



UNCONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

13 JUNE 2024

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## SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,  
Thursday, 13 June 2024.

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

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

### 2. ANNOUNCEMENTS BY THE PRESIDENT

The Shire President made the following announcements.

- We offer our deepest sympathies to Councillor Jayde Darin on the passing of her beloved father.
- I acknowledge the 100 years celebration of the Country Women's Association in Manjimup.
- I attended the Walpole Get Down Get Up fund raiser for local farmers.
- The Manjimup 15,000 is back and once again was an outstanding success.
- The Truffle Kerfuffle is coming up at the end of the month and I would encourage you to attend one of the largest events in the region.
- The Warren Donnelly Water Advisory Committee have put out expressions of interest for four community members. The application forms are on the Department of Water and Environmental Regulation website.
- We wish to congratulate one of our own Councillors who was honoured in the Kings Birthday Honours with an Order of Australia. Our congratulations to Councillor Jennifer Willcox.

### 3. ATTENDANCE

#### Councillors

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

**Staff**

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

**Gallery**

Remo Pessotto  
 Eileen Pessotto  
 David Giblett  
 Nancy Giblett

**3.1 Apologies**

Councillor Darin.

**3.2 Leave of Absence**

Nil.

**4. DECLARATIONS OF INTEREST**

The Chief Executive Officer advised that he has received Impartiality Interest declarations from Councillors Miolin, Willcox, Eiby and Omodei for Item 14.1.1 and Councillor Winfield for Item 9.2.2 and also a Financial Interest declaration from Councillor Eiby for Items 9.2.2 and 14.1.1.

**5. PUBLIC QUESTION TIME****5.1 Response to public questions taken on notice**

Nil public questions on notice.

**5.2 Public Question – Without Notice**

Nil.

**6. PRESENTATIONS****6.1 Petitions**

Nil.

## 6.2 Presentations

Nil.

## 6.3 Deputations

Nil.

## 6.4 Delegates' reports

Nil.

## 6.5 Conference reports

Nil.

## 7. CONFIRMATION OF MINUTES

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

**29512**

**That the Minutes of the Ordinary Meeting of Council held on 23 May 2024 be confirmed, with the addition of the foreshadowed motion in Item 9.5.5 by Councillor Miolin, as a true and accurate record.**

**CARRIED: 8/0**

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

**Against:** Nil.

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

Nil.

## 9. OFFICER REPORTS

**MOVED:** Cr Eiby      **SECONDED:** Cr Miolin

**29513**

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

**CARRIED: 8/0**

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

**Against:** Nil.

9.2.2	Proposed Lease to Warren Catchments Council Inc
9.3.1	Adoption of Proposed 2024/25 Fees & Charges
9.5.2	Request for Development Application Fee Waiver - Lot 478 Ipsen Street, Manjimup (Dunreath Cottages)
9.5.3	Proposed Dam with Setback Reduction at Lot 460 (28191) South Western Highway, Middlesex
9.5.4	Request for Reconsideration of Conditions of Planning Approval at Lot 664 (12-16) Margerison Street, Manjimup
9.5.6	Proposed Budget Adjustment - Replacement of Solar and Battery System at Windy Harbour Campground
9.9.1	Request Approval to Expend Reserve Funds - Manjimup Regional AquaCentre Asset Management Audit and Plan
9.14.1	Investigation into Drought Proofing Northcliffe Recreation Grounds
9.16.3	Unconfirmed Meeting Notes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 14 May 2024
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9.16.6	Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting held 10 May 2024

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

- 9.2.1 Quarterly Report - January to March 2024 - Business Directorate
- 9.3.2 Monthly Statement of Financial Activity - April 2024
- 9.5.1 Delegated Planning Decision May 2024
- 9.5.5 Retrospective Application for an Ancillary Accommodation at Lot 129 (33) Meerup Street, Northcliffe
- 9.5.7 Proposed Extractive Industry (Gravel) Lots 2339, 2340 and 2684 Whim Landing Road, Wilgarrup
- 9.12.1 Naming of the Road Extension of Forestry Glen, Pemberton
- 9.16.1 Unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 15 May 2024
- 9.16.2 Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held 17 April 2024
- 9.16.5 Unconfirmed Minutes of Manjimup Town Activation Advisory Committee Meeting held on 8 May 2024

**ATTACHMENT****9.2.1 Quarterly Report - January to March 2024 - Business Directorate**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Shire of Manjimup
<b>WARD:</b>	All
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160966
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	14 June 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND:**

A report outlining activities for the quarter ending March 2024 for the Business Directorate is attached.

**ATTACHMENT: 9.2.1(1)**

**PUBLIC CONSULTATION UNDERTAKEN:**

Nil.

**COMMENT (Includes Options):**

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

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY / STRATEGIC IMPLICATIONS:**

Nil.

**ORGANISATIONAL RISK MANAGEMENT:**



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

**FINANCIAL IMPLICATIONS:**

Nil.

**SUSTAINABILITY:**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION:**

**That Council receive the January to March 2024 Quarterly Report – Business Directorate as contained in the Attachment: 9.2.1(1).**

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29514**

**That Council receive the January to March 2024 Quarterly Report – Business Directorate as contained in the Attachment: 9.2.1(1).**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.3.2 Monthly Statement of Financial Activity - April 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>	30 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 30 April 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 30 April 2024 is a projected surplus of \$19,722.

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.

After the March 2024 review, the April 2024 monthly accounts have not revealed any further areas for monitoring or concern. As stated in previous reports there has been 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 \$80,000 – 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 \$220,000 - To the 30 April 2024 actuals are \$254,365 ahead of the year to date budget. It is expected that the rate of interest generated will slow as we progress towards the end of the year with money being expended, however a conservative projection should see \$220,000 of additional income received;
- Manjimup Tipping Fees \$85,000 – To the 30 April 2024 actuals were \$445,238 from a 2023/24 budget of \$390,000. Any excess income will be transferred to the Waste Management Reserve;
- Development Application Fees \$30,000 – Planning applications fees to the 30 April 2024 are \$99,822 ahead of the whole year budget, so a \$23,000 projection is a conservative estimate should activity slow in the coming months; and
- Manjimup Home & Community Care (MHCC) \$370,000 – Employee costs for the aged care services is well behind budget and the related service levels. If this savings is realised it will be transferred to the MHCC Reserve to be returned to the Grantor based on services funded but not delivered.

Other than those items listed above, no major discrepancies have come to light in the ten months since 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 April 2024, as per Attachment: 9.3.2(1).**

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29515**

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

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.5.1 Delegated Planning Decisions May 2024**

<b>PROPONENT</b>	Shire 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>	30 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 May 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 May 2024, eight (8) development applications were determined under delegated authority. Table 1 shows the number and value of development applications determined under both delegated authority and by Council for May 2024 compared to May 2023.

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

	<b>May 2023</b>	<b>May 2024</b>
<b>Delegated Decisions</b>	6 (\$938,008)	8 (\$2,150,193)
<b>Council Decisions</b>	7 (\$155,900)	5 (\$91, 920)
<b>Total</b>	<b>13 (\$1,093,908)</b>	<b>13 (\$2,242,113)</b>

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

	<b>YTD 2022-23</b>	<b>YTD 2023-24</b>
<b>Delegated Decisions</b>	115 (\$10,433,789)	102 (\$16,766,338)
<b>Council Decisions</b>	67 (\$9,857,275)	37 (\$7,955,290)
<b>Total</b>	<b>182 (\$20,291,064)</b>	<b>139 (\$24,721,628)</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 May 2024, comments were provided to the Western Australian Planning Commission on three proposed subdivisions.

## **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 May 2024 as per Attachment: 9.5.1 (1).**

## **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29516**

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

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

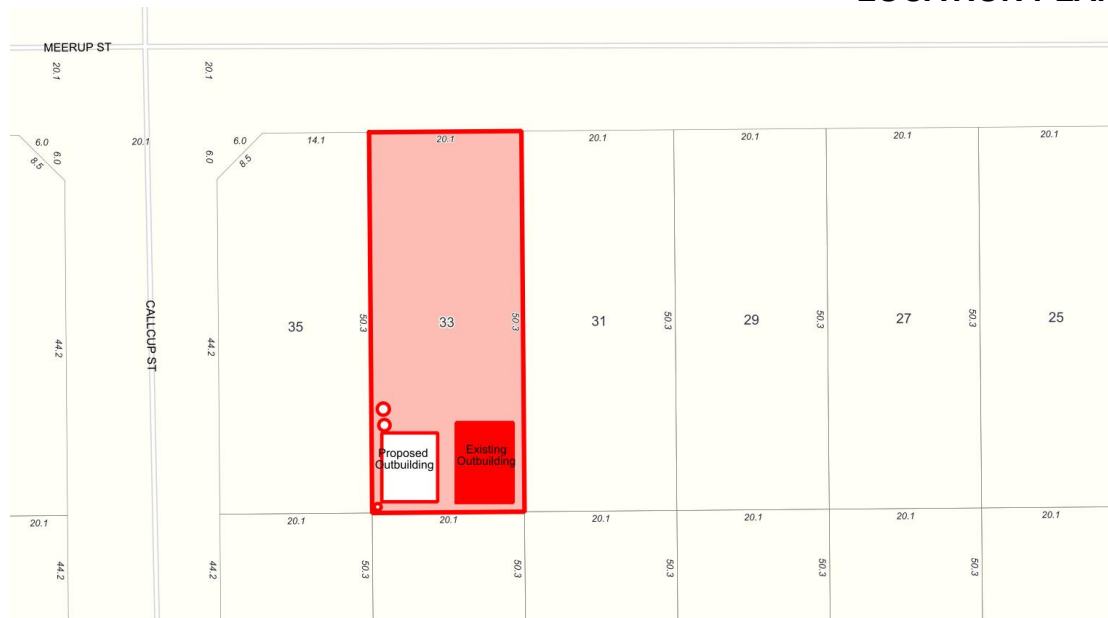


**ATTACHMENT****9.5.5 Retrospective Application for an Ancillary Accommodation at Lot 129 (33) Meerup Street, Northcliffe**

<b>PROPONENT</b>	Mr P Forward
<b>OWNER</b>	Mr P and Mrs A Forward
<b>LOCATION / ADDRESS</b>	Lot 129 (33) Meerup Street, Northcliffe
<b>WARD</b>	Rural
<b>ZONE</b>	Residential R 10
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	TP64/2024 P51959 DA24/66
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown
<b>DATE OF REPORT</b>	24 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Council is requested to consider an application for a retrospective Ancillary Accommodation at Lot 129 (33) Meerup Street, Northcliffe. The property is zoned Residential R10 and has an area of 1,012m<sup>2</sup> and currently comprises of an 72m<sup>2</sup> outbuilding. A location plan is shown below.

**LOCATION PLAN****ATTACHMENT: 9.5.5 (1)**

The application seeks approval for a 4.2m x 7.75m building that contains a bathroom and toilet facilities, and three rainwater tanks. One smaller tank at a capacity of 4,500 litres, and two 23,000 litre water tanks. The application has been submitted for retrospective approval for the Ancillary Accommodation.

The application is currently being presented to Council for consideration as Shire staff do not have the delegation to determine retrospective development.

## **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. As a result, no submissions have been received.

## **COMMENT**

The property is zoned Residential with a density of R10 by the Scheme. Ancillary Accommodation is defined by the Residential Design Codes, as

***“a self-contained dwelling on the same site as a dwelling which may be attached to, integrated with or detached from the dwelling.”***

There is no dwelling on the subject property nor is the building being self-contained, as it does not have provision for a kitchen or laundry facilities. As such, the building is considered an outbuilding. For the remainder of this report, the proposal will be considered as an Outbuilding.

The proposed development is required to comply with the requirements relating to R10 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire’s local planning policy for Outbuildings.

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 2.4...*
- (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 Requirements

The Outbuilding is setback 3.6m from the rear and 4.2m from the side boundary. The R-Codes require a rear setback distance of 6m from the rear, and a side setback of 1.1m. Therefore, a setback relaxation of 2.4m is being sought to the rear boundary.

The water tanks are required to be setback 6m from the rear and 1m from the side boundary. The water tanks are setback back at varying distances, the smaller tank is setback at 1m from the rear and western side boundary, behind the unauthorised Outbuilding. The two larger tanks in front of the unauthorised Outbuilding are setback 1.4m from the side boundary and are compliant and therefore exempt from requiring planning approval.

### Bush Fire Prone Area

The subject property has been identified as being located within a Bush Fire Prone Area, as a result the applicant has submitted a Bushfire Attack Level of 12.5 which poses a low fire risk. The report prepared has been assessed by the Shire's Community Emergency Services Manager who has stated that BAL report is sufficient to support the application.

### Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions in a Residential Zone, in this instance the subject building complies with the size requirements of the Policy.

### Impact on Amenity

The application was advertised to the adjoining landowners. No concerns were raised in regard to the setback variation to the rear boundary.

### Existing Approvals

It should be noted that an item was presented to Council 11 April 2024 to approve a retrospective overheight outbuilding on this subject lot. At that meeting, Council resolved to approve the outbuilding, subject to a dwelling being built on the site within two years of that approval date.

The report addressed that the Shire staff were aware that the applicant was residing on the property, sleeping in the subject unauthorised Outbuilding with a makeshift camp kitchen the other Outbuilding.

The applicant has provided Shire staff with the intention that they will construct a dwelling on the property in the near future. With the objective that the subject unauthorised building becomes Ancillary Accommodation, following the construction of the dwelling, which is still ongoing. As mentioned in the Comment section, the subject building does not meet the definition of Ancillary Accommodation and a change of use will be required in the future.

### Dwelling requirement

There is a general presumption against the approval of Outbuildings on a property without the provision of a residential dwelling.

The applicant, as part any planning approval granted by Council, is recommended to have substantially commenced the construction of a dwelling two years after the date of any approval issued. The applicant has not applied for a dwelling to date, however has commenced discussions in regard to how to achieve compliance.

Shire staff will continue to monitor and work with the applicant/ landowner to obtain a building licence for a dwelling. If in the instance they fail to continue to obtain a building licence within an appropriate timeframe, the required enforcement action will be undertaken.

### Legal Action

Due to the unauthorised construction of the Outbuildings on the site, the Shire staff have issued a Modified Penalty of \$500 in accordance with the provisions of the *Planning and Development Act 2005* and associated regulations, which the applicant paid on 17 April 2024.

### Conclusion

Despite the unauthorised habitation on the property, the retrospective Outbuilding meets the objectives of the Scheme and the Policy. Also, as no concerns were raised by the neighbouring landowners regarding the Outbuilding it is considered the reduced setback is in keeping with the community's expectations and can be approved subject to the conditions listed in the Officer Recommendation.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The retrospective 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 for the proposed development.

Economic: Nil.

Social: Nil.

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

### **OFFICER RECOMMENDATION**

That Council

1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the Outbuilding at Lot 129, (33) Meerup Street, Northcliffe subject to compliance with the following conditions:

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

Reference	Document Title	Date Received
1.	Site and Elevation Plan	17 April 2024
2.	Floor Plan	17 April 2024

- 1.2. If an associated dwelling is not substantially commenced within two years, the approval shall lapse and be of no further effect;
- 1.3. The Outbuilding to be used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity;
- 1.4. 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 and the use of reflective materials and colours is not permitted;
- 1.5. All stormwater and drainage runoff is to be retained on the subject property and/or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and

- 1.6. Prior to the occupation of the property, a vehicle crossover between the subject land and Meerup Street is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup.

**Advice to the Applicant:**

- i) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
2. Note that no further action with regard to the unauthorised habitation of the buildings on the subject property will be taken on the proviso the applicant meets Condition 1.2 of this approval. The Shire of Manjimup reserves the right to initiate legal proceedings at anytime.

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29517**

**That Council:**

1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the Outbuilding at Lot 129, (33) Meerup Street, Northcliffe subject to compliance with the following conditions:

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

Reference	Document Title	Date Received
1.	Site and Elevation Plan	17 April 2024
2.	Floor Plan	17 April 2024

- 1.2. If an associated dwelling is not substantially commenced within two years, the approval shall lapse and be of no further effect;
- 1.3. The Outbuilding to be used for domestic purposes, storage, garaging of vehicles or other approved purposes associated with the property, excluding human habitation or commercial activity;
- 1.4. 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 and the use of reflective materials and colours is not permitted;

- 1.5. All stormwater and drainage runoff is to be retained on the subject property and/or be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup; and
- 1.6. Prior to the occupation of the property, a vehicle crossover between the subject land and Meerup Street is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup.

**Advice to the Applicant:**

- i) This development approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
2. Note that no further action with regard to the unauthorised habitation of the buildings on the subject property will be taken on the proviso the applicant meets Condition 1.2 of this approval. The Shire of Manjimup reserves the right to initiate legal proceedings at anytime.

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

## ATTACHMENT

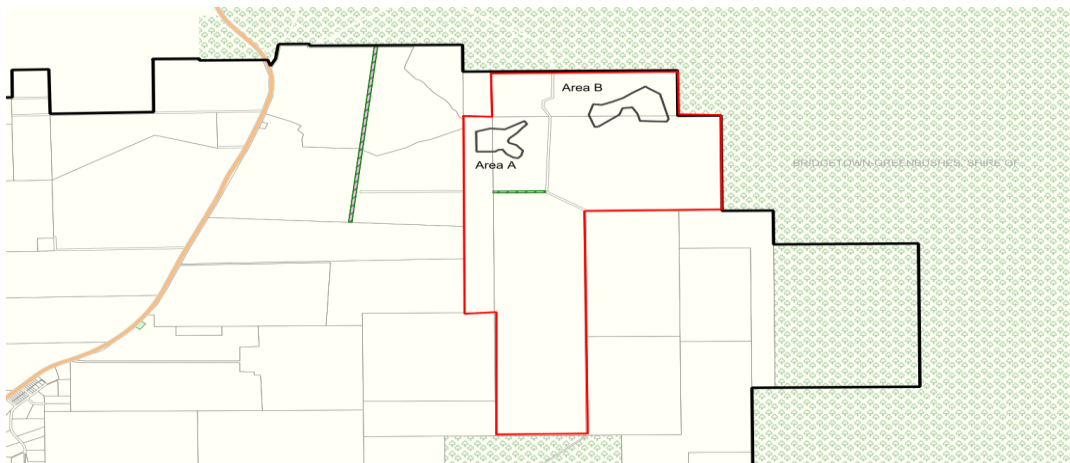
### 9.5.7 Proposed Extractive Industry (Gravel) Lots 2339, 2340 and 2684 Whim Landing Road, Wilgarrup

<b>PROPONENT</b>	R Pessotto
<b>OWNER</b>	R Pessotto
<b>LOCATION / ADDRESS</b>	Lots 2339, 2340 and 2732 Whim Landing Road, Wilgarrup
<b>WARD</b>	Priority and General Agriculture
<b>ZONE</b>	Rural
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	TP32/2024 DA24/32 P53269, P55258 and P53268
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown
<b>DATE OF REPORT</b>	28 May 2024
<b>DECLARATION OF INTEREST</b>	It is noted that the applicant is a volunteer bushfire control officer for the Shire of Manjimup. The applicant has not participated in the assessment of this application.

### BACKGROUND

Council is requested to consider an application for development approval for the establishment and operation of an Industry – Extractive (Gravel) at Lots 2339, 2340 and 2732 Whim Landing Road, Wilgarrup. There are two proposed extraction sites.

- Area A is approximately 11.5 hectares and is proposed Lots 2732 and 2340.
- Area B is approximately 17 hectares in size and is proposed over Lots 2339 and 2340.



The application as submitted proposes:



- The extraction of gravel over two areas within the landholding. The total area proposed to be extracted is 28 ha.
- The depth of gravel extraction across the area will be to 1.5m.
- The volume of extraction is to be 360,000m<sup>3</sup>.
- The gravel will be crushed and screened as necessary.
- Topsoil will be stored for later rehabilitation.
- The proposed hours of operation will be between 8.30am and 4.00pm weekdays all year round.
- Gravel will be hauled from the site by semi-trailer trucks and 25 tonne dump trucks. All truck movements to and from the site will be from Whim Landing Road, along a DBCA managed road and then onto South Western Highway.
- Area A will be setback 100m from the neighbouring eastern and northern boundary.
- Area B is to be setback 100m to the northern State Forest.
- No land clearing is required.

A copy of the development as proposed is attached.

**ATTACHMENT: 9.5.7(1)**

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

**PUBLIC CONSULTATION UNDERTAKEN**

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) for a 42-day period to the relevant government agencies and neighbouring landowners, including Shire of Bridgetown Greenbushes.

Correspondence was also sent to:

- Adjoining and nearby landowners located (or partially located) within a 1000m radius of the extraction area;
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Water and Environmental Regulation (DWER); and
- Main Roads Western Australia (MRWA).

An advertisement was also placed in the Manjimup – Bridgetown Times on 24 April 2024

Submissions closed on 22 May 2024. At the close of the advertising period, submissions were received from DBCA & DWER. Whilst these submissions are discussed in the comment section below, a full copy of the submissions are attached.

**ATTACHMENT: 9.5.7 (2)**

## COMMENT

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

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

- “(i) *the aims and provisions of the Scheme and any relevant Local Planning Scheme operating within the Scheme area;*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the local government’s adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.5, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (xvii) *the amount of traffic likely to be generated by the proposal, particularly in relation to capacity of the road system in the locality and the probable effect of traffic flow and safety; and*
- (xxvii) *the comment or submissions received from any authority consulted under Clause 10.1.”*

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

### Land Use Classification

The proposed land use is classified as “Industry – Extractive”, which is defined in the Scheme as follows:

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

### Land Use Permissibility

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

### Consistency with Zoning

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

### Setbacks

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

It is noted that both extraction areas are proposed over internal lot boundaries under the same ownership and management. However, the extraction areas are proposed to be setback at a minimum of 100 metres to neighbouring lot boundary of Lots 26547 and 101 to the west of extraction area A and 100m from the State Forest to the north and east of extraction area B.

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

### Access

Access to and from the site is provided via an internal access road, that connects to Whim Landing Road, to a small section of DBCA managed road, toward Mersea Road finally connecting to South Western Highway. The applicant is anticipating that there will be 12 truck movements per day during high demand of the product and located of the supply site. The applicant is proposing to reduce the speed of the truck movements to 40km per hour.

Whim Landing Road and Mersea Road are within the Shire of Bridgetown - Greenbushes. It is recommended that the applicant contact the Shire of Bridgetown - Greenbushes to ascertain if any road permits are required prior to the commencement of hauling the gravel from the site.

### Amenity

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

There are two dwellings located on the subject landholding, occupied by the current applicant/landowner. The closest dwelling on a neighbouring property is approximately 1.6km west from extraction Area A and 1.7km south east from extraction Area B. Both dwellings are also located with established remnant vegetation or plantation timber buffers to the extraction sites. Shire officers consider that no visual, noise or dust impacts on dwellings will be generated by the proposal given the setback distance. In order to ensure compliance, an advice note requiring the proposal to comply with the *Environmental (Noise) Regulations 1997* of the *Environmental Protection Act 1986*, be included on any approval issued by Council to undertake the works.

### Site Rehabilitation

The applicant has indicated in their submission that topsoil will be stockpiled on the site. Following the exhaustion of the gravel extraction, the topsoil will be evenly dispersed over the land and returned to pasture. To ensure rehabilitation of the extraction site occurs in a timely and progressive manner, it is recommended appropriate conditions of approval be imposed.

### Time Limit on Approval

The applicant has stated that the extraction on the subject landholding will have a six (6) year lifespan, which will have a lifespan to 2030. Shire staff as a standard generally recommend any extraction approval be limited to the term proposed by the applicant or the total proposed amount of material, whichever comes first. Limiting the approval will allow for the operation to be considered in the event an extension in time or volume of material is requested.

### Policy Compliance

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

The application proposes that the hours of operation are to be 8.30am to 4.00pm weekdays all year round.

It is recommended that the proposed hours of operation be limited to the Policy as the proposed hours of operation are within these parameters.

### Submissions Received

#### *DBCA*

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

Part of the haulage route of the gravel from this property is on DBCA managed land. The applicant will need to obtain authority from the department's Donnelly District to use any roads for haulage activities.

The gravel extracted from this site is likely be infested with dieback, therefore it is recommended that it is not used in dieback free area.

Advice to this effect will be included in any approval issued by Council.

DWER have identified 11 matters that require consideration by Council.

### *Environmental Protection Act 1986 (EP Act 1986)*

The proposed volume of gravel to be extracted is 360,000m<sup>3</sup>, extracted from an average of 1.25m in depth, it is considered that the amount of gravel will require crushing. The proposed amount of crushing and screening is likely to require a works approval/license for a Prescribed Premises under Part V Division 3 of the EP Act 1986. The applicant is advised that the proposal meets the requirement for a Prescribed Premises and as such require a works approval to construct/ install the equipment and a license to operate.

### *Groundwater Interception*

DWER advise that the excavation pits should not exceed the proposed depths of 1m to 1.5m to ensure from the natural surface level to minimize the risk of groundwater interception. If in the event the ground water table is intercepted and remedial works are undertaken, it is advised that the applicant advise Shire staff within 24 hours. It is recommended that the depth of the works below the natural surface level not exceed 1.5m is to be conditioned.

### *Stormwater Management*

DWER have provided advice that stormwater measures in accordance with Water Quality Protection Note 15 are required to manage erosion and sediment transport to the northern non-perennial watercourse. The Management Plan is to include the extractive areas and haulage routes. The requirement to undertake this will be included on any approval issued.

### *Rights in Water and Irrigation Act 1914*

The Department advises any interference to the existing water courses to satisfy the volume of water that is required for the proposed operation or for the construction of haulage routes proposed to cross water courses, may require a permit under *Rights in Water and Irrigation Act 1914*, section 17 interference with the bed and banks of a watercourse.

### *Environmental Risks*

DWER has provided general advice in regard to how the applicant can limit environmental risks to their operations and the environment through the implementation of the recommendations given in Water Quality Protection Note 15.

### *Staging Plan*

DWER recommend that the extraction of the gravel must be undertaken in accordance with an agreed staging plan, which requires the rehabilitation of an open extraction area at exhaustion prior to commencing of a new area. A condition upholding this advice will be included as an application approved by Council.

### *Rehabilitation Plan and final landform*

DWER notes that the application lacks details of how the site will be rehabilitated. The applicant has stated that following extraction the topsoil will be dispersed over the site and the land returned to pasture (canola cropping and sheep grazing). To ensure rehabilitation of the site is achieved, conditions will be included on any approval issued by Council considered with DWER's

Water Quality Protection Note 15 and Guidelines for Preparing Mine Closure Plans.

*Fuel and Chemical management*

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

*Dieback Management Plan*

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

Advice from DBCA in regard to Dieback management has been addressed above.

*Clearing of Native Vegetation*

DWER advise that the clearing of remnant vegetation requires approval under section 15C of the Environmental Protection Act 1986. The application indicates that there is no clearing proposed for areas A and B, however clearing may be required for the haulage routes, the applicant is advised to liaise with DWER to ascertain if a clearing permit is to be obtained. An advice note upholding this advice be will be included as an application approved by Council.

*Country Areas Water Supply Act 1947*

The Department advise that if in the event a permit is not considered necessary under section 15C of the *Environmental Protection Act 1986*, a permit to clear may also be required under part IIA of the *Country Areas Water Supply Act 1947* to clear vegetation.

Conclusion

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

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

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

## **ORGANISATIONAL RISK MANAGEMENT**

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

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY**

Environmental: If in the event the clearing of vegetation for the extraction areas or for the haulage route will require consideration by DWER to ascertain if a permit is required. It is recommended that the operation complies with the parameters of the approval to ensure the environment is not determinately impacted upon.

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

Social: The two extraction areas are located over 1km from the neighbouring residences, however the operation in regard to dust and noise is required to ensure there is minimal impact to the amenity of the area.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council**

- 1. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Extractive (Gravel) at Lots 2339, 2340 and 2732 Whim Landing Road, Wilgarrup (Application TP32/2024) in accordance with the plans and specifications as submitted and subject to the following conditions:**
  - 1.1 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.**

- 1.2 A stormwater management plan is to be prepared and approved to the satisfaction of the Shire, in consultation with Department of Water and Environment Regulation.
- 1.3 All drainage and stormwater associated with the extraction pit shall be contained on site to the satisfaction of the Shire of Manjimup.
- 1.4 The depth of extraction is limited to 1.5m from the natural ground level of the site. Should groundwater be intercepted, operation of the Industry – Extractive is to cease and the Shire of Manjimup and Department of Water notified.
- 1.5 No storage of petroleum products or chemicals shall occur on-site unless otherwise approved by the Shire of Manjimup.
- 1.6 The applicant shall specify the water source to be used for on-site dust suppression to the satisfaction of the Shire of Manjimup.
- 1.7 This development approval expires on 31 December 2030, or once extraction volume of gravel totals 360,000m<sup>3</sup>, whichever occurs sooner.
- 1.8 A staging plan of the extraction area is to ensure that no more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup.
- 1.9 All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process to the satisfaction of the Shire of Manjimup.
- 1.10 Rehabilitation of the site being completed to the satisfaction of the Shire of Manjimup within 90 days of completion of the extraction activities or the expiration of this approval, whichever occurs first.
- 1.11 The development must not cause airborne dust nuisance to neighbours, or properties located on the nominated haulage route.
- 1.12 Control of dust and noise during the extraction process and transport phase of the operation should conform with the *Work Health and Safety Act 2020* and *Environmental Protection Act 1986* to ensure impact on neighbouring properties is within acceptable limits.
- 1.13 The operational activities associated with the Industry – Extractive hereby approved shall be restricted to the hours of



7am to 6pm November to April and 7.30am to 5pm during other months of the year, Mondays to Fridays only and shall not operate on Public Holidays or weekends.

- 1.14 No clearing of vegetation is to occur without the approval of the Department of Water and Environmental Regulation will be required under the provisions of the *Environmental Protection Act 1986*.

**2. Advice to Applicant:**

- 2.1 The approved operation is required to comply with the '*Environmental Protection (Noise) Regulations, 1997*';
- 2.2 With regard to Condition 1.2, stormwater measures are to be undertaken in accordance with the Department of Water and Environment Regulation's Water Quality Protection Note 15;
- 2.3 With regard to Condition 4. activities involving the use of hazardous chemicals should be managed in accordance with Department of Water and Environment Regulation's Water Quality Protection Note 56 – Toxic and hazardous Substance Storage and Use;
- 2.4 It is advised that any interference to the existing water courses to the bed and banks of the watercourse including a haulage crossing may require a permit under the *Rights in Water and Irrigation Act 1914*;
- 2.5 The application is advised that the gravel extracted from this Industry Extractive operation is not used in dieback free areas; and
- 2.6 It is advised that the applicant contact the Shire of Bridgetown Greenbushes and Department of Biodiversity, Conservation and Attractions to determine if further approval is required to haul on their managed roads prior to haulage occurring from the proposed Industry Extractive.

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29518**

**That Council:**

1. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Extractive (Gravel) at Lots 2339, 2340 and 2732 Whim Landing Road, Wilgarrup (Application TP32/2024) in accordance with the

plans and specifications as submitted and subject to the following conditions:

- 1.1 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.
- 1.2 A stormwater management plan is to be prepared and approved to the satisfaction of the Shire, in consultation with Department of Water and Environment Regulation.
- 1.3 All drainage and stormwater associated with the extraction pit shall be contained on site to the satisfaction of the Shire of Manjimup.
- 1.4 The depth of extraction is limited to 1.5m from the natural ground level of the site. Should groundwater be intercepted, operation of the Industry – Extractive is to cease and the Shire of Manjimup and Department of Water notified.
- 1.5 No storage of petroleum products or chemicals shall occur on-site unless otherwise approved by the Shire of Manjimup.
- 1.6 The applicant shall specify the water source to be used for on-site dust suppression to the satisfaction of the Shire of Manjimup.
- 1.7 This development approval expires on 31 December 2030, or once extraction volume of gravel totals 360,000m<sup>3</sup>, whichever occurs sooner.
- 1.8 A staging plan of the extraction area is to ensure that no more than 1 hectare is to be open to extraction at any one time, with progressive rehabilitation of the site to be undertaken for those areas where extraction has been completed to the satisfaction of the Shire of Manjimup.
- 1.9 All topsoil located within the area to be subject of extraction is to be stockpiled and replaced as part of the rehabilitation process to the satisfaction of the Shire of Manjimup.
- 1.10 Rehabilitation of the site being completed to the satisfaction of the Shire of Manjimup within 90 days of completion of the extraction activities or the expiration of this approval, whichever occurs first.
- 1.11 The development must not cause airborne dust nuisance to neighbours, or properties located on the nominated haulage route.

**1.12 Control of dust and noise during the extraction process and transport phase of the operation should conform with the *Work Health and Safety Act 2020* and *Environmental Protection Act 1986* to ensure impact on neighbouring properties is within acceptable limits.**

**1.13 The operational activities associated with the Industry – Extractive hereby approved shall be restricted to the hours of 7am to 6pm November to April and 7.30am to 5pm during other months of the year, Mondays to Fridays only and shall not operate on Public Holidays or weekends.**

**1.14 No clearing of vegetation is to occur without the approval of the Department of Water and Environmental Regulation will be required under the provisions of the *Environmental Protection Act 1986*.**

**2. Advice to Applicant:**

**2.1 The approved operation is required to comply with the '*Environmental Protection (Noise) Regulations, 1997*';**

**2.2 With regard to Condition 1.2, stormwater measures are to be undertaken in accordance with the Department of Water and Environment Regulation's Water Quality Protection Note 15;**

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

**2.4 It is advised that any interference to the existing water courses to the bed and banks of the watercourse including a haulage crossing may require a permit under the *Rights in Water and Irrigation Act 1914*;**

**2.5 The application is advised that the gravel extracted from this Industry Extractive operation is not used in dieback free areas; and**

**2.6 It is advised that the applicant contact the Shire of Bridgetown Greenbushes and Department of Biodiversity, Conservation and Attractions to determine if further approval is required to haul on their managed roads prior to haulage occurring from the proposed Industry Extractive.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

### 9.12.1 Naming of the Road Extension of Forestry Glen, Pemberton

<b>PROPONENT OWNER</b>	Shire of Manjimup Department of Biodiversity, Conservation and Attractions
<b>LOCATION / ADDRESS</b>	Lot 248 (245) Forestry Glen and Lot 7488 DP225888, Pemberton
<b>WARD ZONE</b>	Rural Public Purposes; State Forest and Other Forest Reserves
<b>DIRECTORATE FILE REFERENCE LEGISLATION</b>	Works and Services F240013 <i>Local Government Act 1995 and Native Title Act 1993</i>
<b>AUTHOR DATE OF REPORT DECLARATION OF INTEREST</b>	Suketu Bhatt 20 May 2024 Nil

### BACKGROUND

On 13 August 2020, the Council passed the Resolution 28215 to rezone portion of Lot 248 (245) on DP217707, Forestry Glen, Pemberton 6260 from 'Public Purposes: Government Requirements' to 'Local Roads' and portion of Lot 7488 on DP 225888 Forestry Glen, Pemberton 6260 from 'State Forest and Other Forest Reserves' to 'Local Roads'.

### 28215

That Council:

- a) Pursuant to Section 75 of the *Planning and Development Act 2005*, amend Local Planning Scheme No 4 to:
  - a. Rezone a 9.5206 hectare portion of Lot 7489 (107) on Deposited Plan 225888, Burma Road, Pemberton 6260 (Certificate of Title 1105/724) from 'Future Development' to 'Tourist Enterprise'.
  - b. Delete the 'Structure Plan Area: SCA9/11' over the western portion of Lot 7489 (107) on Deposited Plan 225888, Burma Road, Pemberton 6260 (Certificate of Title 1105/724).
  - c. Rezone portion of Lot 248 on Deposited Plan 217707, Forestry Glen, Pemberton 6260 (Certificate of Title LR3145/544) from 'Public Purposes: Government Requirements' to 'Local Roads'.
  - d. Rezone portion of Lot 7488 on Deposited Plan 225888 Forestry Glen, Pemberton 6260 (Certificate of Title LR3015/389) from 'State Forest and Other Forest Reserves' to 'Local Roads'.
  - e. Amend Division B of Schedule 11 of the Scheme Text as per Attachment: 9.5.3(2).

On 15 February 2024, the Council passed another resolution facilitating the extension of Forestry Glen.

#### **29440**

**That Council support the request by Kayelo Equity Pty Ltd to excise portion of Lot 248 (245) Forestry Glen and portion Lot 7488 State Forest to then be dedicated as local government road reserve.**

In order to excise both of the described portions of land to road reserve, the Department of Biodiversity, Conservation and Attractions requires a deposited plan that shows a future road reserve, i.e. an extension of the existing Forestry Glen. The Department of Planning, Land and Heritage has issued surveying instructions to the nominated surveyor by Gordon Smith acting on behalf of Kayelo Equity Pty Ltd.

The appointed surveyor requires an approved name for the extended portion of this new road reserve from the Geographic Names Committee (GNC) and the Shire. The GNC has requested that the Shire provide the Council resolution supporting the name of this extended road reserve.

#### **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

#### **COMMENT**

As future road reserve is an extension of the existing Forestry Glen, it is proposed that Forestry Glen name be retained.

#### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995.*
- *Native Title Act 1993.*

Council should note the land excision and road dedication will also require Native Title search and adherence to the *Native Title Act 1993*.

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

The Shire's Corporate Business Plan 2023-2027 identifies Community Goals:

- 1.2 *Development is managed sustainably, and our environment is valued through policy and regulation; and*
- 2.4 *Industry and development is not hindered by excessive or complex compliance regulations.*

## ORGANISATIONAL RISK MANAGEMENT

Nil

## FINANCIAL IMPLICATIONS

All costs associated with the dedication will be fully funded by Kayelo Equity Pty Ltd. Nevertheless, the Shire is under no obligation to construct the road, however, after it is built, the road will become a Shire management responsibility.

## SUSTAINABILITY

Environmental: There are considered to be no substantial environmental issues arising from the proposal as any vegetation clearing will be managed by the Department of Water and Environmental Regulation which will likely require vegetation offsets.

Economic: The proposal supports development of land in the Pemberton area.

Social: Nil.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

## OFFICER RECOMMENDATION

That Council support the naming of the extension of Forestry Glen road reserve as Forestry Glen.

## COUNCIL RESOLUTION

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29519**

That Council support the naming of the extension of Forestry Glen road reserve as Forestry Glen.

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.16.1 Unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 15 May 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Manjimup
<b>WARD</b>	Whole Shire
<b>ZONE</b>	Whole Shire
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F220159
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Ann Bentley
<b>DATE OF REPORT</b>	3 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

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

The purpose of this report is to present the unconfirmed minutes of the Sustainability Advisory Committee meeting held 15 May 2024, as attached, for Council consideration.

**ATTACHMENT: 9.16.1 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The Committee discussed aspects of the Draft Environmental Sustainability Strategy and the roles and functions of the Warren Blackwood Alliance of Councils (WBAC). As a result of this discussion, there are two recommendations of the Committee that requires a decision of Council.

Committee Recommendation	Officer Comment
That Council investigate the expansion of the Sustainability Officer role within the Warren Blackwood Alliance of Councils and to enable the five partner Councils the ability to manage with the full range of sustainability issues.	Partially supported. See comment below.
That Council and the Sustainability Advisory Committee are presented with a report on the status of the Shire's mattress disposal.	Supported. See comment below.

#### Sustainability Officer

The Committee discussed that the expansion of a Sustainability Officer role regionally, within the Warren Blackwood Alliance of Councils (WBAC). This would enable the five partner Councils the ability to manage with the full range of sustainability issues more efficiently. Rather than the expansion of the Shire of Manjimup Sustainability Officer role within WBAC, it is considered that potentially a new regional-wide role could be created should the member councils see fit to do so. How this is to be funded is not certain as yet, but would likely be grant funded. It is intended that this would be raised at WBAC's next available meeting.

#### Disposing of Mattresses

Disposal of mattresses is of community and Council concern due to the rising cost of disposal for the community as landfill areas are filling up, and the expensive resources needed to recycle mattresses. In order to advise Council, the Committee is seeking information on how mattresses are currently being handled in the Shire.

#### Resignation of Committee Member

Community member, Jayde Darin, has resigned from the Committee. It is requested that advertising of the vacant position is undertaken as soon as practicable.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

### **POLICY / STRATEGIC IMPLICATIONS**

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



## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The Advisory Committee will make recommendations to Council on various environmental improvements and initiatives the Shire could make to be sustainable.

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

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 15 May 2024 as shown at Attachment: 9.16.1 (1).**
- 2. Request (via the Shire President and / or Chief Executive Officer) the Warren Blackwood Alliance of Councils to investigate the creation of a region-wide Sustainability Officer position.**
- 3. Direct the Chief Executive Officer to report to the Sustainability Advisory Committee on the status of the Shire's mattress disposal.**
- 4. Direct the Chief Executive Officer to advertise the vacant membership on the Sustainability Advisory Committee, as soon as is practicable.**

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29520**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Sustainability Advisory Committee Meeting held 15 May 2024 as shown at Attachment: 9.16.1 (1).**
- 2. Request (via the Shire President and / or Chief Executive Officer) the Warren Blackwood Alliance of Councils to investigate the creation of a region-wide Sustainability Officer position.**
- 3. Direct the Chief Executive Officer to report to the Sustainability Advisory Committee on the status of the Shire's mattress disposal.**
- 4. Direct the Chief Executive Officer to advertise the vacant membership on the Sustainability Advisory Committee, as soon as is practicable.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.16.2 Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held 17 April 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F170451
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i>
<b>AUTHOR</b>	Nicole Favero
<b>DATE OF REPORT</b>	10 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

At its latest meeting the Bush Fire Advisory Committee (BFAC) passed several recommendations relating to safe operating procedures.

The purpose of this report is to present the unconfirmed minutes of the Bush Fire Advisory Committee (BFAC) meeting held on 17 April 2024, as attached, for Council consideration.

**ATTACHMENT: 9.16.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The Bush Fire Advisory Committee resolved to support four recommendations, one of which require a formal decision of Council. The resolutions passed at the meeting are detailed below:

Bush Fire Advisory Committee Recommendations	Officer Comments
That the unconfirmed minutes of the General Meeting held Wednesday 17 April 2024 be received as a true and correct record.	The BFAC resolution is supported.
Recommendation that the Bush Fire Advisory Committee authorise and accept the new Safe Operation Procedures <i>SOP BFB 3.11 – Spontaneous Volunteers Engagement.</i>	The BFAC resolution is supported. No action required by Council.
Recommendation that the Bush Fire Advisory Committee authorise and accept the amended Safe Operation Procedures <i>SOP BFB 3.3 – Riding on Fire Appliances.</i>	The BFAC resolution is supported. No action required by Council.
Recommendation that the Bush Fire Advisory Committee authorise and accept the amended Safe Operation Procedures <i>SOP BFB 3.5 – Personal Protective Clothing.</i>	The BFAC resolution is supported. No action required by Council.

## STATUTORY ENVIRONMENT

- *Bushfires Act 1954 and Local Government Act 1995*
- *Work Health and Safety Act 2020* (Western Australia).
- Shire of Manjimup Bush Fire Brigade Operational Procedures 2022 – 2027.
- Fire Operational Guideline 3.0 Crew Safety and Operational Responsibility at Bushfires and Safe Operating Procedures BFB's Appendices.
- *Bush Fire Brigade Local Law 2023.*

## POLICY / STRATEGIC IMPLICATIONS

Shire of Manjimup Bush Fire Brigade Operational Procedures 2022 – 2027.

## **ORGANISATIONAL RISK MANAGEMENT**

Governance and Guidance of Bush Fire Brigades is a Local Government responsibility. Not having modern policies and procedures leaves both the Shire of Manjimup, the Community and Bush Fire Brigades at risk.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

That Council receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held Wednesday 17 April 2024 as shown in Attachment: 9.16.2(1).

## **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29521**

That Council receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held Wednesday 17 April 2024 as shown in Attachment: 9.16.2(1).

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

## ATTACHMENT APPENDIX

### 9.16.5 Unconfirmed Minutes of Manjimup Town Activation Advisory Committee Meeting held on 8 May 2024

<b>PROPONENT</b>	Manjimup Town Activation Advisory Committee
<b>OWNER</b>	M/A
<b>LOCATION / ADDRESS</b>	Manjimup Town Centre
<b>WARD</b>	Urban
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F170454
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kaylene Roberts
<b>DATE OF REPORT</b>	30 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

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

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

A copy of the adopted Terms of Reference is appended.

**APPENDIX: 9.16.5(A)**

The latest meeting of the Manjimup Town Activation Advisory Committee was held on 8 May 2024. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.5 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

As reflected within the upcoming minutes, the committee passed several recommendations. The following table details those recommendations requiring consideration by Council:

Committee Recommendation		Officer Comment
1.	That the Director of Works bring back to meeting some concepts for connections from Johnson Crescent through to Woolworths Complex.	Supported and to be included in the action sheet.
2.	That the Terms of Reference be updated to reflect the changes required.	Supported and attached to this report.
3.	That the concept plans for Interpretive Water Tank be brought back to the next meeting and be voted on.	Supported and to be updated in the action sheet.
4.	That the Director of Works & Services prepare an EOI for Manjimup Community members to provide Shire with a Concept Design for the redevelopment of Manjin Park garden beds and including potential redevelopment of the fountain.	Supported and to be included in the action sheet.
5.	That the Director Works & Services commence the process to speed limit Giblett Street, Rose Street, Mount Street, Ipsen and Brockman Streets to 30km/h	Supported and to be included in the action sheet.
6.	That the Council and Shire Administration consider a Strategic decision on what it would contribute to Christmas marketing and decorations within the Shire.	Supported.

A copy of the proposed revised Terms of Reference is shown attached.

## ATTACHMENT: 9.16.5 (2)

## STATUTORY ENVIRONMENT

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

## POLICY / STRATEGIC IMPLICATIONS

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

Revitalisation of the Manjimup Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character,

consistent with Community Goal 4.1 as identified in the Shire's Strategic Community Plan 2021-2031.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Manjimup Town Activation Advisory Committee held on 8 May 2024;**
- 2. Pursuant to Section 5.10 of the *Local Government Act 1995* make the following appointments to the Manjimup Town Activation Advisory Committee for the remainder of the biennial period 13 June 2024 to 18 October 2025.**

<b>Donelle Buegge</b>	<b>Councillor (Proxy)</b>
<b>Vacant</b>	<b>Manager Parks Operations (Proxy)</b>
<b>Vacant</b>	<b>Director Development and Regulation</b>
<b>Ms Kim Starkie</b>	<b>Manjimup Chamber of Commerce</b>
<b>Ms Sam Cleveland</b>	<b>Manjimup Visitor Centre Representative</b>



3. Consider making a strategic direction on what it would contribute to Christmas marketing and decorations within the Shire.

#### **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29522**

**That Council:**

1. Receive and note the unconfirmed Minutes of the Manjimup Town Activation Advisory Committee held on 8 May 2024;
2. Pursuant to Section 5.10 of the *Local Government Act 1995* make the following appointments to the Manjimup Town Activation Advisory Committee for the remainder of the biennial period 13 June 2024 to 18 October 2025.

<b>Donelle Buegge</b>	<b>Councillor (Proxy)</b>
<b>Vacant</b>	<b>Manager Parks Operations (Proxy)</b>
<b>Vacant</b>	<b>Director Development and Regulation</b>
<b>Ms Kim Starkie</b>	<b>Manjimup Chamber of Commerce</b>
<b>Ms Sam Cleveland</b>	<b>Manjimup Visitor Centre Representative</b>

3. Consider making a strategic direction on what it would contribute to Christmas marketing and decorations within the Shire.

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

Councillor Eiby declared a Financial Interest in this Item as she is employed by Warren Catchment Council. Councillor Eiby did not speak or vote on the matter and left the Chamber at 5.45pm.

Councillor Winfield declared an Impartiality Interest in this item as he is a Council representative on the Warren Catchments Council Committee. Cr Winfield declared that he would consider this matter on its merits and vote accordingly.

## 9.2.2 Proposed Lease to Warren Catchments Council Inc

<b>PROPONENT</b>	Warren Catchment Council T/A Southern Forests Community Landcare
<b>OWNER</b>	Crown (Management Order to Shire of Manjimup)
<b>LOCATION / ADDRESS</b>	Manjimup Heritage Park Portion of Lot 908, Reserve 26199 Edwards Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Parks and Recreation
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160782
<b>LEGISLATION</b>	Local Government Act 1995 Land Administration Act 1997
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	30 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

At the Meeting of 16 November 2023, Council considered a request from Warren Catchment Council (WCC) to occupy the former café building in the Manjimup Heritage Park and resolved:

29354

**That Council:**

- 1. Grant Warren Catchment Council, trading as Southern Forest Community Landcare a license to occupy the former café on Edwards Street, being Part of Lot 628 (Reserve 26199) otherwise known as the Manjimup Heritage Park;***
- 2. Prior to occupying the landscaped garden on the southern side of the building, a plan detailing the proposed use(s), presentation is to be developed to the satisfaction of the Shire of Manjimup; and***
- 3. The License to occupy be granted for the period up to 30 June 2024, with rent being \$10 payable on demand.***

The intention of the licence to occupy was to allow a period for some minor work to the building and for WCC to determine if it is suitable for their proposed use longer term prior to entering a lease. As the licence is due to expire 30 June 2024 and WCC have advised they are requesting to proceed with a lease, this agenda item is for Council to consider approval for a lease.

## **PUBLIC CONSULTATION UNDERTAKEN**

There was previous public consultation regarding leasing the former café building, via advertising for Expressions of Interest in August 2021 followed by a workshop with interested parties in May 2023.

## **COMMENT**

Details of the proposal for WCC to occupy the building and associated objectives of the Manjimup Heritage Park were considered in the agenda item of 16 November 2024.

Having experience with leasing part of the former Department of Water and Environmental Regulation office premises, it is expected that WCC will be able to meet the proposed lease conditions and outgoings on an ongoing basis. WCC should now be familiar with the maintenance responsibilities and standard conditions for community groups that will be included in the proposed lease.

It is recommended to approve the proposed lease, provided it is reiterated that the Shire has limited funding for building maintenance and upgrades and therefore the premises is provided in an 'as is' condition. WCC may need to source funding for any fit out specific to their needs and preferences.

WCC are not requesting to extend the lease area beyond the footprint of the building at this time.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

Council Policy 1.2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council.

The lease terms and conditions will be in accordance with Council Policy 4.2.8 *Property Leasing*, including maintenance responsibilities.

## **ORGANISATIONAL RISK MANAGEMENT**

The proposal is for an otherwise vacant building to be occupied by an organisation that is fitting with the objectives of the Manjimup Heritage Park. There is minimal risk that will be managed by administration of the lease.

## **FINANCIAL IMPLICATIONS**

WCC will be responsible for the lease preparation fee set by Council in the annual fees and charges.

WCC will need to fund building fit out, improvements and/or modifications for the premises to be suitable for their use, however will be able to liaise with Shire officers regarding future funding opportunities they may be eligible for.

The Shire will continue to be responsible for structural maintenance of the building in accordance with the lease and Council policy.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to execute a lease of the former café building in the Manjimup Heritage Park to Warren Catchments Council Inc for a term of five years, with an option of a further five year term, at a rental of ten dollars per annum, subject to:**

- 1. Warren Catchments Council Inc being responsible for the lease preparation fee;**
- 2. Lease conditions to the satisfaction of the Chief Executive Officer;**
- 3. The building is provided in an 'as is' condition, with the Lessee to fund fit out and modifications for their use; and**
- 4. Approval of the Minister for Lands.**

**COUNCIL RESOLUTION****MOVED: Cr De Campo    SECONDED: Cr Miolin**

Councillor Winfield foreshadowed the Officer's Recommendation.

**29523**

1. That Council Authorise the Chief Executive Officer to execute a lease of the former café building in the Manjimup Heritage Park to Warren Catchments Council Inc for a term of one year at a rental of ten dollars per annum as per current Council Policy, with an option of a further five year-year term once a review of peppercorn leases in conjunction with the Strategic Asset Review is completed and a report has been presented to Council, subject to:
  - 1.1 Warren Catchments Council Inc being responsible for the lease preparation fee;
  - 1.2 Lease conditions to the satisfaction of the Chief Executive Officer;
  - 1.3 The building is provided in an 'as is' condition, with the Lessee to fund the fit out and modifications for their use;
  - 1.4 Approval of the Minister of Lands; and
  - 1.5 The further five-year term being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing.
2. Direct the Chief Executive Officer to undertake a review of all leases with clubs, community groups and recreational bodies; and anything considered a 'peppercorn lease.' This review, along with the proposed Strategic Asset Review, is to inform a revision of Council Policy 4.2.8 Property Leasing, with an aim to increase income from all leased buildings.

**CARRIED: 5/2****For:** Cr De Campo, Cr Eiby Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox**Against:**, Cr Buegge, Cr Winfield.

Councillor Eiby returned to the Chamber at 5.59pm.

## ATTACHMENT

### 9.3.1 Adoption of Proposed 2024/25 Fees & Charges

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole Of Shire
<b>WARD</b>	Whole Of Shire
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F161100
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Craig Martyn
<b>DATE OF REPORT</b>	29 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

A review of fees and charges is an annual practice within the normal budget process.

Proposed fees and charges were presented to Councillors as part of the Councillor budget workshop on 22 May 2024. As discussed at that budget session statutory fees have been amended where required, and other Shire of Manjimup fees and charges increased by 3% or more where appropriate to cover increasing costs, particularly in those circumstances of a direct fee for service charge.

The purpose of this agenda item is to adopt the proposed 2024/25 fees and charges, effective from the 1 July 2024.

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

### COMMENT

Minor amendments have been made to the proposed fees since the workshop on the 22 May 2024. These changes include clarification of the Organic Agri Waste unit of measure and expansion of the description for Seasonal Sports hire of the Manjimup Indoor Sports Pavilion to include members of hiring associations.

Discussed at subsequent operational budget workshops it was requested that due to increasing costs and reducing subsidies associated with the Property Care Team, the rate per hour for the services provided is proposed to

increase to \$200. This was to ensure that private works performed by the team were not subsidised by municipal funds.

The Rubbish Collection Service fees for the Shire are yet to be determined. These fees will be calculated and presented to Council for the 2024/25 Annual Financial Budget adoption, proposed for 8 August 2024.

A copy of the proposed 2024/25 Shire of Manjimup Fees and Charges is attached.

### **ATTACHMENT: 9.3.1(1)**

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995 (Part 6, Division 5, s.6.17 and s.6.19)* states in part:

### **6.17 Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
  - (a) the cost to the local government of providing the service or goods;
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.

### **6.19 Local Government to give notice of fees and charges**

- If a Local Government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees and charges, give local public notice of –
  - (a) its intention to do so; and
  - (b) the date from which it is proposed the fees and charges will be imposed.

## **POLICY / STRATEGIC IMPLICATIONS**

The Shire's business performance is about seeking continuous improvement in delivering quality services, ensuring that they are appropriate, responsive, and cost effective and meet community needs.

## **ORGANISATIONAL RISK MANAGEMENT**

The risk to the organisation is that without regular review of fee and charges the cost of the services provided will outweigh the recoup obtained. This will put pressure onto other income sources to increase to maintain service levels.

## **FINANCIAL IMPLICATIONS**

Fees and charges in general have been increased by 3%. This should see a minor increase in Councils fees and charges revenue to cover increasing costs to provide services.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: The annual review of fees and charges allows for annual cost rises to be reflected within the setting of fees and charges.

Social: The review of fees and charges seeks to recognise the challenging economic times being experienced by many groups and individuals within the region.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

1. **Adopt the 2024/25 Fees and Charges Schedule as per Attachment 9.3.1 (1).**
2. **Endorse the statutory advertising of the 2024/25 Fees and Charges for the Shire of Manjimup effective 1 July 2024.**

### **COUNCIL RESOLUTION**

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

**29524**

**That Council:**

1. **Adopt the 2024/25 Fees and Charges Schedule as per Attachment 9.3.1 (1).**
2. **Endorse the statutory advertising of the 2024/25 Fees and Charges for the Shire of Manjimup effective 1 July 2024.**

**CARRIED: 8/0**

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

**Against:** Nil.



**ATTACHMENT****9.5.2 Request for Development Application Fee Waiver - Lot 478 Ipsen Street, Manjimup (Dunreath Cottages)**

<b>PROPONENT</b>	Dunreath Cottages Inc
<b>OWNER</b>	Dunreath Cottages Inc
<b>LOCATION / ADDRESS:</b>	Lot 478 Ipsen Street, Manjimup
<b>WARD:</b>	Urban
<b>ZONE:</b>	Public Purpose
<b>DIRECTORATE:</b>	Development and Regulation
<b>FILE REFERENCE:</b>	DA24/64 P50083
<b>LEGISLATION:</b>	<i>Planning and Development Act 2005 and Local Government Act 1995</i>
<b>AUTHOR:</b>	Jocelyn Baister
<b>DATE OF REPORT:</b>	18 April 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

An application for Development Approval has been received and approved under delegation, by the Shire for the proposal to construct six (6) new, aged care cottages at Lot 478 Ipsen Street, Manjimup. The subject land is occupied by Dunreath Cottages and is leased from the Shire under its Management Order. Its reserve purpose is for an Aged Persons Home. In 2019, a demolition permit was issued for cottages on the property. The proposed cottages will replace those removed.

As an incorporated organisation, a request to waive the fees required for the development application has been received. The request is attached.

**ATTACHMENT: 9.5.2 (1)**

Each financial year, Council sets fees and charges as part of Annual Budget process for the services and facilities it provides to the community. Council set its Fees and Charges for the 2023/24 financial year at its Ordinary Meeting held on 15 June 2023.

A new addition to the Statutory Planning Fees was the introduction of an automatic fee waiver for not-for-profit community groups, charitable organisations and sporting groups where the cost of development is less than \$500,000.

Council is requested to consider a request for a fee waiver for Dunreath Cottages Inc, as the estimated cost of development is \$1,800,000.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

Dunreath Cottages Inc. is a registered charity/not-for-profit organisation whose core function is to provide independent living units for senior members at affordable cost. Dunreath Cottages has a legacy in Manjimup in providing a service established in compassion and community and is a trusted partner in the journey of aging gracefully and joyfully over several decades.

Dunreath Cottages have requested the total amount of the fees, being \$5,041 for the development application to be waived. In order to receipt a complete application and prevent delays in granting a delegated approval for the six new cottages, the fee has been paid and a reimbursement has been requested.

Council has full discretion as to whether the request to waive all associated fees and charges is endorsed in part, in full, or refused. It is recommended that Council assess the request on merit and when deliberating this request give careful consideration to any justification to support the decision. The decision as determined, and in respect of fairness and transparency, may be regarded as a guiding precedence for other not-for-profit organisations seeking waivers of fees and charges for substantial development.

## STATUTORY ENVIRONMENT

*Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Government Act 1995.*

## POLICY / STRATEGIC IMPLICATIONS

The proposal will assist in the delivery of the following goals and strategies within the Shire of Manjimup Strategic Community Plan 2021-2031:

- 3.1 *The range of support services in our community are useful, empowering and aligned to community needs now and in the future.*
- C9. *Plan and develop a diverse range of affordable housing options to meet the needs of older people, people with disabilities and other vulnerable groups.*

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

Whilst the application fee is relatively small in the context of the overall development cost, the possibility of creating a precedence needs to be considered.

## SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Aged housing plays a pivotal role in society by providing specialised care and support tailored to the unique needs of older adults.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

## OFFICER RECOMMENDATION

That Council approve the request by Dunreath Cottages Inc to waive the development application fee for application TP2024/6 by reimbursing the \$5,041 application fee already paid.

## COUNCIL RESOLUTION

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

**29525**

**That Council:**

- 1. Approve the request by Dunreath Cottages Inc to waiver the development application fee for application TP2024/6 by reimbursing the \$5,041 application fee already paid.**
- 2. Direct the Chief Executive Officer to:**
  - 2.1 Include in the next revision of the Fees and Charges schedule, due for consideration at the Ordinary Council Meeting on 8 August 2024, that includes the option for the Chief Executive Officer to waive development application fees for developments between the value of \$500,000 and \$2,000,000 from not-for-profit community groups, charitable organisations and sporting groups; and**
  - 2.2 In conjunction with 2.1, review Council Policy 6.1.1 General Applications for Planning Consent to provide criteria to guide the Chief Executive Officer in determining when to waiver fees**

**associated with development applications from not-for-profit community groups, charitable organisations and sporting groups.**

**CARRIED: 8/0**

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

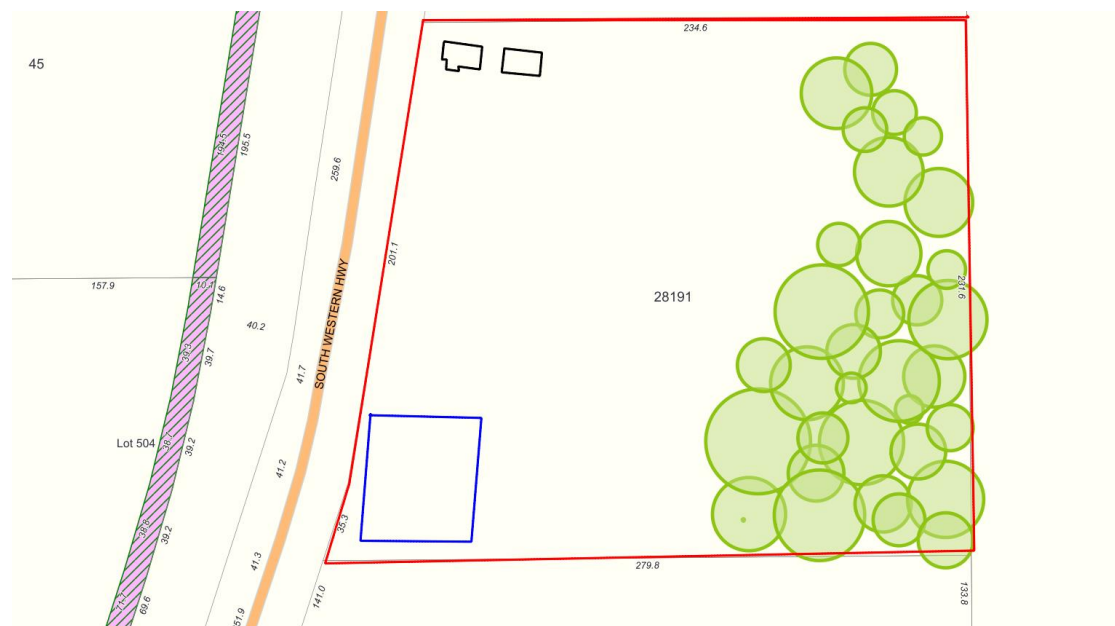
**Against:** Nil.

**ATTACHMENT****9.5.3 Proposed Dam with Setback Reduction at Lot 460 (28191) South Western Highway, Middlesex**

<b>PROPONENT</b>	Mr T A Lyster
<b>OWNER</b>	Mr T A & Mrs M L Lyster
<b>LOCATION / ADDRESS</b>	Lot 460, (28191) South Western Highway, Middlesex
<b>WARD</b>	Rural
<b>ZONE</b>	Priority Agriculture
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	TP41/2024 DA24/41 P54531
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown
<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 a dam at Lot 460, (28191) South Western Highway, Middlesex. The property is located 3km south of the Manjimup Townsite. The dam is proposed with a setback of 5 metres from the western (road) and southern boundary. The property is 5.9093 hectares and comprises of single dwelling and outbuilding. A location plan is shown below.

**LOCATION PLAN**

Plans and details submitted with the application indicate that the dam is to be setback 5m from the southern and western boundary. The dam wall, adjacent to the neighbouring property boundary is 50 metres in length and projects

back into the property for 60 metres. The internal depth of the dam is 2-3 metres and a wall height of 1 – 1.5 metres. The dam will have a total capacity of 5 mega litres. The proposed dam is primarily intended for water-logging mitigation. A copy of the submitted application and supporting information is shown attached.

**ATTACHMENT: 9.5.3 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

In accordance with the requirements of Local Planning Scheme No. 4 (the Scheme), the proposal was referred to the adjoining landowners for comment. The proposal was also referred to the Department of Water and Environmental Regulation (DWER) and Main Roads Western Australia (MRWA).

Three submissions were received one from the adjoining landowner to the south, stating that they had no concerns to the proposed dam. One from MRWA recommending that a 10m setback distance be maintained to the toe of the dam wall to the road reserve and that additional details of the proposed slipway design to ensure that sand and other material do not wash into the highway road reserve.

The other from DWER which provided advice that the proposed dam is located in the Warren River and Tributaries Surface Water Area, and that the proponent should contact DWER to make application to determine if a permit/licence is required to be obtained under the *Rights in Water and Irrigation Act 1914*. The content of the MRWA and DWER correspondence is detailed in the Comment section below, whilst a copy of all submissions are attached.

**ATTACHMENT: 9.5.3 (2)**

**COMMENT**

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

Zoning

The provisions of the Scheme include the subject land within the Priority Agriculture Zone. The purpose of the zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the land and which retains the rural character and amenity of the locality.

The objectives of the Scheme relating to this zone encourage the use of rural land for commercial agricultural production.

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 not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme Area;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4.....;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk.*

The proposed dam is to be used for domestic purposes and to mitigate water logging on the subject property. The proposed use of the dam is in keeping with the objective of the zone.

#### Exempted Development

In accordance with Clause 8.4 of the Scheme, dams located within the Priority Agriculture and General Agriculture zones are exempt from requiring planning approval where the lower edge of the dam wall, and any other part of the dam including the stored water, is setback more than 20m from boundaries. Given the proposed 5m setback to both boundaries, approval to the proposed development may only be granted through a relaxation of the setback requirements.

#### Relaxation of Standards

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

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

In this case, the relaxation of the setback is consistent with the requirements of clause 10.2, and the impact of an approval on either the subject land or adjacent property has been assessed against the Policy position.

### Policy Assessment

The application has been assessed against the requirements of Local Planning Policy 6.1.22 – Dams. The assessment indicates that the dam would be considered moderate risk given the combination of design and down gradient infrastructure.

Risk Category	Score
Construction Type (Off Stream/ Catchment)	1
Volume (0-10ML)	2
Wall Height (0-5m)	2
Dam Wall Design (Others)	3
Downstream Infrastructure (Dwelling)	4
Overflow infrastructure proposed (By Others)	1
TOTAL	13

In accordance with provision 6.0 of the Policy, dams that score between 10 - 15 when assessed against the risk matrix are considered a moderate risk. As outlined in the Policy, it is recommended that advice notes be included on any approval relating to a moderate risk dam, advising landowners that:

- The landowner is responsible for the structural integrity of the dam construction; and
- It is recommended that the proposed structure be certified by an appropriately qualified contractor or engineer.

### Submission

As indicated above, DWER advised to refer to Water Quality Note 53 'Dam construction and operation in rural areas', which provides for best practice measures to assist in protecting water quality, to which the proponent may wish to refer to assist them in their proposal. That DWER require the landowners to contact its office to determine whether a permit/licence is required for the proposed dam which is within the Warren River and Tributaries Surface Water Area as proclaimed under the *Rights in Water and Irrigation Act 1914*.

MRWA have provided a submission requiring the dam be setback a further 5m from the road reserve boundary to a total distance of 10m. This setback distance is to ensure that the landowner can maintain adequate manoeuvrability around the dam wall without encroaching into the Road Reserve.

MRWA have also requested that further details of the dam overflow be provided to ensure that sand sediment or other material does not erode into the road reserve. It is considered that as the spillway is proposed on the eastern side of the dam, water overflow will flow to the east and then to the lowest point of the property which is north west of the proposed dam. It should



be noted that the road reserve is at a natural low point and to accommodate, a culvert exists under the road to allow the movement of water.

The proposed setback of 5m may impact the road reserve, by way of water flowing across the boundary from the dam overflow. By increasing the setback distance to 10m from the road reserve boundary to the toe of the dam wall will allow for the dispersion of water to be contained within the subject property, rather than the risk of overflow into the road reserve. The increased setback distance will also ensure there is sufficient space for accessibility between the dam and the South Western Highway road reserve.

### Conclusion

The proposed dam has been assessed as moderate risk in accordance with the relevant policy. Given this and having regard to the size of the property and intended purpose of the water storage, construction of the dam with a reduced side setback of 10m to the boundary of South Western Highway is supported and conditional approval is recommended.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

As detailed within the Comment Section of this Agenda Item, the application has been assessed against Local Planning Policy 6.1.22 – Dams.

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The applicant has paid the fee required as per the Shire's 2023-2024 adopted fees and charges.

## SUSTAINABILITY

Environmental: No vegetation is proposed to be removed to facilitate the construction of the dam.

Economic: The dam as proposed will assist in mitigating the waterlogging on the property to allow for better use of the site long term.

Social: Nil.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

## OFFICER RECOMMENDATION

1. That Council, in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grant planning approval to the proposed Dam at Lot 460, 28191 South Western Highway, Middlesex (Application TP 41/2024) in accordance with the plans and specifications shown at Attachment 9.5.3(1) subject to the following conditions and advice:

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

Reference	Document Title	Date Received
1.	Site Plan	15 May 2024
2.	Additional Information for dam Construction	23 February 2024

- 1.2. All pumps and ancillary equipment and structures not part of this approval being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4;
- 1.3. All parts of the dam hereby approved shall be setback a minimum of 10m from the western boundary adjoining the South Western Highway and 5m from southern boundary to the satisfaction of the Shire of Manjimup; and
- 1.4. Water from the dam is prohibited from accumulating across property boundaries.

## 2. Advice to Applicant

- 2.1 The applicant/landowner is responsible for the structural integrity of the dam construction;
- 2.2 It is advised that the applicant contact Department of Water and Environmental Regulation in respect of the rights to store water prior to the construction of the proposed dam; and

- 2.3 It is advised that the applicant contact Main Roads Western Australia with regard to the spillway/overflow for the proposed dam for their further consideration.**

## **COUNCIL RESOLUTION**

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

Note: Absolute Majority decision required.

**29526**

Councillor Winfield foreshadowed the Officer recommendation.

**That Council,**

- 1. In accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grant planning approval to the proposed Dam at Lot 460, 28191 South Western Highway, Middlesex (Application TP 41/2024) in accordance with the plans and specifications shown at Attachment 9.5.3(1) subject to the following conditions and advice:**

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

<b>Reference</b>	<b>Document Title</b>	<b>Date Received</b>
<b>1.</b>	<b>Site Plan</b>	<b>15 May 2024</b>
<b>2.</b>	<b>Additional Information for dam Construction</b>	<b>23 February 2024</b>

- 1.2. All pumps and ancillary equipment and structures not part of this approval being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No. 4;**
- 1.3. All parts of the dam hereby approved shall be setback a minimum of 1.5m from the western boundary adjoining the South Western Highway and 5m from southern boundary to the satisfaction of the Shire of Manjimup; and**
- 1.4. Water from the dam is prohibited from accumulating across property boundaries.**
- 3. Instruct Shire staff to review clause 8.4 (xxiv) (b) related to the 20m setback of dams to property boundaries as part of the preparation of a Shire of Manjimup Local Planning Scheme No.5, with a view to reducing that setback to property boundaries.**

4. **Amend the Shire's Register of Delegations, Authorisations and Appointments and Council Policy 6.1.22 to grant to the Chief Executive Officer authority to issue approval for development applications for dams with proposed setbacks of less than 20m to a minimum setback of 5m to property boundaries where no objection from an adjoining landowner or state agency has been received. Dams with a proposed setback of 5m or less are to be considered by Council prior to determination.**

## **2. Advice to Applicant**

- 2.1 **The applicant/landowner is responsible for the structural integrity of the dam construction;**
- 2.2 **It is advised that the applicant contact Department of Water and Environmental Regulation in respect of the rights to store water prior to the construction of the proposed dam; and**
- 2.3 **It is advised that the applicant contact Main Roads Western Australia with regard to the spillway/overflow for the proposed dam for their further consideration.**

**MOTION CARRIED 5/3**

### **FOR**

Cr D Buegge  
Cr W De Campo  
Cr P Omodei  
Cr M Ventris  
Cr J Willcox

### **AGAINST**

Cr W Eiby  
Cr S Miolin  
Cr C Winfield

## ATTACHMENT APPENDIX

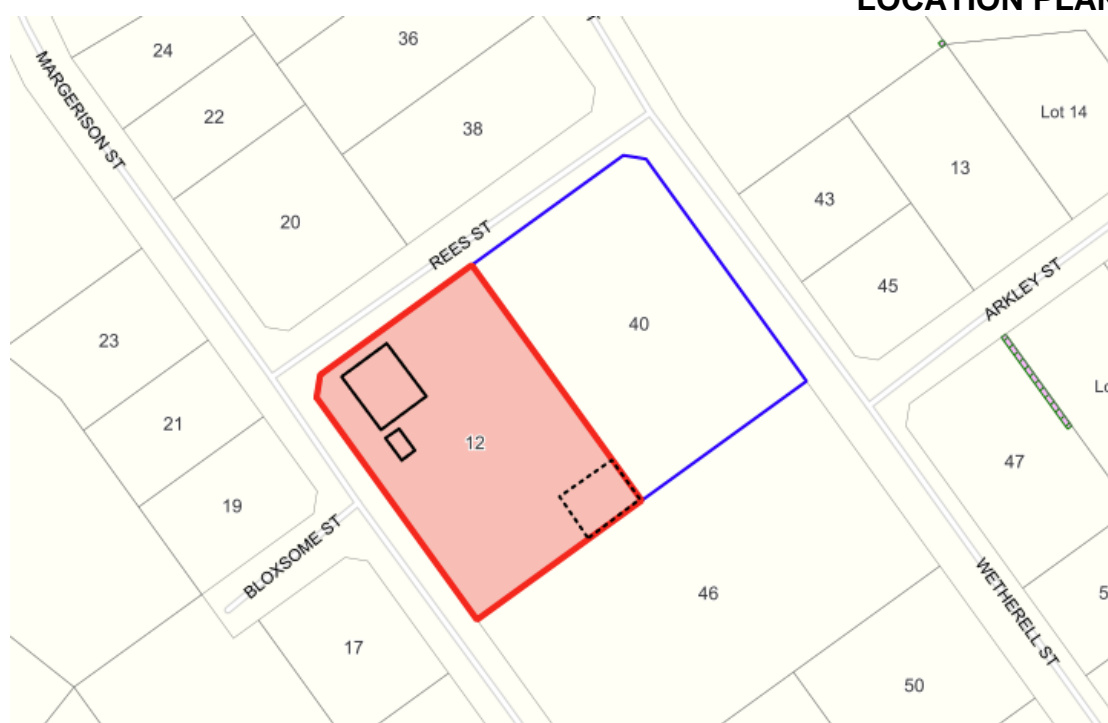
### 9.5.4 Request for Reconsideration of Conditions of Planning Approval at Lot 664 (12-16) Margerison Street, Manjimup

<b>PROPONENT</b>	Mr A Pesce
<b>OWNER</b>	Mr A T Pesce
<b>LOCATION / ADDRESS</b>	Lot 664 (12-16) Margerison Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Industry
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	DA24/56 51921
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	21 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

On 5 April 2024, under delegated authority, conditional approval was granted for a proposed 24m x 18m concrete drying shed to be situated on the same site as an existing 20m x 24m workshop and office at Lot 664 Margerison Street, Manjimup. A location plan is provided below.

### LOCATION PLAN



The applicant has requested that the Shire reconsider Condition 2 regarding the provision of an additional five (5) parking spaces; Condition 4, regarding the provision of landscaping. It should be noted that there are five existing

bays on the subject property, compliant with the 2018 approval for the workshop and office and that previously landscaping was not conditioned, however was shown to be provided on the approved plan of development.

As part of the request for reconsideration, the applicant has offered to provide four (4) parking bays at Lot 661 (40) Wetherall Street, Manjimup on the adjoining property as well as placing a caveat on title preventing the sale of the properties until parking has been provided at the subject lot.

A copy of the request is attached and the delegated officer report is appended.

**ATTACHMENT: 9.5.4 (1)**  
**APPENDIX: 9.5.4(A)**

Council is requested to consider the request due to the implications on required parking numbers as Shire staff do not have the delegation to undertake requests for reconsiderations.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The subject land is zoned Industry under the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme). The purpose of the zone is to provide for a range of light and general industrial, service and ancillary activities where appropriate services are or can be made available and where the amenity of adjacent neighbourhoods will not be adversely affected.

### Request for Reconsideration

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

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

In accordance with 10.9.2(ii) the request for reconsideration is valid as new information is provided with the request, the applicant has not yet paid the fee associated with a reconsideration request, in this case being \$147.

### Parking Requirements

Condition 2, for additional five (5) parking spaces, was imposed based on the additional floor area proposed as part of a commercial industrial development. The number of parking spaces was calculated based on 1 parking space per 100m<sup>2</sup> of floor area, 432m<sup>2</sup> equates to five (5) spaces (rounded up).

The applicant has stated that:

“The new shed is for manufacturing of concrete products and an addition to the existing manufacturing plant. [The shed is] not for clientele, customers and the like....we simply will not have any customers parked in this vicinity.”

Following discussions with Shire staff, the applicant has suggested that parking bays will be provided at the main office on Wetherall Street where customers access the business. The applicant has also somewhat agreed to a caveat tying the properties together with the parking provided across the two properties for the one business.

A search of the Shire records has found that development commenced on the property prior to 1980. Town Planning Scheme No. 2 was in effect with the same parking ratio requirements as the current Scheme. The two businesses operating at Lot 661 (40) Wetherall Street occupy approximately 2,500m<sup>2</sup> of floor area.

Land Use	Rate	Quantity	Required Spaces
Industry General	1/100	2,500m <sup>2</sup>	25
		TOTAL	5

The applicant is proposing to provide an additional four bays on Lot 661, to be compliant with the Scheme requirements, an additional 20 bays plus the five bays for Lot 664 are required.

As justification to not provide on-site parking, the applicant has stated that there are limited customers visiting the site. Disregarding the number of bays that previously were required, the proposed four bays (inclusive of a disabled space) is one bay short of the required number of bays.

As there is a shortfall in the provision of space required on site the applicant has a number of options to satisfy the parking requirement, subject to the satisfaction of the Shire of Manjimup. The options available are to seek an agreement with other land uses operating at different times or to provide cash in lieu.

### *Alternative Off Street Parking*

Where an applicant can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve development with less than the required number of on-site spaces provided that there is no conflict in the operation of

land uses and the landowners sharing parking enter into a legal agreement for the rights of the shared parking.

#### Landscaping

Condition 4 required a detailed landscaping and reticulation plan to be submitted and approval. Condition 5 was imposed to implement the aforementioned plan within the first available planting season after occupation. Shire staff imposed this condition due to the fact that the landscaping shown on the 2018 approval had not been provided.

In accordance with the Scheme provisions, clause 5.13.2 states that for development in the Industry zone a 2 metre wide landscaping strip to the lots street frontage(s) is to be provided.

Where an applicant can demonstrate that there is not the demand for parking as required by the Scheme, clause 5.17.6 states that landscaping could be provided in lieu of parking spaces.

In this case the applicant has stated that “there will be no landscaping or reticulation going in. All remaining areas of the site will be utilised for storage of materials”.

The 2018 approval was granted on premise that landscaping was shown on the site plan submitted with the application. Shire staff do not support the proposed omission of landscaping within the Industry zone for new development and do not recommend Condition 4 be removed from the conditions of the subject application.

Research has shown that landscaping can have a positive effect on employees, visitors and customers to an area not only from an aesthetic point of view but also from assisting to reduce the ‘heat island’ effect on an area.

#### Conclusion

As a request to reconsider conditions of approval has been received, whilst the proposed reduction of parking is supported in principle due to the lack of demand for customer and employee parking across two sites, the reconsideration of the landscaping condition is not supported. It is also recommended that due to the parking reduction proposed, additional landscaping should be required at Lot 661 Weatherall Street, Manjimup, which could form part of the legal agreement.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

Nil.



## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

That Council, subject to the payment of \$147, being the fee for a request for reconsideration, in accordance with Clause 10.9 resolves to reaffirm the imposition of Condition 2) and reword Condition 4) of Development Approval TP53/2024 at Lot 664 (12-16) Margerison Street, Manjimup and also provide additional Condition 6) and advice note f) as follows:

- 4) Within 60 days of issue of building permit, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup, and must include:
  - a) The location, number and type of existing and proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b) Any lawns to be established
  - c) Any trees/shrubs to be removed;
  - d) Any existing and/or natural landscaped areas to be retained;
  - e) Those areas to be updated, reticulated or irrigated;
  - f) Verge treatments;
  - g) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties; and
  - h) Location and type of fencing and/or paving to be installed.

- 6) The proponent, and/or the owners of the land, are required to enter into a deed of agreement (prepared and executed at the cost of the proponent) with, and to the satisfaction of the Shire of Manjimup, to guarantee the provision of a reciprocal 'right of access' for vehicular and car parking requirements (where applicable). The agreement must be executed by the applicant before the development is occupied.
- f) With regards to Condition 6), the proponent is required to provide a 2m strip of landscaping to the front boundary of Lot 661 Wetherall Street, Manjimup for the reduction in one (1) car parking space, this shall be included in the deed of agreement.

## **COUNCIL RESOLUTION**

**MOVED: Cr De Campo    SECONDED: Cr Buegge**

**29527**

**That Council:**

1. Subject to the payment of \$147, being the fee for a request for reconsideration, in accordance with Clause 10.9 resolves to reaffirm the imposition of Condition 2) and delete Condition 4) of Development Approval TP53/2024 at Lot 664 (12-16) Margerison Street, Manjimup and also provide additional Condition 6) as follows:
  - 6) The proponent, and/or the owners of the land, are required to enter into a deed of agreement (prepared and executed at the cost of the proponent) with, and to the satisfaction of the Shire of Manjimup, to guarantee the provision of a reciprocal 'right of access' for vehicular and car parking requirements (where applicable). The agreement must be executed by the applicant before the development is occupied.
2. Instruct Shire staff to incorporate a review of the landscaping provisions provided in the Shire of Manjimup Local Planning Scheme No.4 at the time of the preparation of Shire of Manjimup Local Planning Scheme No.5 with regard to Industry zoned property.

**CARRIED: 7/1**

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

**Against:** Cr Eiby

### 9.5.6 Proposed Budget Adjustment - Replacement of Solar and Battery System at Windy Harbour Campground

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Reserve 38881, Windy Harbour Road, Windy Harbour
<b>WARD</b>	Rural
<b>ZONE</b>	Special Use Zone No.5
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F161154
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jason Giadresco
<b>DATE OF REPORT</b>	28 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

As elected members may be aware, no reticulated power supply is available to the coastal settlement of Windy Harbour. As a result, on-site power generation is required and the Shire maintains two such systems, which are described as:

- a) One system adjacent to the Caretakers Residence, ensuring power to the caretakers residence, office, shop, ablution facilities within the campground and a limited number of powered sites within the campground; and
- b) A power supply for treatment of the potable water supply.

Advice was recently received from the Windy Harbour Caretaker that with the main generator being recently replaced, the associated battery system adjacent to the caretaker's residence was failing. As a result, arrangements were made for a local business to inspect the system and provide a preliminary assessment of the system and what would be required to power the caretakers residence and campground. This inspection has confirmed that the solar and battery system is at the point of failure and it is not viable to repair.

As the annual budget is yet to be adopted, Council is requested to endorse funding the acquisition and installation of a new solar and battery system as a matter of urgency.

### PUBLIC CONSULTATION UNDERTAKEN

Nil.

### COMMENT

The power system adjacent to the caretaker's residence, consists of a battery system which is charged by solar panels; and a generator with an automatic switch that charges the system when solar charging is not adequate. The generator is regularly used during winter in order to ensure ongoing operation of the office and campground. Given the poor state of the solar and battery system, the generator is more frequently brought into action than is necessary and in turn, exacerbating the cost in diesel used by the generator.

The preliminary assessment received by the Shire indicates that to ensure adequate power supply to the caretakers and campground an off grid solar and battery system would cost in the realm of \$76,000. Council is requested to endorse an out of budget expenditure of \$80,000 in order to proceed with the purchase, transport and installation of the new off grid solar system and battery.

It is proposed that the expenditure be sourced from the Windy Harbour Infrastructure Reserve Account.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

The purchase of a new, replacement solar and battery system is required as a matter of urgency in order to ensure ongoing operation of the office, campground ablutions and the ensure power is available to the caretaker's residence and shop.

## **ORGANISATIONAL RISK MANAGEMENT**

Without a solar and battery system for the power supply, there is a risk that insufficient power will be available to ensure ongoing operation of the Windy Harbour Campground and associated caretakers residence, shop and office.

## **FINANCIAL IMPLICATIONS**

It is proposed to transfer the amount of \$80,000 from the Windy Harbour Infrastructure Reserve account to cover the cost of acquisition, transport and installation. As at the end of the 2023/24 financial year, it was estimated that the Infrastructure Reserve account would have had a balance of approximately \$755,963.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Ongoing operation of the facilities associated with the Windy Harbour Campground is required to ensure expected income levels are achieved.

Social: Without a suitable solar and battery system, failure of the power system will likely result in the loss of power to the campground facilities and caretakers residence.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council amend the 2023/24 Annual Budget as follows:**

<b>Description</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Variation</b>
<b>Transfer from Windy Harbour Infrastructure Reserve</b>	<b>(\$310,774)</b>	<b>(\$390,774)</b>	<b>(\$80,000)</b>
<b>Purchase of new Solar and Battery System – Windy Harbour</b>	<b>\$0</b>	<b>\$80,000</b>	<b>\$80,000</b>
<b>Net Rate Funds</b>			<b>\$0</b>

## **COUNCIL RESOLUTION**

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

**29528**

**That Council amend the 2023/24 Annual Budget as follows:**

<b>Description</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Variation</b>
<b>Transfer from Windy Harbour Infrastructure Reserve</b>	<b>(\$310,774)</b>	<b>(\$390,774)</b>	<b>(\$80,000)</b>
<b>Purchase of new Solar and Battery System – Windy Harbour</b>	<b>\$0</b>	<b>\$80,000</b>	<b>\$80,000</b>
<b>Net Rate Funds</b>			<b>\$0</b>

**CARRIED: 8/0**

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

**Against:** Nil.

### 9.9.1 Request Approval to Expend Reserve Funds - Manjimup Regional AquaCentre Asset Management Audit and Plan

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Rutherford Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F161088
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Shammara Markotis
<b>DATE OF REPORT</b>	29 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

The Manjimup Regional AquaCentre (MRAC) is a significant regional facility that provides essential recreational and fitness services to the community. Constructed in 2006, MRAC includes a 25m lap pool, a leisure pool, change rooms, a group fitness room, a café, and a creche. The facility relies on specialised plant, systems, and equipment to maintain a safe and healthy environment for all staff and users.

Given the age of the facility, there is recognition of potential safety hazards at MRAC due to the ageing, and general wear and tear, of facility assets. If not proactively managed, these hazards could lead to safety risks for both staff and patrons. With this in mind, MRAC is now at an important stage where it is deemed necessary to conduct a comprehensive asset audit and establish an Asset Management Plan (AMP) to continue the ongoing safe functioning of the facility and to pre-empt the mitigation of potential risks.

The purpose of this report is to seek Council approval to utilise funds from the Occupational Health and Safety Reserve to undertake a comprehensive asset audit and develop an AMP for MRAC.

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

In general, public aquatic facilities present unique safety hazards due to factors like waterborne illnesses, plant and equipment malfunctions, chemical usage and the humid environment which accelerates rust and corrosion. It is crucial that the building and its associated plant and equipment is maintained to an appropriate level to decrease these risks.

As MRAC approaches 20 years of age, numerous plant, equipment and infrastructure components have aged, increasing the risk of potential failures. While some components have been replaced or added (eg. pool heating system and solar PV system), many original elements remain from the previous outdoor 50m pool facility.

To proactively manage potential safety risks at MRAC, several areas of concern related to wear and tear of facility components have been identified. Although these areas are not currently hazardous, they could lead to future challenges if not addressed. Examples of these concerns include:

- Rusting roof fittings, which could potentially lead to falling objects.
- Ageing infrastructure (eg. lane ropes, tiles exhibiting signs of chipping or missing expansion strips) that may cause minor lacerations.
- Equipment reaching end of life (such as the automatic blanket remover and pool cleaners), resulting in additional manual handling tasks for staff.
- Pool circulation system failures, which may increase the potential for waterborne illnesses.

In recent years, Council has authorised the use of funds from the AquaCentre Plant and Building Reserves for the replacement, renewal, and maintenance of various components at MRAC, such as lint pots, circulation pumps, and the HVAC (heating, ventilation and air conditioning) system. However, these actions have been ad-hoc, underlining the necessity for a structured asset management approach. This structured approach is vital for prioritising renewal and replacement requests, as well as ensuring the longevity of Council's recent investments through proper preventive maintenance of newly acquired items.

Several asset management consultants were approached to provide cost estimates for the proposed audit and AMP. Three cost estimates were received, presenting the following amounts: \$12,405, \$21,800, and \$40,000. With the aim of achieving optimal value for the investment, a budget of \$21,000 has been proposed, balancing affordability with the expertise required for the audit and plan.

In summary, given the Shire's relatively limited annual budget for asset maintenance, the development of an AMP for MRAC is imperative. Conducting a thorough asset audit alongside the AMP will enable the Shire to proactively manage the facility, ensuring both its safety and longevity. Furthermore, the AMP will assist Council in strategically allocating budgets, ensuring that annual maintenance and replacement tasks are rationalised, thus maximising asset lifespan, minimising unforeseen expenditures, and ultimately reducing safety risks to both staff and MRAC patrons.

## **STATUTORY ENVIRONMENT**



- *Local Government Act 1995* (Section 6.11 Reserve accounts).
- *Work Health and Safety Act 2020*.
- *Work Health and Safety (General) Regulations 2022*.

## **POLICY / STRATEGIC IMPLICATIONS**

The proposal aligns with the following goals, strategies, and actions from the Shire of Manjimup Strategic Community Plan 2021 – 2031 and Corporate Business Plan 2023 - 2027:

- Theme: Our Local Government
  - Community Goal
    - 5.7. Asset management plans are developed and implemented to maintain community assets at the appropriate standard.
    - 5.8. The Shire continuously improves organisational performance and service delivery.
  - Strategy
    - E9. Identify and mitigate organisational risks.
  - Action
    - E9.2 Manage workplace occupational safety and health (OSH) risks to employees, volunteers, visitors, and contractors.
- Theme: Our Infrastructure
  - Community Goal
    - 4.2. Community infrastructure is delivered and maintained at a level of service that is aligned with community needs now and in the future.
  - Strategy
    - D5. Develop and maintain community infrastructure to a service-level that meets the community's needs.
  - Action
    - D5.11. Develop and implement a new maintenance and renewal plan for the Manjimup Regional AquaCentre plant and infrastructure.

Furthermore, the proposal aligns with the aims of Council Policy 2.6.1 Work Health and Safety.

## **ORGANISATIONAL RISK MANAGEMENT**

There are several organisational risks to consider in relation to this request:

- If not properly maintained, the building, plant and equipment at MRAC has the potential to pose safety risks to both staff and patrons.

- Failure to address safety hazards and maintain equipment in a safe condition could result in legal liabilities and non-compliance with health and safety regulations.
- Incidents or accidents resulting from maintenance and safety issues have the potential to damage the reputation of MRAC and the organisation, leading to decreased public trust and patronage.
- Equipment failures and safety hazards may cause disruptions to the daily operations of MRAC, leading to service interruptions, inconvenience to patrons, and potential revenue loss for the organisation.
- Ad-hoc maintenance practices and lack of a structured asset management plan may lead to unexpected expenses, budget overruns, and inefficiencies in resource allocation, impacting the financial stability of the facility.

This proposal aims to mitigate the potential organisational risks outlined above by taking a proactive approach to anticipate and plan for potential issues in a systematic and organised manner. Instead of waiting for problems to arise, the goal is to identify and address potential safety hazards and maintenance needs before they become critical. This proactive strategy not only reduces the likelihood of safety incidents but also promotes long-term sustainability and operational effectiveness.

## **FINANCIAL IMPLICATIONS**

Due to the safety implications of asset management at MRAC, it is proposed that funds for this proposal be allocated from the Occupational Health and Safety Reserve (OHS). The purpose of this Reserve is to provide funding for any unbudgeted issues arising in the area of occupational health and safety. In making this investment, the Shire will not only address the current safety concerns but also establish a framework for ongoing maintenance and risk mitigation.

The current balance of the OHS Reserve is \$21,000. The proposed maximum expenditure of \$21,000 will result in the Reserve being fully expended. Whilst initial cost estimates have been obtained, formal quotes will be sought in accordance with the Shire's Purchasing Policy to achieve the best price value for money and only required funds will be drawn from the OHS Reserve.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Optimising asset lifespan through the implementation of good asset management practices reduces the need for frequent replacements, leading to resource and cost savings, while also decreasing unforeseen expenses and offering valuable guidance for budget preparations.

Social: Prioritising safety at MRAC ensures a safe environment for staff and patrons, promotes community health and well-being, and reflects the Shire's dedication to proactive management of safety risks.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

That Council approve:

1. A budget amendment to fund the undertaking of an asset audit and the development of an Asset Management Plan at the Manjimup Regional AquaCentre as outlined in the table below:

Description	Current Budget	Amended Budget	Variation
Transfer from Occupational Health and Safety Reserve	\$0	(\$21,000)	(\$21,000)
Manjimup Regional AquaCentre asset audit and Asset Management Plan development	\$0	\$21,000	\$21,000
Net Rate Funds			\$0

2. That the Occupational Health and Safety Reserve funds only be drawn to the extent of the actual expenditure, to a maximum of \$21,000.

### **COUNCIL RESOLUTION**

**MOVED: Cr De Campo    SECONDED: Cr Miolin**

**29529**

That Council approve:

1. A budget amendment to fund the undertaking of an asset audit and the development of an Asset Management Plan at the Manjimup Regional AquaCentre as outlined in the table below:

Description	Current Budget	Amended Budget	Variation
Transfer from Occupational Health and Safety Reserve	\$0	(\$21,000)	(\$21,000)
Manjimup Regional AquaCentre asset audit and Asset Management Plan development	\$0	\$21,000	\$21,000

<b>Net Rate Funds</b>			<b>\$0</b>
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2. That the Occupational Health and Safety Reserve funds only be drawn to the extent of the actual expenditure, to a maximum of \$21,000.

**CARRIED: 8/0**

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

**Against:** Nil.

## ATTACHMENT APPENDIX

### 9.14.1 Investigation into Drought Proofing Northcliffe Recreation Grounds

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Lot 66 George Gardner Drive, Northcliffe
<b>WARD</b>	Rural
<b>ZONE</b>	Parks and Recreation
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F161125
<b>LEGISLATION</b>	Local Government Act 1995
<b>AUTHOR</b>	Michael Leers
<b>DATE OF REPORT</b>	26 April 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

At it's Ordinary Meeting on 14 March 2024, Council resolved to instruct the Chief Executive Officer to investigate the means to assist with drought proofing the Northcliffe Recreation Grounds (NRG); primarily the oval and the bowling green and to also provide a cost estimate for Council's 2024/25 Annual Budget deliberations. The relevant resolution is as follows:

**MOVED: Eiby, W**

**SECONDED: Omodei, P**

**29456**

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

- 1. Investigate options and cost-benefits for improved drought (water) resilience at the Northcliffe Recreation Grounds.***
- 2. Present the investigated findings and recommendations to Council by no later than 30 June 2024, for consideration in the 2024/25 Shire budget process.***

**CARRIED: 7/0**

A copy of this report is appended.

### APPENDIX: 9.14.1 (A)

The Shire has considered and costed a number of practical and cost-effective methods that will help ensure green and playable surfaces for the oval and bowling green are maintained through the coming years. These costings will form part of the 2024/25 Capital Works Program, pending Council budget approval.

## **PUBLIC CONSULTATION UNDERTAKEN**

Engagement with the Northcliffe Recreation Association on the matter of recreation ground water security has been ongoing for a number of years.

## **COMMENT**

Attached are reports, summaries and data on the current Northcliffe Recreation Ground irrigation systems for the oval and bowling green along with the soil and turf conditions for both sites as well as a summary of the available dam water supply. These documents also provide recommendations on improving the irrigation delivery, improving the soil and turf conditions, as well as increasing the dam capacity.

### **ATTACHED: 9.14.1 (1)**

As commented in the report to Council 14 March 2024, both the irrigation systems for the oval and the bowling green are about 20 years old. A common issue with old, reticulated irrigation systems is their poor delivery of water in a uniform manner. Though the irrigation system at the bowling green was not installed (nor is it maintained) by the Shire, it is recommended that the testing and improvements to the oval and bowling green irrigation systems be carried out at the same time by the Shire. As both systems are supplied by the Shire pump and dam, improving these irrigation systems will provide for a more efficient irrigation system, using less water and to better effect.

Further to these improvements, actions can be taken on improving the Northcliffe Recreation Ground dam and by ensuring effective and efficient use of water, fertiliser and other components required to maintain healthy and functional turf. This latter work has been carried out by an independent turf specialist (consultant) who prepared a water and turf management strategy for the bowling green and oval.

Improving the dam's holding capacity has commenced by having the inbuilt 'baffle' removed. Further extensions to the dam can be carried out without the need for any licence however vegetation clearing permits from Department of Water and Environmental Regulation (DWER) may be required. Given the time usually required to obtain a vegetation clearing permit, this report has not included the costs for a vegetation clearing permit application and extensions to the dam. Instead, it is proposed that in the new financial year the Shire seek available grant funds to cover these expenses. The Shire believes the dam should be increased to a minimum 25 megalitres.

Total cost for the improvements to the oval and bowling green irrigation systems, minor amendments to the dam and engaging a turf specialist is expected to be in the order of \$20,000. It is recommended that Council approve the works described above, at a cost of up to \$20,000, subject to budget availability in the 2024/25 year.

In the interim, the Shire has liaised with the Northcliffe Recreation Association in regards to minor excavation work (removal of sand bar) to the existing dam, which has enabled a slightly larger dam capacity.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Under the Natural Environment theme, water sustainability and water security are a feature in the Shire's Strategic Community Plan 2021-2031:

- *A6. Manage natural waterways and lakes to encourage water flow and catchments for self-sustaining purposes;*
- *A7. Implement controls to protect air and water quality; and*
- *A21. Advocate for sustainable water supply and security for our communities.*

## **ORGANISATIONAL RISK MANAGEMENT**

There is negligible risk to the Shire by proceeding with any works, as all works will be carried out in compliance with Department of Water and Environmental Regulation (DWER) conditions. The risk of not carrying out the recommended works is likely to be that the NRG will have insufficient water supply for future summers.

## **FINANCIAL IMPLICATIONS**

Through deliberations for the 2024/25 Annual Budget, an additional \$20,000 abnormal expenditure will be identified in the Shire's 2024/25 Capital Budget, for Council consideration.

## **SUSTAINABILITY**

### Environmental

Compliance with DWER conditions will ensure any environmental impacts are within acceptable regulatory limits.

Economic

Nil.

Social

Ensuring sufficient water to supply the oval and the bowling green keeps those facilities operational and allows for social interaction during sporting events, training and other ad hoc use.

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

That Council:

1. Endorse improvements to the Northcliffe Recreation Grounds dam and irrigation systems, as well as provision of a Turf Management Strategy for the Northcliffe Oval and Northcliffe Bowling Green, by considering allocating \$20,000 in the 2024/25 Annual Budget.
2. Direct the Chief Executive Officer to seek and apply for any applicable grant funding that will assist with drought proofing the Northcliffe Recreation Grounds, such as the Community Water Supplies Partnership Program.

**COUNCIL RESOLUTION**

**MOVED: Cr Miolin                      SECONDED: Cr Eiby**

**29530**

That Council:

1. Endorse improvements to the Northcliffe Recreation Grounds dam and irrigation systems, as well as provision of a Turf Management Strategy for the Northcliffe Oval and Northcliffe Bowling Green, by considering allocating \$20,000 in the 2024/25 Annual Budget.
2. Direct the Chief Executive Officer to seek and apply for any applicable grant funding that will assist with drought proofing the Northcliffe Recreation Grounds, such as the Community Water Supplies Partnership Program.

**CARRIED: 8/0**

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

**Against:** Nil.



**ATTACHMENT****9.16.3 Unconfirmed Meeting Notes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee Meeting held 14 May 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Parks and Recreation
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F210096
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Shammara Markotis
<b>DATE OF REPORT</b>	15 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

The purpose of the Committee is:

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

The purpose of this report is to present the unconfirmed notes of the MRCR Advisory Committee meeting held on 14 May 2024, as attached, for Council consideration.

**ATTACHMENT: 9.16.3 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

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

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council receive the unconfirmed meeting notes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 14 May 2024 as per Attachment: 9.16.3(1).**

## **COUNCIL RESOLUTION**

**MOVED: Cr Ventris      SECONDED: Cr Omodei**

**29531**

**That Council receive the unconfirmed meeting notes of the Manjimup Rea Park and Collier Street Redevelopment Advisory Committee meeting held 14 May 2024 as per Attachment: 9.16.3(1).**

**CARRIED: 8/0**

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

**Against:** Nil.

**ATTACHMENT****9.16.4 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 14 May 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Reserve 26199 (Manjimup Heritage Park) Ward, Giblett and Edwards Streets, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F170453
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelsie Brown
<b>DATE OF REPORT</b>	27 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

1. To provide advice to Council on the orderly development, maintenance, and promotion of the Manjimup Heritage Park.
2. To facilitate the implementation of projects and initiatives as outlined in the Manjimup Heritage Park Management and Development Plan.
3. Undertake voluntary work at the Manjimup Heritage Park.
4. To support delegate opportunities to represent the Heritage Park, specifically the heritage precinct, on external bodies.
5. To assist, advise and participate in Manjimup Heritage Park Activation.
6. To engage and consult with the Aboriginal and Torres Strait Islander community in relation to activation and development of the Park.

The purpose of this agenda item is to receive the unconfirmed minutes and action items of the meeting held on the 14 May 2024 as attached.

**ATTACHMENT: 9.16.4 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

There are six recommendations arising from this meeting, with five requiring a decision of Council.

<b>Committee Recommendation</b>	<b>Officer Comment</b>
That Council support the partnership with Southern Forests Arts Inc. to proceed with the implementation of a yarning circle within the Manjimup Heritage Park.	Supported as project aligns with Strategy 4.4 <i>Improve and develop representation of local aboriginal heritage in the Park</i> from the Manjimup Heritage Park Management and Development Plan 2022-2027.
That Council note the Manjimup Heritage Park Advisory Committee supports Southern Forests Community Landcare to utilise the northern garden bed, located near the old café building, as a demonstration water wise garden.	Supported as per Committee recommendation.
That Council note the Manjimup Heritage Park Advisory Committee support for the revised management structure of the Manjimup Heritage Park, consisting of a Shire Community Development Officer, Manjimup Visitor Centre Manager, and part time Shire Curator.	Supported as per Committee recommendation.
That Council note the Manjimup Heritage Park Advisory Committee support the appointment of a part time Curator (2 days per week)	Supported as per Committee recommendation. As the proposed structure is a reconfiguration of management structure within existing operational budget this recommendation will be dealt with Administratively.
That Council support free entry to the Power Up Museum and State Timber Museum for local individuals upon proof of residence, as a 12-month trial period, excluding group bookings	Supported as per Committee recommendation as this initiative will encourage residents to bring visitors through the doors and increase local ownership of the facilities.

## STATUTORY ENVIRONMENT

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

The Terms of Reference, actions and activities of the Heritage Park Advisory Committee are consistent with the following strategies and directions identified in the Shire of Manjimup Strategic Community Plan 2021-2031:

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Granting free entry to residents in the Shire of Manjimup, with evidence of local postcode, to the Power Up Electricity and State Timber Museum aims to increase both paid and unpaid visitation to the museums.

It is intended that by increasing local ownership and familiarity of the museum's locals will be more inclined to bring visitors to the museums and increase participation through word-of-mouth advertising.

A twelve-month trial of the proposal will determine if, and to what extent, the proposal impacts entry income.

## **SUSTAINABILITY**

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

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

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

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 14 May 2024.**
- 2. That Council support the partnership with Southern Forests Arts Inc. to proceed with the implementation of a yarning circle within the Manjimup Heritage Park.**
- 3. That Council note the Manjimup Heritage Park Advisory Committee support Southern Forests Community Landcare to utilise the northern garden bed, located near the old café building, as a demonstration water wise garden.**
- 4. That Council note the Manjimup Heritage Park Advisory Committee support the revised management structure of the Manjimup Heritage Park, being one Shire Community Development Officer, Manjimup Visitor Centre, and a part time Curator.**
- 5. That Council support free entry to the Power Up Museum and State Timber Museum for local individuals upon proof of residence, as a 12-month trial period.**

**COUNCIL RESOLUTION****MOVED: Cr Miolin****SECONDED: Cr Ventris****29532****That Council:**

1. Receive and note the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 14 May 2024.
2. That Council support the partnership with Southern Forests Arts Inc. to proceed with the implementation of a yarning circle within the Manjimup Heritage Park.
3. That Council note the Manjimup Heritage Park Advisory Committee support Southern Forests Community Landcare to utilise the northern garden bed, located near the old café building, as a demonstration water wise garden.
4. That Council note the Manjimup Heritage Park Advisory Committee support the revised management structure of the Manjimup Heritage Park, being one Shire Community Development Officer, Manjimup Visitor Centre, and a part time Curator.
5. That Council support free entry to the Power Up Museum and State Timber Museum for local individuals upon proof of residence, as a 12-month trial period.

**CARRIED: 8/0**

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

**Against:** Nil.



**ATTACHMENT  
APPENDIX**

**9.16.6 Unconfirmed Minutes of the Reconciliation Action Plan  
Advisory Committee Meeting held 10 May 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	Whole of Shire
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F210319
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	30 May 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

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

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

The current Terms of Reference for the RAPAC are appended.

**APPENDIX: 9.16.6(A)**

The purpose of this agenda item is for Council to receive the unconfirmed minutes of the meeting held on 10 May 2024.

**ATTACHMENT: 9.16.6(1)****PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

There are three recommendations arising from this meeting that require a decision of Council.

<b>Committee Recommendation</b>	<b>Officer Recommendation</b>
That Council increase funds allocated annually to by \$5,000 increase events that celebrate Indigenous culture.	As per Committee Recommendation, Noting for consideration during the 24-25 budget deliberations. Additional funds would increase the available RAP budget to \$10,000 which could fund significant reconciliation activity within the Shire.
That Council to allocate funding of \$7,500 for the development of the Innovate RAP.	As per Committee Recommendation, noting for consideration during the 24-25 budget deliberations. Funds would enable the appointment of a consultant to review the current Reflect RAP and prepare a draft RAP for consultation.

**STATUTORY ENVIRONMENT**

*Aboriginal Heritage Act 1972 and Local Government Act 1995.  
Local Government Act 1995*

**POLICY AND STRATEGIC IMPLICATIONS**

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

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

The Shire of Manjimup Corporate Business Plan 2023-2027 includes an action being to “Implement the outcomes as identified in the Reconciliation Action Plan.”

## **ORGANISATIONAL RISK MANAGEMENT**

The Shire Reflect Reconciliation Action Plan (RAP) has fostered engagement with local Aboriginal and Torres Strait Islander people, and encourage participation in community consultations, cultural inclusion, and a better understanding of related issues.

## **FINANCIAL IMPLICATIONS**

Recommendations include a request for an additional once off amount of \$7,500 to facilitate a review and draft preparation of the RAP; and an additional annual consideration of \$5,000 for implementing the RAP and celebrating indigenous culture. Any financial implications are pending Council consideration as part of the 2024/25 budget deliberations.

## **SUSTAINABILITY**

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

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

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

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 10 May 2024 as per Attachment: 9.16.6(1).**

2. Give consideration during the 2024/2025 budget deliberations to Increase funds allocated annually by \$5,000 increase events that celebrate indigenous culture.
3. Give consideration during the 2024/2025 budget deliberations to allocate funding of \$7,500 for the development of the Innovate RAP.

#### **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Miolin**

**29533**

**That Council:**

1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 10 May 2024 as per Attachment: 9.16.6(1).
2. Give consideration during the 2024/2025 budget deliberations to Increase funds allocated annually by \$5,000 increase events that celebrate indigenous culture.
3. Give consideration during the 2024/2025 budget deliberations to allocate funding of \$7,500 for the development of the Innovate RAP.

**CARRIED: 8/0**

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

**Against:** Nil.

## **10. LATE REPORTS:**

Nil.

## **11. QUESTIONS FROM MEMBERS:**

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

#### **Cr Darin**

In relation to Shire of Manjimup Tenders and local business purchasing

1. Do we have a problem with local capture of Shire expenditure?
2. If yes, how can we address this?
3. If not, can we build on this in any way, to make it even better?
4. What are the implications of the above resourcing time etc?

#### **Response – Chief Executive Officer**

The questions taken on notice from Cr Darin require additional investigation and detailed analysis. Provided the Shire's finance team are currently focussed on 2024/25 budget preparation, I recommend a detailed response be provided by the 22 August 2024 Ordinary Meeting of Council.

### **11.2 Questions from members.**

#### **Cr Omodei**

##### **Question 1**

Have the Shire President and/or the Chief Executive Officer met with Baptistcare regarding the proposed aged care facilities at the old hospital site? If yes, what was the outcome of the meeting?

#### **Response: Chief Executive Officer**

The Chief Executive Officer has recently met with Baptistcare on this, and other, local matters. Following the meeting, Baptistcare has written to the Chief Executive Officer requesting extensions to current lease arrangements at the 'old hospital site' and Moonya Lodge. These matters will likely require a Council decision in the near future.

##### **Question 2**

Has the Shire purchased executive housing in Manjimup?

If yes, who conducted the purchase and what was the total price paid for the house? What are the sources of the funds?

Has a press release been distributed regarding the purchase?

If yes, will it be provided for Councillors information? Is there a written agreement with the Chief Executive Officer and if yes will the agreement be made available to Councillors?

**Response: Chief Executive Officer**

We will take the questions on notice.

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

**Councillor De Campo**

### **Notice of Motion 1**

That Council direct the Chief Executive Officer to commence a Shire-wide Strategic Asset Review by preparing a project planning report. This report, to be presented to Council no later September 2024, shall include the proposed project objectives, scope of works, timeframe, estimated costs, and methodology.

### **Notice of Motion 2**

That Council direct the Chief Executive Officer to develop a Rating Review and Rating Strategy, in time for the 2025/26 Budget, which includes consideration of matters such as, but not limited to, differential rating (e.g. plantations, pack houses), informal settlement rates etc.

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

Nil.

## 14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

### OFFICER RECOMMENDATION

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

**29534**

**That Council goes behind closed doors to consider:**

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

**CARRIED: 8/0**

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

**Against:** Nil.

People in the Gallery and Staff not required left the Chamber at 6.48pm.

### 14.1.1 Unconfirmed Minutes of the Community Funds Program Occasional Committee of Council Meeting held on 7 May 2024

<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>	F2400301
<b>LEGISLATION:</b>	<i>Local Government Act 1995</i>
<b>AUTHOR:</b>	Kelsie Brown
<b>DATE OF REPORT:</b>	29 April 2024
<b>DECLARATION OF INTEREST:</b>	As this item relates to community groups, Councillors on the Community Funds Program Occasional Committee of Council have declared any financial and impartiality interest. These have been noted in the attached meeting minutes.

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

**29535**

**That Council come from behind closed doors.**

**CARRIED: 7/0**

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

**Against:** Nil.

Councillor Eiby and Staff returned to the Chamber at 6.54pm.

14.2    Public reading of resolutions that may be made public.

## **RESOLUTION WAS READ OUT**

**That Council:**

- 1.    Receive the unconfirmed minutes of the Community Funds Program Occasional Committee of Council meeting held 7 May 2024 as per Attachment: 14.1.1(1).**
- 2.    Endorse the allocation of funds for the 2024/2025 Community Funds Program as per the Council Recommendations provided in Attachment: 14.1.1(2).**
- 3.    Request the Chief Executive Officer to undertake a review of Council Policy 3.1.3 Community Fund Allocation.**
- 4.    Disband the Community Funds Program Occasional Committee of Council and revert to assessing the Community Grant applications as part of the Shire's annual budget deliberation process.**



**15. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**16. CLOSURE**

**There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.57pm.**

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

**Donelle Buegge  
Shire President**