IMPLICATIONS

The Shire of Manjimup Home and Community Care is funded by the Federal Government for aged and disability services provided.

## SUSTAINABILITY

Environmental Nil

Economic Nil


Social Services provided by Manjimup Home and Community Care support eligible aged people and people with a disability to remain living at home and connected to their community.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council adopt amended Policy 12.1.1 Aims, Philosophy and Objectives as per Attachment: 0.0 (1).**

**ATTACHMENTS**

**1**  12.1.1 Aims, Philosophy and Objectives 2 Pages

**APPENDICES**

**A**  12.1.1 Aims, Philosophy and Objectives 2 Pages

### 9.13.1 Proposed Budget Amendment for Drainage - Repair Rural Road Culverts

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	Rural
<b>ZONE</b>	Road Reserve
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F160191
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	8 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

A component of the Shire's approved annual Infrastructure Works Budget 2023/24 is the allocation of \$25,000 for the repair of various rural road culverts. This allocation allows for the repair of drainage infrastructure in rural roads that require greater cost and/or work than day-to-day to maintenance type activities (e.g. the total replacement of a culvert that also requires the road to be excavated).

Through the 2023/24 financial year, to date, such work was required on three unsealed rural roads. However, the work undertaken on the culverts of two of these rural roads exceeded the available budget and as such Council is requested to approve a budget amendment.

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

### COMMENT

During 2023/24, the Shire was required to undertake necessary works on a large, two barrel culvert on Allen Road in Walpole following one of the pipes failing last winter. Following purchase of the pipes necessary to do the job, the work was planned to take place alongside other capital works being done in Walpole early 2024. In the meantime, two small culverts failed on Piano Gully Road and on Keegans Road. In order to keep the two roads trafficable, the culverts required urgent replacement, due to there being holes in the road where the culverts had failed.

These works were not only necessary but also costly to implement; the cost of the pipes and stabilised sand alone for use on Allen Road exceed \$15,000 and

it took five days to repair. The cost for repair of the culverts on Piano Gully Road and on Keegans Road exceeded \$8,000.

The total cost of works for these rural road culverts exceeded the available budget of \$25,000 by \$28,375. Given there remains an unallocated \$45,000 for Minor Works Various in the Shire's Infrastructure Works Budget 2023/24, it is recommended that the overspend on culvert repair be offset by this available budget.

Pending Council approval, it is recommended that \$28,375 be transferred from the unallocated Roads - Minor Works Various budget to the Drains – Repair Rural Road Culverts.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995* requires budgets be set (and amended) by Council, by absolute majority.

## **POLICY / STRATEGIC IMPLICATIONS**

The Shire has a responsibility under the *Local Government Act 1995* and the Shire's Road Hierarchy Policy 9.1.14 to provide safe and trafficable roads, which require efficient and effective drainage from the road surface to a suitable place of discharge that minimises disruption to road users.

## **ORGANISATIONAL RISK MANAGEMENT**

There is minimal risk to road users as works have been completed as a result of the urgent repair works. There is a risk to the Shire by not appropriately managing its approved budget.

## **FINANCIAL IMPLICATIONS**

No additional financial implications for 2023/24 Budget.

## **SUSTAINABILITY**

Environmental: Functional drainage systems help ensure safe and trafficable road networks.

Economic: Nil.

Social: Nil.

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

That Council approve a budget amendment of \$28,375 from the “Roads – Minor Works Various” to “Drainage – Repair Rural Road Culverts” in accordance with the table below:

Description	Current Budget	Proposed Budget	Variation
Roads – Minor Works Various	\$45,000	\$16,625	(\$28,375)
Drainage – Repair Rural Road Culverts	\$25,000	\$53,375	\$28,375
Net Rate Funds			\$0

**10. LATE REPORTS**

Nil.

**11. QUESTIONS FROM MEMBERS**

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

**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?

**Response**

Councillor Omoei to consider responding at the Ordinary Council Meeting on 23 May 2024.

**11.2 Questions from members.**

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

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

**14. MEETING CLOSED TO PUBLIC**

14.1 Matters for which the meeting may be closed

**14.1.1 Chief Executive Officer - Organisation Appraisal**

<b>PROPONENT</b>	Chief Executive Officer
<b>OWNER</b>	Chief Executive Officer
<b>LOCATION / ADDRESS</b>	Shire of Manjimup
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	All
<b>FILE REFERENCE</b>	F160479
<b>LEGISLATION</b>	<i>Local Government Action 1995</i>
<b>AUTHOR</b>	Benjamin Rose (Chief Executive Officer)
<b>DATE OF REPORT</b>	16 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

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

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2) (a) it deals with a matter affecting an employee or employees.

14.2 Public reading of resolutions that may be made public.

**15. APPLICATIONS FOR LEAVE OF ABSENCE:**

**16. CLOSURE:**

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