



MINUTES

ORDINARY COUNCIL MEETING

18 JANUARY 2024

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber,
Thursday, 18 January 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 5.31pm.

The Shire President made an acknowledgement to Country.

2. ANNOUNCEMENTS BY THE PRESIDENT:

The Shire President made the following announcements:

- Happy New Year, I am looking forward to a productive and positive New Year.
- Over the Christmas and New Year period I had the privilege of travelling our Shire through Northcliffe, Walpole, Pemberton and Windy Harbour, speaking to locals and seeing first hand some of their issues.
- The Northcliffe fire was an eye opening experience. Thank you to Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions and volunteers who selflessly gave their time to ensure our Shire's safety. Their professionalism and prompt response was an absolute game changer.
- I have had the opportunity to speak to numerous people and community groups through the festive period. From the state of our health system to lessees of our three river communities, to closure of the Gloucester Tree.
- I've had the privilege of congratulating the recipients of the Business Innovation Round of the Forestry Transition Funding with Minister Jarvis and our local member Jane Kelsbie.
- We held the Annual Electors Meeting on Tuesday this week and I thank the Deputy Shire President Councillor Miolin and Councillor Omodei for their attendance. The feedback was positive and I thank them for their questions.

3. ATTENDANCE:

Councillors:

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

Cr C Winfield

Executive

Mr Benjamin (Ben) Rose (Chief Executive Officer)
 Mr Greg Lockwood (Director Business)
 Ms Gail Ipsen Cutts (Director Community Services)
 Ms Jocelyn Baister (Acting Director Development and Regulation)
 Mr Michael Leers (Director Works and Services)
 Ms Gaye Burrridge (Corporate Administration Officer)

Gallery

Colin Crombie	Trevor Bendotti
Lucinda Giblett	Simon Watling
Sonia Porter	Colin Rose
Tawana Taylor	David Giblett
Robert Taylor	Mark Sewell

3.1 Apologies: Nil.

3.2 Approved Leave of Absence: Nil.

4. DECLARATIONS OF INTEREST:

The Chief Executive Officer advised that he received Financial declarations from Councillors Miolin, De Campo, Darin and Omodei and Impartiality Interests from Councillors Omodei and Buegge.

Councillor Buegge declared an Impartiality Interest in Item 9.9.1 as she is an Executive member of the Manjimup Chamber of Commerce and Industry.

Councillor Darin declared a Financial Interest in Item 9.9.2 as she is President of the Warren District Hospital Auxiliary and Item 9.3.3 as she is the sole owner of Jayde Darin Consulting.

Councillor De Campo declared a Financial Interest in Item 9.3.1 as he is a contractor to the Avocado Collective.

Councillor Miolin declared a Financial Interest in Item 9.3.1 as he has an indirect interest as a result of a closely associated person relation. The owner of Advance Packing, George Ipsen made a donation to Cr Miolin of \$500 to assist with the recent election.

Councillor Omodei declared an Impartiality Interest in Item 9.3.1 as Bendotti Avocados packs his sons' avocados and Item 9.9.1 as he is a member of the Manjimup Chamber of Commerce and a Financial Interest in Item 8.1 as he is the applicant.

5. PUBLIC QUESTION TIME:

5.1 Response to public questions taken on notice

5.1.1 Response to Ms Mary Nixon taken in Public Question Time.

Response to Questions taken in Public Question Time.

1. Why was there no notification by the Shire of a new mining tenement in/around Northcliffe?
2. Has the Shire written to the Minister over impost of the proposed \$859 objection fee for objections un the *Mining Act 1978*?
3. With regard to the hotel development at 80 Rose Street, Manjimup a request for:
 - a) A summary of costs to ratepayers including any waived lease monies, extensions of time to complete the development and a cost in staff hours that have been committed to the project;
 - b) The conditions of the lese over the site;
 - c) Whether sale of the property can take place before completion of the development.

Response to Question 1

A check of incoming correspondence received shows the Shire has not been formally advised of any mining exploration in the Northcliffe area. Once formal notification from the Department of Energy, Mines, Industry Regulation and Safety has been received, the application details will be placed on the Shire website.

Response to Question 2

It is noted that the Department of Energy, Mines, Industry Regulation and Safety undertook consultation on introduction of the \$859 fee (proposed from 1 July 2024), with the consultation concluding on 21 November 2023. At the 16 November 2023 Council Meeting, the Interim CEO undertook to present the issue to the South West Country Zone of the Western Australian Local Government Association, which is advocating through the State Government on the matter. This will be raise by the Shire as an issue at the next available Zone meeting.

Response to Question 3

Attached to the letter is a copy of Council Agenda Item 9.1.3 and attachments from the Ordinary Council Meeting of 14 November 2019. This agenda item contains detail of staff involvement, the lease conditions and conditions of sale in the event that the property were to be sold prior to completion of the development. Upon review of the item, it is noted you provided a submission on the proposed disposal of the site in which the author provided you a response contained on page 5-8 in the Schedule of Submissions of the report.

5.2 Public Question Time

5.2.1 **Colin Crombie.**

- Foreshore encroachment at Windy Harbour.
- A public meeting was held sometime back about the encroachment of dunes at Windy Harbour and attended by a number long standing property owners. We pointed out that

there really wasn't an erosion problem. The sand was going towards the ocean not the other way around.

- Judy Ditmar, a resident of Windy Harbour, who use to, before the dunes encroached on her cottage towards the ocean, check on her boat and others from her cottage. She can't do that now.
- Bigger boats weren't able to be launched from the beach when I was there last Sunday. Tinnies could be walked out.
- I have also spoken to my Councillor earlier on this issue and the comment that was made was that 'the Sea Rescue building was at risk'. Anybody who has seen that building would question that.
- Despite the public meeting, despite the comment from people who should know Council is still spending money on erosion.

Response: the comments are noted as observations, rather than a 'public question'.

5.2.2 Sonia Porter, regarding Item 9.5.5 Proposed Motel with Parking Variation at Lot 174-176 (13-17) Rose Street, Manjimup.

- I would like to know why there was not consultation by Shire staff regarding the suggestion put forward to make Robbies Lane one way?
- Consultation with the business community would have advised your staff that there are more than 100 vehicle movements per day not limited to freight deliveries, tradesmen, rubbish removal and staff accessing or long standing businesses that have been there for a long time.
- The laneway won't remain functional if it becomes one way. A truck delivering pallets of stock can block the laneway for 20 – 30 minutes.
- If you have traffic coming out of the motel there will be a major bottleneck.
- It will block people going to work, trades people and visitors and so on.
- The laneway access should be for the business community, rubbish, staff that should be the priority.
- I am not opposed to the Motel development. I don't have a problem with a motel on that site. But I think in its current format it is not going to work.
- I believe access should be from Rose Street into a one way car park, with a slip lane and exit out onto Ipsen Street or vice versa.
- The laneway needs to remain two way.

Acting Director Development and Regulation responded: I would like to defer comment, and ask the Director of Works and Service if there is a strategy, town wide, to make our laneways that aren't wide enough one way?

Director Works and Services responded: There is no strategy managing traffic flows on our laneways.

6. PRESENTATIONS:

6.1 Petitions: Nil.

6.2 Presentations: Nil.

6.3 Deputations

6.3.1 Colin Rose, regarding Item 9.5.6 Proposed Building Envelope Variation for a Dwelling - Single at Lot 144 Karri Street, Walpole.

- On the 15 December we received a development approval for Lot 144 (58) Karri Street, Walpole. My wife and I are the owners of Lot 143 (60) Karri Street, Walpole, next door to 144 (58) Karri Street.
- We replied by email on the 15 December and raised two concerns. The first being the closeness to our boundary of the proposed dwelling. The original setback was 6.5 and now he wants to bring it to 2.5. Secondly the site plan does not correspond to the works that have been done since the purchase of the block, the infill of the block.
- On the 18 December I spoke to a staff member from the Shire about the concerns and they said they would follow up and investigate.
- On 5 January I spoke to a senior staff member at the Shire and they informed me that Mr Heil, the owner of the block, had retrospective approval for the fill that had been put on the block and that has been raised 1.5 metres above the original level. We discussed the closeness of the proposed dwelling to our boundary fence of 2.5 metres. The staff member advised us that now all the vegetation has been removed, he is quite within his rights to move that dwelling to 2.5 metres as it is no longer a fire hazard.
- The staff member asked if I wanted to proceed with the objection as if it goes to Council it will probably be passed - I asked if it could be put to Council.
- On the 10 January I had another phone conversation with a staff member of the Shire in regards to the site plan submitted – who advised Council cannot act on what might be done in the future. She then advised me that we were only asked to comment on the dwelling being moved closer to the fence line and not the height of the fill.
- When we submitted our development application we had to submit the proposal with the current site plan by a licensed surveyor showing the latest levels of our block. The surveyor took levels along our boundary and you can clearly see the fill is spilling from Mr Heil's property to our property.
- How can we make an informed decision if we do not have a current up-to-date legal site survey. Mr Heil has put his application in with an old survey from when he purchased the block, it doesn't show his current levels.

- When I made enquiries about the vegetation to the building application I was told that we must revegetate with plants native to the area.
- When we re-establish the garden won't that then become a fire hazard to Mr Heil's property being so close to our fence line?
- His datum point is on the boundary of 144 and 145 I believe his datum point is wrong. I believe it should be on the road. All datum points for having the site taken is usually marked by a nail on the road because that's the only constant that will remain level. It is usually in the bitumen next to the kerb.
- I feel that this incorrect information that has been submitted to Council indicates Mr Heil is not being transparent in what his plans will be. I understand there Mr Heil is going to be an owner builder. With the information he has submitted I feel he will start his building without the proper consultation and approval and then ask for retrospective approval after he has started as he has done this previously.
- We feel that the fill that has been used is not completely clean and has a lot of rock in it and there is evidence of that along our boundary. I'm not sure if there is supposed to be clean fill all the way to the depth of 1.5 metres.
- For myself and Council to make an informed decision from a true and correct site plan from a licensed surveyor showing the current levels and the proposed dwelling overlaid on that site survey to show the true finished height of the dwelling is required so that we can make an informed decision on how the dwelling will affect being so close to our property.

Acting Director Development and Regulation: The site plan that has been submitted has not, I agree, accurately reflected the current levels of the property. During the Officer's assessment we did refer back to our previous approval for that fill. All I can say is that on the submission of a building permit Shire Officer's will double check that, that is correct as per on-site levels.

Question from Councillor Darin: What are you requesting of Council?

Mr Colin Rose: How can we, as landowner next to that dwelling, we aren't given the correct information about the fill and him wanting to bring the property closer, how can we make an informed decision. I would like a current and property licensed survey on record to show exactly what he is intending to do.

When I submitted my building application 16 months ago my builder told me I had to have a licensed surveyor do the site survey, they would not proceed without it. Everyone should have a current site survey to show to be able to make a well informed decision.

Acting Director Development and Regulation: I can only talk on behalf of planning requirements. Licensed surveyors aren't required to prepare site plans from a planning legislation point of view. I haven't heard that a licensed surveyor is required from a Building Act point of view either. I don't know how long Mr Colin Rose has owned the property, however, when Mr Heil applied retrospectively for his fill I would have assumed that application would be submitted to whoever the landowner was next door during that process.

Mr Colin Rose: We purchased the block in 2022. It is on us to investigate however, you take it for granted that he has done the right thing. When the surveyor came to do our survey you can clearly see the contour lines aren't what Mr Heil has presented and the contour line has overfilled onto our property and we are going to have to go through and clear that to get our boundary fence installed.

Question from Councillor Omodei: Would you be happy with us deferring this pending further information coming forward?

Mr Rose: Yes please.

6.4 Delegates' reports: Nil.

6.5 Conference reports: Nil.

7. **CONFIRMATION OF MINUTES:**

MOVED: Eiby, W

SECONDED: Willcox J

29401

That the Minutes of the Ordinary Meeting of the Council held on 7 December 2023 and the Minutes of the Special Meeting of the Council held on 21 December 2023 be confirmed.

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Councillor Omodei declared a Financial Interest in this Item as he is the applicant. Councillor Omodei did not speak or vote on the matter and left the Chamber at 6.00pm

8.1 Elected Member Motion

That Council approve the reimbursement of \$1,828.74 to Cr Omodei, being for out-of-pocket travel expenses during late July 2023 whilst in the role of Shire President.

Applicable Council Policy

Council Policy 1.1.2 - Councillor Meeting Fees and Reimbursement of Expenses. Clause 7 of this Council Policy provides for 'exceptional or unusual' circumstances for reimbursement to be considered by the Council, thus enabling Council the discretion to consider the request on its own merits.

Elected Member Comments

Please find following attached Claim Information for Travel taken from Exmouth and Return to attend the Council Budget Meeting held on the 27 July 2023.

I contend that it was right and proper to attend the meeting in person because of its' importance and as I have attended all the Budget Meetings starting from March to July this year and all preceding years whilst a member of Council.

Claim is for \$1404.42 Air Travel (as per attachment) and \$424.32 (544 km @ .78c per km Travel by car Perth Airport to Pemberton and return).

Claim therefore is for \$1828.74.

Rationale for Claim is as follows.

- Budget Meeting is the most important Council Meeting in the year.
- My wife Ros who had been travelling to Exmouth every year for the last 5 years in her brothers' motorhome became seriously ill with a grade three tumour, so I purchased a Caravan and drove to Exmouth with her given her recent health issues. (Note Caravan sites were booked 12 months in advance).
- I consider my role as President so important that I have never taken 'Leave of Absence' at any time and attended all Budget Meetings during my time as President/Councillor.
- I believe that all Extraordinary Meetings (E.G. Budget and CEO recruitment should be chaired by the President in person).
- Having made the commitment to travel to Exmouth it was open to me to Claim for Travel on compassionate grounds.

- I believe that this Claim is justifiable given the dozens/hundreds of times that I have not made claims for travel over previous years.
- The observation that this could create a precedent is extremely remote.

Conclusion

Whilst the Council considered a very similar request from me (Cr Omodei) at its 16 November 2023 Ordinary Meeting, my ability to provide a personal explanation of the situation was hampered by my requirement to depart the Council Chamber during debate on the item due to my financial interest in the matter. I trust the above information provides a more detailed overview of the rationale for my request, as I will have to depart the Chamber again when the matter is next debated.

COUNCIL RESOLUTION:

MOVED: Ventris, M

SECONDED: De Campo, W

29402

That Council approve the reimbursement of \$1,828.74 to Cr Omodei, being for out-of-pocket travel expenses during late July 2023 whilst in the role of Shire President.

MOTION LOST 3/5

FOR

Cr W De Campo
Cr S Miolin
Cr M Ventris

AGAINST

Cr D Buegge
Cr J Darin
Cr W Eiby
Cr J Willcox
Cr C Winfield

Councillor Omodei returned to the Chamber at 6.16pm

9. COUNCIL OFFICER REPORTS:

MOVED: Eiby, W

SECONDED: Winfield, C

29403

That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 108 of the Agenda with the exception of:

9.3.1	Request to Change Basis of Rating for Portion of Lot 101 (243) Golf Links Road, Eastbrook & Lot 107 (40) Ralston Road, Ringbark from Unimproved Value to Gross Rental Value
9.3.3	Council Financial Payments for November 2023
9.3.4	Monthly Statement of Financial Activity - November 2023

9.5.1	Proposed Commencement of Legal Action for Unauthorised Development at Lot 100 Etherington Road, Beedelup
9.5.5	Proposed Motel with Parking Variation at Lot 174-176 (13-17) Rose Street, Manjimup
9.5.6	Proposed Building Envelope Variation for a Dwelling- Single at Lot 144 Karri Street, Walpole
9.9.1	Consideration of Fee Waiver for Christmas Tree Lighting Event 2023
9.9.2	Request for 'Out-of-Round' Shire of Manjimup Community Grant Request: Warren District Hospital Auxiliary
9.15.1	Unconfirmed Minutes of the Airfield Management Committee Meeting Held 13 December 2023
9.15.3	Northcliffe Town Hall Management Committee Minutes held 29 November 2023
9.16.3	Unconfirmed Minutes of the Pemberton Town Activation Advisory Committee Meeting Held 5 December 2023

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Items passed by En Bloc Resolution

- 9.1.1 Exercise of Delegated Authority During the Period 8 December 2023 to 2 January 2024
- 9.3.2 Request to Change Basis of Rating for Lots 41-47 on D/P 422873, Perup Rd Manjimup, New Subdivision, from Unimproved Value to Gross Rental Value.
- 9.5.2 Proposed Overheight Outbuilding at Lot 27, 18 Moyes Street, Manjimup
- 9.5.3 Proposed Rural Workers Accommodation at Lot 4 (315) Yanmah Road, Dixvale
- 9.5.4 Retrospective Approval for a Second Dwelling at Lot 106 (45) Dawsons Road, Balbarrup
- 9.5.7 Proposed Time Extension for Planning Approvals at Lot 1 (21) Middlesex Road, Middlesex (Stellar Violets)
- 9.5.8 Delegated Planning Decisions November and December 2023
- 9.5.9 Proposed Planning Reform for Single House Approvals
- 9.7.1 Application to Keep More Than Two Dogs at 44 Windy Harbour Road, Northcliffe
- 9.12.1 Proposal to Support the Study of the Feasibility of Utilising Organic Waste and Residues at Diamond Mill
- 9.15.2 Unconfirmed Minutes of the Audit Committee Meeting Held 7 December 2023
- 9.16.1 Unconfirmed Meeting Notes of the Access and Inclusion Advisory Committee Meeting held on 30 November 2023

- 9.16.2 Informal Notes of the Local Emergency Management Committee Meeting held 13 December 2023
- 9.12.2 Proposed Adoption of the Draft 2023 Manjimup Recycling and Refuse Centre Site Study Report

9.1.1 Exercise of Delegated Authority During the Period 8 December 2023 to 2 January 2024

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of CEO
FILE REFERENCE:	F161497
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Jason Giadresco
DATE OF REPORT:	9 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On 7 December 2023, Council resolved:

29387

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

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

CARRIED: 8/0

The purpose of this report is to address Point 5 of Council's resolution given above.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The delegated authority granted by Council to the Chief Executive Officer over the 8 December 2023 to 2 January 2024 was not exercised during this period.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Section 5.42.

POLICY / STRATEGIC IMPLICATIONS:

In accordance with past standard practice, Council resolved to provide delegated authority to the Chief Executive Officer during the break between Council meetings that occurs at the turn of each year.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note that delegated authority as granted by Council (Resolution 29387) from 8 December 2023 to 2 January 2024 to the Chief Executive Officer was not exercised during this period.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29404

That Council note that delegated authority as granted by Council (Resolution 29387) from 8 December 2023 to 2 January 2024 to the Chief Executive Officer was not exercised during this period.

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.3.2 Request to Change Basis of Rating for Lots 41-47 on D/P 422873, Perup Rd Manjimup, New Subdivision, from Unimproved Value to Gross Rental Value.**

PROPONENT	Shire of Manjimup
OWNER	Mr Alexander Vellios
LOCATION / ADDRESS:	Lots 41-47 on D/P 422873 (84-102) Perup Rd, Manjimup
WARD:	Urban
ZONE:	Residential
DIRECTORATE:	Business
FILE REFERENCE:	F160731
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Lisa Stevens
DATE OF REPORT:	13 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Velvet Ridge is a newly created subdivision formally known as Lot 200 (102) Perup Road, Manjimup. Stage 1 of the subdivision plan has seen the creation of 7 lots, 5 lots (Lots 41 to 45) ready for sale ranging in size from 2,045m² to 4,404m², with 1 of the remaining lots being Lot 47 being set aside for future development and Lot 46 being held as the proponent's primary residence.

Landgate valuation services have provided valuations for the newly created lots as Urban Unimproved Values (UUV). The purpose of this agenda is to seek Council's support in changing the basis of rating from UUV to Gross Rental Value (GRV).

ATTACHMENT: 9.3.2 (1)**ATTACHMENT: 9.3.2 (2)****PUBLIC CONSULTATION UNDERTAKEN:**

Nil

COMMENT (Includes Options):

Landgate valuation services have provided new UUV as at 1 November 2023, and interim rates have been raised and issued. Details of UUVs are attached. UUV have been provided as the parent Lot 200 had been previously rated on UUV, as it was rural land within townsite. As the new lots created are of smaller size and the predominant use is not likely to be rural, but rather residential as per the zoning, GRV valuations is the most appropriate basis of rates.

It is proposed to change the basis of rating from UUV to GRV for these newly created properties. This will bring the rating in line with similar subdivisions in the Shire, e.g. Greenland Estate, Pemberton and Golf Links Road, Manjimup.

Currently the properties are rated on the UUV and the rate in the dollar for the calculation of rates is the same as rural properties with a Rural Unimproved Value (RUV). The UUV is assessed differently to RUV by the Valuer General. Quoting from the “Valuer General’s Guide to Rating and Taxing Values”

“For land situated within a townsite to UV is the **site value** of the land. In general, this means the value of the land as if it were vacant with no improvements. Merged improvements relate to improvements such as clearing, drainage and filling.”

Hence the rates for the properties are considerably higher than for rural properties outside the town boundary.

The owner has been informed of the proposed changes, and advised of the likely impact of the change in valuation method will have on their property. As this review of predominant use has been identified by this new subdivision, a Land Declaration form is not required.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* states that:

- In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

POLICY / STRATEGIC IMPLICATIONS:

Council’s current Rating Policy 4.1.9 states:

- Rates will be based on the predominate “use” of a property.
 - Where the predominant use is rural, the basis of rating will be Unimproved Value (UV).
 - Where the predominant use is non rural, the basis of rating will be Gross Rental Value (GRV).

FINANCIAL IMPLICATIONS:

The new subdivision has created 7 new lots of which 5 (Lot 41-45) will be on minimum rating until residential development occurs. Lot 46 being the lot with the existing residential home and the remaining Lot 47 will see a slight reduction in rates due to their reduced area. The net gain for Council when rates are struck in 2024/25 will be approximately \$4,500.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per financial implications.

Social: Changing the basis of rating for this new subdivision, brings the rating in line with other similar properties in the Shire.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Approve the change of the basis of rating for Lots 41, 42, 43, 44, 45, 46 & 47 Perup Road, Manjimup on Deposited Plan 422873 from Unimproved Value to Gross Rental Value; and**
- 2. Seek approval from the Minister of Local Government to make the changes and for them to take effect from the date of approval.**

COUNCIL RESOLUTION:

MOVED: Eiby, W SECONDED: Winfield, C

29405

That Council:

- 1. Approve the change of the basis of rating for Lots 41, 42, 43, 44, 45, 46 & 47 Perup Road, Manjimup on Deposited Plan 422873 from Unimproved Value to Gross Rental Value; and**
- 2. Seek approval from the Minister of Local Government to make the changes and for them to take effect from the date of approval.**

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.5.2 Proposed Overheight Outbuilding at Lot 27, 18 Moyes Street, Manjimup**

PROPONENT	Mr C M Donoghue
OWNER	Mr C M Donoghue and Ms J Hunter
LOCATION / ADDRESS:	Lot 24, 18 Moyes Street Manjimup
WARD:	Urban
ZONE:	Residential
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/159 P53197 TP149/2023
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown
DATE OF REPORT:	7 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A planning application has been received for an overheight Outbuilding at Lot 24, 18 Moyes Street, Manjimup. The property located within the Manjimup town site. A location plan is below.

LOCATION PLAN

The subject property is 1,012m² in size and currently consists of a dwelling and an Outbuilding. The proposed Outbuilding is 54m² in size and is to be setback 1.5m off the rear boundary and 1m from the southern side boundary. The height of the walls are proposed to be 3.6m, with a ridge height of 4.4m. A copy of the application is attached.

ATTACHMENT: 9.5.2 (1)

The proposed wall height is greater than the variation limits of the deemed to comply requirements for residential Outbuildings as outlined in Local Planning

Policy 6.1.3 Outbuildings (the Policy) and therefore the application is presented to Council for determination.

PUBLIC CONSULTATION UNDERTAKEN:

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

COMMENT (Includes Options):

The property is zoned Residential with a density of R20 by the Scheme. The proposed development is required to comply with the requirements relating to R20 under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (the R-Codes) and the Shire's local planning policy for Outbuildings.

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

The proposed Outbuilding is to be setback 1.5m from the rear boundary and 1m from the southern boundary. Table 2a – Boundary Setback – Walls with no major openings, requires a setback distance of 1.1m, for a wall that is 9m long and 3.6m high. This variation was advertised to the adjoining landowner, who raised no concern to the proposed setback reduction to the side boundary.

Outbuilding Policy Assessment

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

The Policy outlines that an Outbuilding should not exceed 3m in wall height and 4.2m in ridge height, with an availability of a 10% variation subject to no

objections. In this instance the Outbuilding exceeds this variation by 300mm in wall height. The proposed Outbuilding was advertised to the adjoining landowners, and no comment was received raising concern to the proposed variation.

Impact on Amenity

In this instance the increased height of the wall of the Outbuilding is 300mm above the height requirements of the Policy, however the overall height of the Outbuilding complies with the Policy. The Outbuilding is to house a caravan requiring a higher wall height. The larger sized lots within that area of Manjimup generally allow for a greater distance between built developments. In this instance, the height of the proposed Outbuilding will have a minimal impact on the adjacent neighbouring properties.

Rear Lane Access

It should be noted that the lane at the rear of the property has been informally used for rear access however, is privately owned. Shire records indicate that this land has been historically used as a service laneway, however its ownership has never been transferred to the Shire. The status of this land, and other service laneways, is currently with Landgate awaiting processing to change the vesting from privately owned.

Conclusion

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

POLICY / STRATEGIC IMPLICATIONS:

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

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: No vegetation was required to be removed for the construction of the outbuildings.

Economic: Nil.

Social: Nil.

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

That Council in accordance with Part 10 of Local Planning Scheme No.4 grant planning approval for an Overheight Outbuilding at Lot 24 (18) Moyes Street, Manjimup, application (TP149/2023), in accordance with the plans and specifications at attachment 9.5.2(1), subject to the following conditions:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup:

Reference	Document Title	Date Received
1.	Site Plan	20 October 2023
2.	Elevation Plan	20 October 2023

2. The approved shed/outbuilding is not to be used for Human Habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained.
3. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b) The land behind the subject property is privately owned, Landgate is currently in the process of vesting this land to the State as public access way.

COUNCIL RESOLUTION:**MOVED: Eiby, W****SECONDED: Winfield, C****29406**

That Council in accordance with Part 10 of Local Planning Scheme No.4 grant planning approval for an Overheight Outbuilding at Lot 24 (18) Moyes Street, Manjimup, application (TP149/2023), in accordance with the plans and specifications at attachment 9.5.2(1), subject to the following conditions:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup:

Reference	Document Title	Date Received
1.	Site Plan	20 October 2024
2.	Elevation Plan	20 October 2024

2. The approved shed/outbuilding is not to be used for Human Habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained.
3. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- a) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b) The land behind the subject property is privately owned, Landgate is currently in the process of vesting this land to the State as public access way.

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT

9.5.3 Proposed Rural Workers Accommodation at Lot 4 (315) Yanmah Road, Dixvale

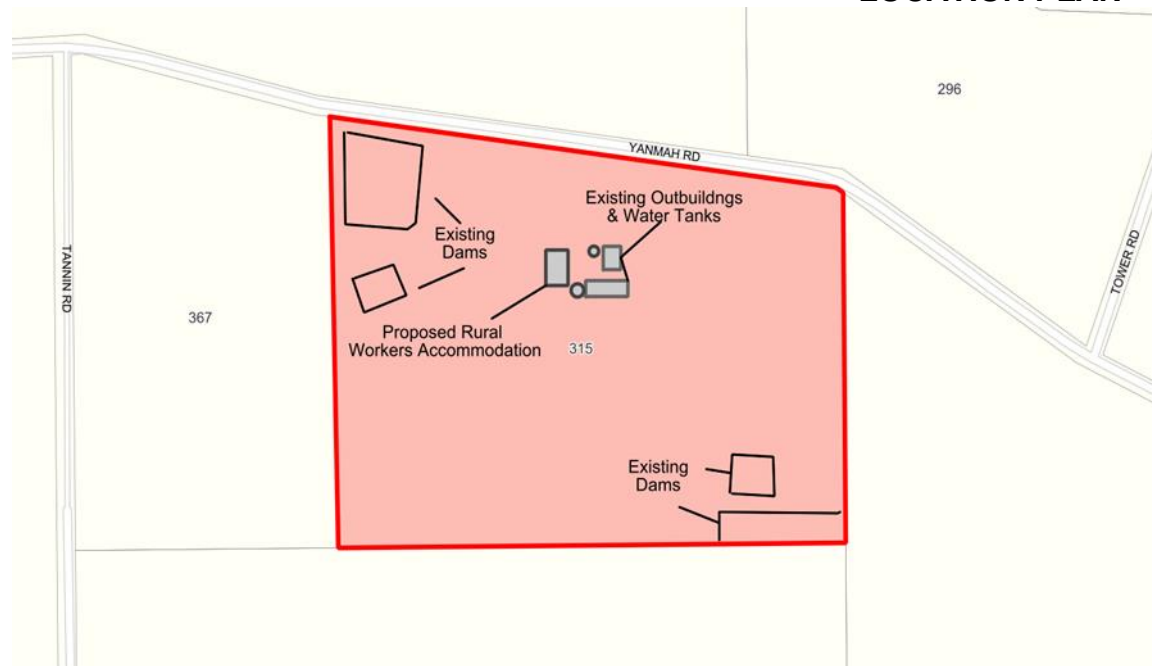
PROPONENT	Ascot Group WA
OWNER	Manjimup KW Pty Ltd
LOCATION / ADDRESS:	Lot 4 (315) Yanmah Road, Dixvale
WARD:	Rural
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/162; P52147
LEGISLATION:	<i>Planning & Development Act 2005</i>
AUTHOR:	Kaylene Roberts
DATE OF REPORT:	18 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is for Council to consider an application for proposed 'Rural Workers Accommodation' at Lot 4 (315) Yanmah Road, Dixvale. The subject site has an area of 22.65 hectares and currently contains 3 machinery/farm sheds, two pump sheds and 4 dams – 2 at the front and 2 at the rear of the property. The property has had previous planning approval for netting structures and a new outbuilding.

A location plan is provided below.

LOCATION PLAN



Approval is sought for five modular buildings comprising of four accommodation units and a laundry/kitchen unit. The proposal includes a total of 16 bedrooms with ensuite bathrooms. 18 Car parking spaces are shown as part of the development. If approved the accommodation and communal

facilities will be located adjacent to the existing outbuildings and water tanks and is proposed to be setback 84 metres to Yanmah Road, 238 metres to the western boundary, 320 metres to the eastern boundary and 285 metres to the southern boundary.

The site manager lives on the adjacent property and will be available to manage and support the workers on site. Details of the application are provided attached.

ATTACHMENT: 9.5.3 (1)

Council is requested to consider the application as Shire staff do not have delegated authority to consider this type of application.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) for a 21 day period to the adjoining landowner, a sign was placed on site and a notice in the local newspaper. No objections were received during the comment period.

COMMENT (Includes Options):

The provisions of the Scheme include the subject site and surrounding properties within the Priority Agriculture Zone.

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (ii) *the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submission be sought;*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xv) *the preservation of the amenity of the locality.*

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

Zone Purpose and Objectives

As detailed in Clause 4.4 of the Scheme, the purpose of the Priority Agriculture Zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production, including market gardens, orchards and vineyard enterprises.

Consistent with this purpose, the objectives of the zone include a requirement to *“avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals”*.

As the occupants of the accommodation will be workers employed in the horticultural industry, the proposed use is considered to be consistent with the purpose and objectives of the zone.

Land Use Classification

The Scheme defines “Rural Workers’ Accommodation” as a *“building located on a rural landholding which is used for short stay, sleeping quarters for seasonal, temporary or migratory workers on that landholding and is to be incidental to the agricultural land use of that land;”*

Amendment 29, to Local Planning Scheme No. 4, to revise the definition and provisions of Rural Workers Accommodation has been initiated and is considered a “seriously entertained document”, which is in the final stages of approval following referral to the Minister for Planning. The new definition is stated below;

“building or building(s) located on a rural landholding, which is used for accommodating seasonal, temporary or migratory workers employed for agricultural/horticultural activities in the district and is to be incidental to the agricultural use of that land.”

The application as submitted is considered to be consistent with this amended definition.

Land Use Permissibility

‘Rural Workers’ Accommodation is an ‘A’ land use within the zone. An ‘A’ land use being a use, which is not permitted unless the local government has exercised its discretion by granting approval after giving special notice in accordance with Clause 9.6. As detailed in the public consultation section above, advertising of the application has been completed.

Clause 5.34.2.7 of the Scheme relating to Rural Workers Accommodation has been proposed to be amended by Council on 8 December 2022 to remove the words “short-stay purposes” with the new wording reading as:

“where, on a property which has been developed for intensive agricultural purposes, it can be demonstrated to the satisfaction of the local government that a demand exists for the provision of rural workers’ accommodation for transitory or seasonal works on the holding, the local government may approve proposals for such accommodation on the basis that it will be used to accommodate workers employed for agriculture/horticulture activities in the district”.

Amenity

Given the setback distance to the property boundaries and adjacent dwellings on the other landholdings it is considered that there will be no impacts on amenity. To ensure compliance a condition has been included in the Officer recommendation.

Water Supply

In accordance with clause 5.21 of the Scheme, there is a need to ensure a suitable source of potable water is available to service the development. As a

guide, clause 5.24 of the Scheme states that dwellings without reticulated water supply should be connected to a rainwater tank with a minimum capacity of 120,000 litres. Where in addition, water is required for firefighting purposes, this capacity should be increased to 135,000 litres.

Although the accommodation does not meet the definition of a dwelling in terms of permanency, the occupiers will be residing on the property and will require access to water. It is recommended that the applicants be required to an adequate potable water supply based on 159 litres of water per day per person, with other suitable arrangements (i.e. access to dam water) to also ensure a suitable water source for firefighting.

A condition reflecting this requirement has been included in the Officer Recommendation.

Health and Building Requirements

The proposed development will need to meet the requirements of the *Health (Miscellaneous Provisions) Act 2016* and the *Building Act 2011* to be considered compliant. An appropriate effluent disposal system is required to be installed on site for the proposed development. These aspects will be dealt with through the building permit and the Environmental Health approvals stages.

An advice note in regard to these aspects should be included on any approval granted by Council.

Bushfire Prone Area

The property is located within a 'bushfire prone' area designated by the Commissioner for Fire and Emergency Services. The landowner as part of a previous application for development has undertaken a Bushfire Attack Level (BAL) assessment for the subject property by an accredited Assessor where the BAL rating for the property was BAL-LOW. No additional management of the property above that required in the Annual Fire Hazard Reduction Notice is required in this regard.

Management and Evacuation

As the site manager is located on the adjacent property, they will be available to manage and support workers on site. To ensure this occurs, the submitted management plan is to be implemented to clearly demonstrate how the site manager intends to deal with and control the resident workers in the day-to-day manner and in the event of an emergency situation. It is recommended that a separate emergency management plan is developed which includes an evacuation process. Conditions reflecting this requirement have been included in the Officer Recommendation.

ATTACHMENT: 9.5.3(2)

ATTACHMENT: 9.5.3(3)

Stormwater Management

Given the setback distances to property boundaries and the proximity of the development to the adjacent dam it is considered that stormwater can be managed and be retained on the subject site. A condition reflecting the

requirement to retain stormwater on the site has been included in the Officer Recommendation.

Conclusion

The application for approval for 'Rural Workers Accommodation' is considered to meet the purpose and objectives of the Scheme provisions. No objections were received during the consultation period. The application is recommended for approval subject to standard conditions and advice.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

The proposal is consistent with the following Community Goals and Strategies as contained within the Shire of Manjimup Strategic Community Plan 2021-2031 as adopted by Council:

Community Goals

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

Strategies

- B5 *Collaborate with other stakeholders to develop a transient and seasonal worker strategy to balance their safety, accommodation and employment needs with the needs aspirations of the residential community.*

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The appropriate application fee has been paid by the proponent.

SUSTAINABILITY:

Environmental: Nil.

Economic: The application if approved, will allow the agricultural activity on the subject property to be carried out in a more efficient manner.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 of Local Planning Scheme No. 4 grants planning approval for 'Rural Workers Accommodation' at Lot 4 (315) Yanmah Road, Dixvale (Application TP154/2023) as shown at Attachment 9.5.3 (1) and subject to the following conditions and advice:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications, as amended, and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

Reference	Document Title	Date Received
1.	Overall Site Plan	3 November 2023
2.	Site Plan	3 November 2023
3.	4-Room Unit Floor Plan	3 November 2023
4.	4-Room Block Elevations	3 November 2023
5.	Kitchen & Laundry Elevations	3 November 2023
6.	Management Plan	15 November 2023
7.	Emergency Plan	15 November 2023

2. Unless otherwise approved by the Shire of Manjimup, this approval is limited to the accommodation of a maximum of 32 persons at any one time, each being a seasonal rural worker employed in rural activities as required by the provisions of Local Planning Scheme No. 4;
3. The car parking spaces, access ways and vehicle manoeuvring areas shown on the approved plan shall be laid out and constructed at the time of the development and prior to the occupation of the land and/or buildings for their approved purpose and those areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Shire of Manjimup;
4. An Emergency Management Plan is to be submitted to the Shire and approved, prior to the occupation of the building. The plan as approved shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
5. The approved use shall be so conducted as not to adversely affect the amenity of the locality by reason of noise, dust, ash, soot or grit, by disturbance, or by the emission of waste water, smoke or other pollutants to the satisfaction of the Shire of Manjimup;
6. An adequate potable water supply based on 159 litres of water per day per person shall be supplied for the consumption by the Rural Workers Accommodation and connected to the development prior to occupation of the building, additional water supply shall be provided for fire-fighting purposes and to the satisfaction of the Shire of Manjimup;
7. All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- a) The proponent is advised that this development approval is NOT a building permit A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;

- b) The domestic storage referred to in point (6) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes;
- c) Prior to the commencement of development, a waste management plan is to be submitted for the approval of the Shire's Principal Environmental Health Officer. The plan will detail how and where waste produced during the operation will be stored, handled and removed;
- d) The approved development must comply with all relevant provisions of the *Health(Miscellaneous Provisions) Act 2016* and the *Building Act 2011*. Further information can be obtained from the Shire's Environmental Health and Building Teams;
- e) The development the subject of this development approval is required to comply with Shire of Manjimup's Health Local Laws 2020; and
- f) An application for a Lodging House shall be made to the Shire of Manjimup's Principal Environmental Officer for assessment and approval prior to commencing the use.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29407

That Council in accordance with Part 10 of Local Planning Scheme No. 4 grants planning approval for 'Rural Workers Accommodation' at Lot 4 (315) Yanmah Road, Dixvale (Application TP154/2023) as shown at Attachment 9.5.3 (1) and subject to the following conditions and advice:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications, as amended, and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

Reference	Document Title	Date Received
1.	Overall Site Plan	3 November 2023
2.	Site Plan	3 November 2023
3.	4-Room Unit Floor Plan	3 November 2023
4.	4-Room Block Elevations	3 November 2023
5.	Kitchen & Laundry Elevations	3 November 2023
6.	Management Plan	15 November 2023
7.	Emergency Plan	15 November 2023

2. Unless otherwise approved by the Shire of Manjimup, this approval is limited to the accommodation of a maximum of 32 persons at any one time, each being a seasonal rural worker employed in rural activities as required by the provisions of Local Planning Scheme No. 4;
3. The car parking spaces, access ways and vehicle manoeuvring areas shown on the approved plan shall be laid out and

constructed at the time of the development and prior to the occupation of the land and/or buildings for their approved purpose and those areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Shire of Manjimup;

4. An Emergency Management Plan is to be submitted to the Shire and approved, prior to the occupation of the building. The plan as approved shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup;
5. The approved use shall be so conducted as not to adversely affect the amenity of the locality by reason of noise, dust, ash, soot or grit, by disturbance, or by the emission of waste water, smoke or other pollutants to the satisfaction of the Shire of Manjimup;
6. An adequate potable water supply based on 159 litres of water per day per person shall be supplied for the consumption by the Rural Workers Accommodation and connected to the development prior to occupation of the building, additional water supply shall be provided for fire-fighting purposes and to the satisfaction of the Shire of Manjimup;
7. All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

- a) The proponent is advised that this development approval is NOT a building permit A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b) The domestic storage referred to in point (6) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes;
- c) Prior to the commencement of development, a waste management plan is to be submitted for the approval of the Shire's Principal Environmental Health Officer. The plan will detail how and where waste produced during the operation will be stored, handled and removed;
- d) The approved development must comply with all relevant provisions of the *Health(Miscellaneous Provisions) Act 2016* and the *Building Act 2011*. Further information can be obtained from the Shire's Environmental Health and Building Teams;
- e) The development the subject of this development approval is required to comply with Shire of Manjimup's Health Local Laws 2020; and
- f) An application for a Lodging House shall be made to the Shire of Manjimup's Principal Environmental Officer for assessment and approval prior to commencing the use.

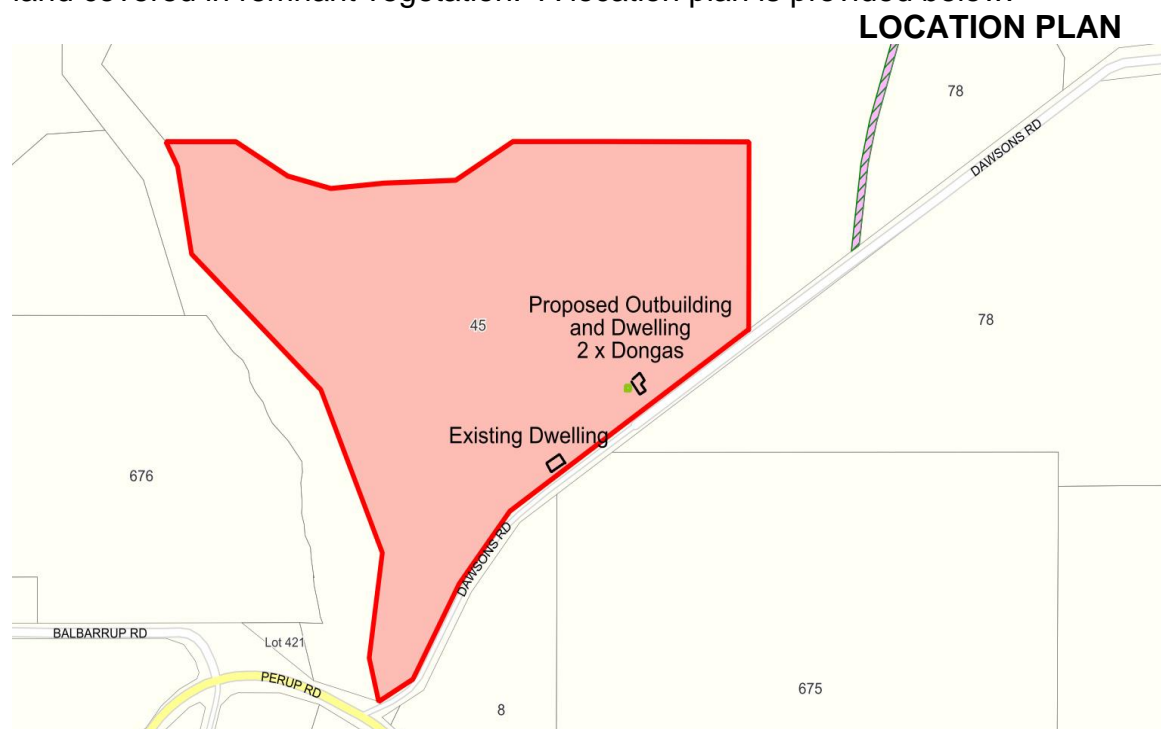
ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.5.4 Retrospective Approval for a Second Dwelling at Lot 106 (45) Dawsons Road, Balbarrup**

PROPONENT	Mr WD Edwards
OWNER	Estate of Mr DA Edwards
LOCATION / ADDRESS:	Lot 106 (45) Dawsons Road, Balbarrup
WARD:	Rural
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/165; P58178
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Kaylene Roberts; Jocelyn Baister
DATE OF REPORT:	21 December 2023
DECLARATION OF INTEREST:	The Shire's Director of Business Services is a neighbouring landowner, was consulted during the advertising period however did not make comment and was not involved in the preparation or assessment of this agenda item.

BACKGROUND:

Council is requested to determine a development application for a second dwelling at Lot 106 (45) Dawsons Road, Balbarrup. The subject land has an area of 30.0 hectares and contains a primary dwelling, numerous outbuildings, two water tanks, two dongas, a tennis court, a dam and approximately half the land covered in remnant vegetation. A location plan is provided below.



The applicant has converted part of an outbuilding into a dwelling with the addition of a patio to the northern end and a carport to the southern end. The partial conversion of the outbuilding includes a kitchen/dining and a store/pantry on the lower level while there is an office, bedroom and a laundry/bathroom on the upper floor. The remaining half of the outbuilding is being used for storage. The two dongas are two bed units and are either vacant or used for additional sleeping quarters. The occupiers are related to the landowners.

The Outbuilding is situated 17.5m from the front boundary. Site and development plans are attached.

ATTACHMENT: 9.5.4(1)

Council is requested to consider the application as Shire Staff do not have the delegation to approve applications that are retrospective in nature.

PUBLIC CONSULTATION UNDERTAKEN:

The application was advertised for a 21 day period to the adjoining landowners. No comments were received during the submission period.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) include the land within the Priority Agriculture Zone. The purpose and objectives of the zone is to provide for the sustainable use of high quality land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production securing suitable land and water resources.

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

Matters to be Considered

In determining an application for Development 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 the Commission;*
- (vi) *the local governments adopted Local Planning Strategy and any Local Policy adopted by the local government under Clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulks, scale, orientation and appearance of the proposal; and*
- (xxvi) *Any relevant submissions received on the application.*

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

Unauthorised Existing Development

Clause 8.6 of the Scheme allows the local government to grant planning approval for a use or development already commenced or carried out regardless of the date, if the development conforms to the provisions of the Scheme. As stated the proponent has already undertaken the unauthorised works and is now formalising the works by way of a development application.

Zoning Requirements

Clause 5.34.2.4 of the Scheme outlines the development provisions in the Priority Agricultural Zone. The prescribed front setback is 30m and the proposed dwelling within the Outbuilding is situated at 17.5m and therefore a variation to the provisions is required. With the exception of the front setback and the fact that prior approval was not sought or granted, the unapproved Dwelling is compliant with these provisions.

Second / Caretaker Dwellings

The Scheme states that the local government may grant approval for up to two dwellings including any approved Caretaker's Dwelling in the total, on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

Whilst limited information has been provided as part of the application regarding land use and the occupants, and the lot is under the prescribed minimum size for a second dwelling, variations can be sought through the planning approval process. Majority of the subject land consists of remnant vegetation with the remainder used for cattle grazing, the variation is supported due to the separation distance and vegetation buffer to adjacent agricultural activities. A condition however is recommended to ensure that the occupiers of the dwelling are familiar with the impacts associated with the nearby agricultural activity.

Retrospective Nature of Work

As reflected above, the application before Council is retrospective in nature, with the applicant having already completed some of the required works to convert a portion of the shed to a Caretakers Dwelling.

Works have therefore been undertaken without the necessary planning approval, Building Permit or Waste Water (Effluent) Disposal permits in place. Shire Staff are currently investigating these works.

Impact on Amenity

The Dwelling is located within an existing Outbuilding which is setback behind the building line of the primary dwelling on the property. Shire Staff are satisfied, provided appropriate approvals are sought and obtained by the proponent, the development will have no greater impact on the amenity than it already has.

It is noted that the property and specifically the land surrounding the Outbuilding contains a large amount of disused materials. Shire Staff are investigating the nature of this materials for compliance with the *Local Government Act 1995*.

Water Requirements

Clause 5.24 of the Scheme requires, where development cannot be connected to a reticulated mains water supply, dwellings are to be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water catchment tank with a minimum capacity of 120,000 litres. Where the water is also required for fire fighting purposes, access or other suitable arrangements (i.e. access to dam water) to an additional 15,000 litres is required for fire fighting. A condition reflecting this requirement has been included within the Officer Recommendation.

Bushfire Prone Area

The property is located within an area declared as 'bushfire prone' by the Commissioner of Fire and Emergency Services. The applicant has not undertaken a Bushfire Attack Level (BAL) as part of this application, however a recent boundary alignment triggered a BAL assessment and resulted in a BAL29 and Bushfire Management Plan for the property.

Conclusion

Given the proposal is not expected to impact on the amenity of the area and conforms to the provisions of the Scheme, Shire Staff recommend retrospective approval be granted subject to appropriate conditions.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

By granting approval to the Caretakers/Second Dwelling as proposed, Council will be assisting ongoing agricultural production on the land.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

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

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to the Change of Use – ‘Partial Outbuilding’ to ‘Second Dwelling’ on Lot 106 (45) Dawsons Road, Balbarrup as attached at 9.5.4(1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Location Plan	3 November 2023
2.	Site Plan	3 November 2023
3.	Floor Plans and Elevations	3 November 2023

- b) This approval to establish a second dwelling on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the second dwelling and any such proposal will not be supported by Shire of Manjimup;
- c) The second dwelling hereby approved shall be occupied by those engaged in the predominant land uses or activities on the land unless otherwise approved by the Shire of Manjimup;
- d) An on-site potable water supply of not less than 120,000 litres storage capacity or alternative equivalent shall be provided on the site and connected to the development, additional water supply shall be provided for fire-fighting purposes and be permanently maintained to the satisfaction of the Shire of Manjimup;
- e) All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
- f) The Dwelling is to meet the construction requirements of Australian Standard 3959 “Construction of buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- a) This development approval is NOT a building permit. A certified building permit for the change of use must be formally presented to and approved by Building Services to formalise the development.
- b) The domestic storage referred to in point (c) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes;

- c) A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
- d) If retrospective septic tank approval is sought, the tanks and leach drains must be excavated and exposed for inspection and septic tanks pumped out.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29408

That Council in accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No.4 grants retrospective development approval to the Change of Use – ‘Partial Outbuilding’ to ‘Second Dwelling’ on Lot 106 (45) Dawsons Road, Balbarrup as attached at 9.5.4(1) and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Location Plan	3 November 2023
2.	Site Plan	3 November 2023
3.	Floor Plans and Elevations	3 November 2023

- b) This approval to establish a second dwelling on the subject land shall not be viewed as providing a basis for subdivision of the land to create a separate title for the second dwelling and any such proposal will not be supported by Shire of Manjimup;
- c) The second dwelling hereby approved shall be occupied by those engaged in the predominant land uses or activities on the land unless otherwise approved by the Shire of Manjimup;
- d) An on-site potable water supply of not less than 120,000 litres storage capacity or alternative equivalent shall be provided on the site and connected to the development, additional water supply shall be provided for fire-fighting purposes and be permanently maintained to the satisfaction of the Shire of Manjimup;
- e) All stormwater and drainage run off is to be retained on the subject property to the satisfaction of the Shire of Manjimup; and
- f) The Dwelling is to meet the construction requirements of Australian Standard 3959 “Construction of buildings in Bushfire Prone Areas” to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

- a) This development approval is NOT a building permit. A certified building permit for the change of use must be formally presented to and approved by Building Services to formalise the development.
- b) The domestic storage referred to in point (c) above shall be fitted with a gate valve to enable fire brigade appliances to access the water for firefighting purposes;
- c) A private Building Surveyor will need to be appointed by the landowner to certify the structural integrity of the building and compliance with the requirements of the Building Code of Australia.
- d) If retrospective septic tank approval is sought, the tanks and leach drains must be excavated and exposed for inspection and septic tanks pumped out.

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT APPENDIX

9.5.7 Proposed Time Extension for Planning Approvals at Lot 1 (21) Middlesex Road, Middlesex (Stellar Violets)

PROPONENT	Ms L Giblett
OWNER	Mr H E Giblett
LOCATION / ADDRESS:	Lot 1 (21) Middlesex Road, Middlesex
WARD:	Rural
ZONE:	Special Use Area 8
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA21/181, DA21/182, DA21/183, DA21/184 and DA21/185 P55993
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	3 January 2024
DECLARATION OF INTEREST:	The Shire's Director of Community Services' partner is the landowner and was not involved in the preparation or assessment of this agenda item.

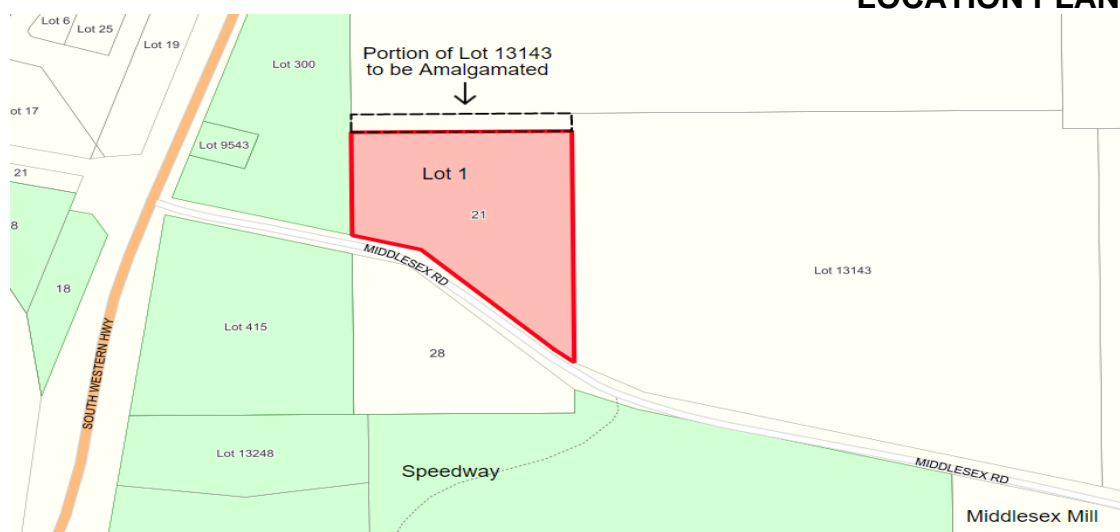
BACKGROUND:

The subject property is 3.34 hectares in area and consists of a dwelling, two outbuildings, approximately five train carriages and a trolley bus. In April 2022, Council resolved (Resolution 28774 and 28775) to grant conditional approval to two development applications and Shire Officers granted conditional approval to three applications under delegation at Lot 1 (21) Middlesex Road, Middlesex. A copy of the Ordinary Meeting Minutes extract is provided appended

APPENDIX: 9.5.7 (A)

A location plan is shown below.

LOCATION PLAN



A summary of the request is provided below and a copy of the letter is attached.

ATTACHMENT: 9.5.7 (1)

- DA21/181 – TP23/2022 – Community Purpose (Library) and Low Impact Tourist Accommodation to be completed June 2025;
- DA21/182 – TP24/2022 – Cottage conversion to Low Impact Tourist Accommodation to be completed September 2024;
- DA21/183 – TP25/2022 – House to Caretakers Accommodation and Low Impact Tourist Accommodation to be completed October 2024;
- DA21/184 – TP26/2022 – Trolley Bus conversion to Low-Impact Tourist Accommodation to be completed June 2025; and
- DA21/185 – TP27/2022 – Reception Centre, Ablution Block Community Purpose (Event Space) and Shipping Container to be completed June 2025.

Council is requested to consider the request as Shire Officers do not have the delegation to approve an extension greater than 12 months.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The provisions of the Shire of Manjimup's Local Planning Scheme No 4 (the Scheme) include the land within the Special Use Zone Area 8.

In accordance with the *Planning and Development (Local Planning Schemes) regulations 2015 (the Regulations)* clause 71 of Schedule 2 states that if a development approval is granted the development must be substantially commenced within the period of two years or within a longer period on application under clause 77 – amending or cancelling development approval.

In this case the applicant has made application under clause 77 (a) to amend the approval so as to extend the period within which any development must be substantially commenced. Under this clause the local government may determine the request by approving the request, with or without conditions or by refusing the application.

Similar Requests

Council has previously considered requests for extension of time to comply with conditions of approval where specific conditions are time limited. In this instance, the applicant has requested an extension of time for the development to reach a substantial milestone, which is not as common, however understandable for a not-for-profit organisation reliant on external funding sources.

Basis of Request

As detailed in the submitted correspondence, the applicant has outlined a number of significant impacts on the timing of the development, including:

- Contractor availability; and
- Continued provision of permanent housing for a family whilst looking for their own housing.

Conclusion

With the installation of the onsite waste water system upgrades significantly completed at time of making the request, the projects are in the early stages. However given works have commenced, there is a level of certainty that the development will proceed as planned. Given the delays with contractor availability the request for a time extension beyond the two year timeframe is considered by Shire Officers to be reasonable. It is recommended that all five approvals receive the same extension of an additional two years from original approval timeframe.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

- A10. Encourage all aspects of sustainable farming and agriculture;
- B4. Support sustainable agricultural expansion, value-adding and downstream processing, research and development, culinary and agri-tourism, land protections and continued support for the Southern Forests Food Council;
- B12. Providing development opportunities and supporting local small businesses to thrive.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The applicant is representing a not-for-profit organisation, the application fees were waived by the then Chief Executive Officer and no additional fees have been sought in respect of the request for extension.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Approve the applicants request for additional time to substantially commence the works required in association with Development Application:
 - DA21/181 – TP23/2022 – Community Purpose (Library) and Low Impact Tourist Accommodation;
 - DA21/182 – TP24/2022 – Cottage conversion to Low Impact Tourist Accommodation;

- DA21/183 – TP25/2022 – House to Caretakers Accommodation and Low Impact Tourist Accommodation;
 - DA21/184 – TP26/2022 – Trolley Bus conversion to Low-Impact Tourist Accommodation; and
 - DA21/185 – TP27/2022 – Reception Centre, Ablution Block Community Purpose (Event Space) and Shipping Container.
- in accordance with the provisions of clause 77(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. Advise the applicant that the extension to those applications listed in point 1 above, is granted until April 2026.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29409

That Council:

1. Approve the applicants request for additional time to substantially commence the works required in association with Development Application:
 - DA21/181 – TP23/2022 – Community Purpose (Library) and Low Impact Tourist Accommodation;
 - DA21/182 – TP24/2022 – Cottage conversion to Low Impact Tourist Accommodation;
 - DA21/183 – TP25/2022 – House to Caretakers Accommodation and Low Impact Tourist Accommodation;
 - DA21/184 – TP26/2022 – Trolley Bus conversion to Low-Impact Tourist Accommodation; and
 - DA21/185 – TP27/2022 – Reception Centre, Ablution Block Community Purpose (Event Space) and Shipping Container.

in accordance with the provisions of clause 77(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. Advise the applicant that the extension to those applications listed in point 1 above, is granted until April 2026.

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.5.8 Delegated Planning Decisions November and December 2023**

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS:	Various
WARD:	Various
ZONE:	Various
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170085
LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
AUTHOR:	Sue Brown
DATE OF REPORT:	5 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve 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 on a monthly basis 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 November and December 2023 is attached.

ATTACHMENT: 9.5.8 (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 (Includes Options):

During November 2023, seven (7) 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 November 2023 compared to November 2022:

Table 1: Planning Decisions Made November 2022 and 2023

	November 2022	November 2023
Delegated Decisions	10 (\$1,313,053)	7 (\$800,650)
Council Decisions	5 (\$420,250)	3 (\$3,000)
Total	15 (\$1,733,303)	10 (\$803,650)

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

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

	YTD 2022-23	YTD 2023-24
Delegated Decisions	57 (\$3,597,825)	43 (\$6,616,496)
Council Decisions	34 (\$4,860,774)	15 (\$2,303,370)
Total	91 (\$8,458,599)	58 (\$8,116,216)

During December 2023, four (4) development applications were determined under delegated authority. Table 3 shows the number and value of development applications determined under both delegated authority and by Council for December 2023 compared to December 2022:

Table 3: Planning Decisions Made December 2022 and 2023

	December 2022	December 2023
Delegated Decisions	14 (\$1,760,861)	4 (\$1,086,000)
Council Decisions	4 (\$254,000)	3 (\$1,240,000)
Total	18 (\$2,041,861)	7 (\$2,326,000)

Table 4 compares the Year-To-Date statistics for delegated authority and Council decisions for 2023-24 compared to the previous Financial Year:

Table 4: Planning Decisions Made Year-To-Date 2022-23 and 2023-24

	YTD 2022-23	YTD 2023-24
Delegated Decisions	71 (\$5,358,686)	47 (\$7,702,496)
Council Decisions	38 (\$5,114,774)	18 (\$3,543,370)
Total	109 (\$10,473,460)	65 (\$11,245,866)

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 November and December 2023, 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 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 staff 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 receives the report on Delegated Development Approvals for November 2023 and December 2023 as per Attachment 9.5.8 (1).

COUNCIL RESOLUTION:

MOVED: Eiby, W SECONDED: Winfield, C

29410

That Council receives the report on Delegated Development Approvals for November 2023 and December 2023 as per Attachment 9.5.8 (1).

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT

9.5.9 Proposed Planning Reform for Single House Approvals

PROPONENT	Government of Western Australia
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	All
ZONE:	All except Industry, Tourist Enterprise and Caravan Park
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F230185
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	8 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In October 2023, the *Planning and Development Amendment Bill 2023* (the Bill) was tabled in Parliament. The Bill includes various changes to the *Planning and Development Act 2005* (the Act) focused on streamlining processes, reducing red tape, improving efficiencies in planning processes and decision-making to support the delivery of housing and other critical infrastructure.

The key reforms proposed within the Bill include:

- The creation of a new permanent significant development pathway and supporting amendments to support its implementation including changes to ensure strategic planning and State policy framework stays contemporary and is achieving intended outcomes;
- Changes to local government decision making on single house developments;
- Reform of the Western Australian Planning Commission (WAPC); and
- Various reforms to streamline and simplify existing planning processes.

The Bill passed both houses of Parliament in November 2023.

Council is requested to consider the proposed changes to the Act to introduce a new section 257C which will, in addition to other functions, provide the ability for Regulations to specify that for certain types of single house developments, development approvals must be done by the Chief Executive Officer (CEO) of the local government, or employees authorised by the CEO, and cannot be undertaken by the Council or a committee of the Council. Council is requested to consider and note the amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The intent of the reform is to reduce unnecessary red tape and also enable the Council to focus on strategic planning, ensuring that the local planning frameworks are contemporary and fit for purpose.

A copy of the draft *Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2023* are attached.

ATTACHMENT: 9.5.9 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The draft Regulations propose to incorporate amendments to Schedule 2 (Deemed Provisions) and will, in summary:

- List the type of developments that the development approval function applies to and defines a 'prescribed single house' development as:
 - New or alteration and additions to an existing single house;
 - Any development associated with a single house such as ancillary accommodation, outbuildings, patios, boundary walls or fences, garages or carports; and
 - Excludes heritage protected places.

It should be noted that this proposed amendment is not specific to a Residential Zone and would apply Shire wide.

Currently Council delegates a number of functions under the Act and Regulations to approve development applications where consistent with the Local Planning Scheme (the Scheme), Local Planning Policies and WAPC/State Planning Policies. Most single house and ancillary structures approvals are determined by Shire Staff under authorisation from the CEO.

The amendment to the Act and proposed amendments to the Regulations will override the Shire delegations. Approvals for single houses or ancillary structures not currently delegated to the CEO will be affected such as:

- Retrospective approvals;
- Variations where a material objection is received;
- Development value is more than \$2 million; and
- Variations to Council planning policy where not permitted by that planning policy.

For example, Local Planning Policy 6.1.3 Outbuildings (LPP 6.1.3), currently requires Outbuildings which are greater than a 10% variation to the prescribed development standards for height and area, to be determined by Council, whether there are objections received or not following consultation. As a result of the proposed amendments, the Regulations would override this requirement and delegate all Outbuilding approvals to the CEO or authorised officer.

Whilst the above changes are proposed to include single houses and other minor developments, it is important to note that the amendments made to the

Act allow for the Regulations to prescribe the type of development, potentially meaning that more types could be introduced in the future.

Conclusion

The proposed changes will impact on day-to-day operations and result in less applications being presented to Council for consideration. Shire Staff anticipate that this amendment will affect approvals for oversized Outbuildings and will require a review of LPP 6.1.3 and the register of delegations.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY / STRATEGIC IMPLICATIONS:

The proposed reform of the State planning system aligns with the following strategies of the Strategic Community Plan 2021-2031:

- B10. Ensure the regulatory environment is easy to navigate and development, business and industry-friendly.
- D8. Review or amend the Local Planning Scheme to meet the changing needs of community and industry.

ORGANISATIONAL RISK MANAGEMENT:

Clear direction on proposals that are seeking variation to prescribed development standards will be sought through local planning policy review to ensure that community expectations are met and that the overdevelopment of residential land is not permitted.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: The proposed amendment should assist in a reduction in application processing time and therefore developments could be commenced sooner.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. **Note the Government of Western Australia's proposed amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 for Single House approvals; and**
2. **Await further reports on the review of affected Local Planning Policies and Register of Delegations.**

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29411

That Council:

- 1. Note the Government of Western Australia's proposed amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 for Single House approvals; and**
- 2. Await further reports on the review of affected Local Planning Policies and Register of Delegations.**

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.7.1 Application to Keep More Than Two Dogs at 44 Windy Harbour Road, Northcliffe**

PROPONENT OWNER	Mr Luke Donaldson
LOCATION / ADDRESS:	Parks and Wildlife Service, Warren Region 44 Windy Harbour Road, Northcliffe
WARD:	Rural
ZONE:	Enterprise
DIRECTORATE:	Development & Regulation
FILE REFERENCE:	F161271-002
LEGISLATION:	<i>Dog Act 1976</i> <i>Shire of Manjimup Dogs Local Law 2004</i>
AUTHOR:	Craig McSharer
DATE OF REPORT:	15 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On the 15 November 2023, the Shire of Manjimup received an *Application to Keep More Than Two Dogs* at 44 (Lot 147) Windy Harbor Road, Northcliffe (Reserve 28101). Details of the animals to be kept at the address are detailed below;

	Breed	Age	Microchip	Sterilised	Sex	Registration
1	Kelpie Cross	1.8Yrs	9530100066143 94	No	M	5607/Life
2	Border Collie Cross	8M	9530101006767 02	Yes	F	5608/Life
3	Greyhound Cross	7M	9530101005109 79	Yes	F	5610/Life

The Applicant is currently working as a conservation employee with the Department of Biodiversity, Conservation and Attractions (DBCA) and in a rental agreement with DBCA for a portion of the subject property.

The application has been made due to Rangers investigating a complaint made on the 2 November 2023, regarding the dogs barking and their enclosures. The applicant has modified the dogs housing as detailed in the application and the Shire of Manjimup has received no further complaints regarding nuisance barking.

A copy of the application is shown attached.

ATTACHMENT: 9.7.1 (1)

Council is requested to consider the application due to the proposed variation to Policy 5.2.5 – Applications to Keep Additional Dogs or Cats.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

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

The Shire of Manjimup sent notification to the owner of the property asking for comment. Approval was supported by the property owner. A copy of the submission is attached.

ATTACHMENT: 9.7.1 (2)

Limitation on Number of Dogs

Unless otherwise approved by Council, in accordance with the *Shire of Manjimup Dogs Local Laws 2004 Part 3 Clause 3.2 (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act;*

- a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite or Reserve 38881, Windy Harbour or Quinninup as defined in Clause 5.2 (1)(b); or*
- b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Council Policy

All applications seeking approval to the keeping of more than the maximum number of dogs/cats prescribed by the relevant Shire of Manjimup Local Laws shall be determined by Full Council. At the Shire of Manjimup Ordinary Council Meeting held on 27 May 2021, Council readopted *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* (the Policy) to guide the assessment of applications to keep additional dogs or cats.

In accordance with the Policy, applications shall only be supported in the following circumstances:

- a) A maximum of three (3) dogs being approved on a single premises within a townsite;
- b) A maximum of five dogs (5) dogs being approved on a single premises outside of a townsite;
- c) The reason for requesting more than the number of dogs/cats prescribed by the local laws is as a result of:
 - a. To replace an elderly or sick dog in the family that it is not expected to live;
 - b. Sudden family emergency and dog inherited;
 - c. Merging of two households;
 - d. Where the applicants have had approval to keep more than prescribed number in another local authority.
- d) The existing dogs/cats on the premises are registered.

- e) The application does not relate to a restricted or declared breed.
- f) The property has been inspected and deemed suitable by Council's regulatory officer (Ranger) or other person authorised under the Dog Act 1976 and/or Cat Act 2011.

Despite the dogs not being kept at the property for the reasons outlined in point c) above, the application meets all other requirements of the Policy and Shire Staff recommend the application be supported for the following reasons:

Suitability of Property

The subject property has a total area of 15.122ha. Following an inspection by Shire Officers, the area within Lot 147 that is being leased by the applicant is approximately 1,000m² property with secure fencing and sufficient room for three dogs to exercise freely without escaping from the applicant's property.

Complaint History

At the time of writing, the Shire of Manjimup has received one initial complaint on the 2 November 2023 and has received no further complaints regarding the dogs listed within the application.

Conclusion

In conclusion, whilst this application does not meet *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats* it is recommended that the exemption be approved for the following reasons:

- The risk of receiving future complaints is low as the applicant has in place good animal management and husbandry practises;
- Two of the female dogs are sterilized, eliminating the potential breeding of the kept dogs;
- The dogs are well exercised and are in good health;
- The applicant relocated to the town site for work commitments and has been a long term employee at their current work place;
- The property has secure fencing which is suitable and is of sufficient size which is deemed appropriate for the keeping of three dogs;
- The applicant is employed by the property owner;
- The property owner does not object to the application;
- If substantiated complaints are received, legal contraventions or nuisance behaviour occurs whilst keeping of the additional dogs on the property, this exemption may be revoked;
- There are no further written recorded complaints/outstanding issues regarding the dogs to date; and
- All dogs listed within the application are registered and microchipped as per legislative requirements.

STATUTORY ENVIRONMENT:

Dog Act 1976 Section 26 (1)(a); and

Shire of Manjimup Dog Local Law 2004 Part 3 Clause 3.2 (2)(b)

POLICY / STRATEGIC IMPLICATIONS:

As outlined within the comment section above, the proposal as submitted is not consistent with the requirements of *Policy 5.2.5 - Applications to Keep Additional Dogs or Cats*.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Provided the dog owner/s comply with the requirements of the *Dog Act 1976* and the *Shire of Manjimup Dogs Local Law 2004*, no negative social implications are anticipated should the exemption be granted.

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

That Council grant an exemption pursuant to *Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2 (2)* in order to keep three dogs on and within 44 Windy Harbor Road, Northcliffe, subject to compliance with the following conditions;

1. This approval relates to the keeping of the following dogs only:

	Breed	Age	Microchip	Sterilised	Sex	Registration
1	Kelpie Cross	1.8 yrs	953010006614394	No	M	5607/Life
2	Border Collie Cross	8 M	953010100676702	Yes	F	5608/Life
3	Greyhound Cross	7 M	953010100510979	Yes	F	5610/Life

2. The applicants/owners of the dogs shall ensure that the dogs are managed so as to not leave the property unaccompanied or exhibit nuisance behaviour;
3. The dogs hereby approved shall not be substituted or replaced unless otherwise approved by Council;
4. Once the numbers as approved have been reduced to two dogs, this exemption is no longer valid;
5. This exemption is not transferrable to other dogs or another property without the prior approval of the Shire of Manjimup; and
6. Should any of the approval conditions not be met, substantiated complaints received, legal contraventions or nuisance behaviour

occurs whilst keeping of additional dogs on the property, this exemption may be revoked.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29412

That Council grant an exemption pursuant to *Shire of Manjimup Dogs Local Law 2004 Part 3 Clause 3.2 (2)* in order to keep three dogs on and within 44 Windy Harbor Road, Northcliffe, subject to compliance with the following conditions;

1. This approval relates to the keeping of the following dogs only:

	Breed	Age	Microchip	Sterilised	Sex	Registration
1	Kelpie Cross	1.8 yrs	953010006614394	No	M	5607/Life
2	Border Collie Cross	8 M	953010100676702	Yes	F	5608/Life
3	Greyhound Cross	7 M	953010100510979	Yes	F	5610/Life

- 2. The applicants/owners of the dogs shall ensure that the dogs are managed so as to not leave the property unaccompanied or exhibit nuisance behaviour;**
- 3. The dogs hereby approved shall not be substituted or replaced unless otherwise approved by Council;**
- 4. Once the numbers as approved have been reduced to two dogs, this exemption is no longer valid;**
- 5. This exemption is not transferrable to other dogs or another property without the prior approval of the Shire of Manjimup; and**
- 6. Should any of the approval conditions not be met, substantiated complaints received, legal contraventions or nuisance behaviour occurs whilst keeping of additional dogs on the property, this exemption may be revoked.**

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.12.2 Proposed Adoption of the Draft 2023 Manjimup Recycling and Refuse Centre Site Study Report**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Manjimup Recycling and Refuse Centre, Lot 501, 62 Ralston Road, Ringbark
WARD:	Rural Ward
ZONE:	Public Purposes and General Agriculture
DIRECTORATE:	Works and Services
FILE REFERENCE:	F190227
LEGISLATION:	<i>Environmental Protection Act 1986, Waste Avoidance and Resource Recovery Act 2007</i>
AUTHOR:	Mark Sewell; Catherine Mills
DATE OF REPORT:	14 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Over the past two decades, operation of the Manjimup Recycling and Refuse Centre (MRRC) has been guided by the Manjimup Recycling and Refuse Centre Waste Management Plan 2002, prepared for Council by Harold C McKenzie (the McKenzie Report).

However, during the twenty year period since the McKenzie Report was compiled many factors which influence the Shire's landfilling of waste have changed significantly, resulting in the McKenzie Report reducing in relevance. (Factors include acquisition of adjoining land, population and waste volume growth, changes to minimum standards for new landfill cells, and changes in community expectations about how their waste is managed.)

As the existing approved landfill area has progressed towards capacity, staff have identified the need to have clearer and more up-to-date guidance on maximising both the life of the existing approved landfill and the capacity of the as yet unused sections of the property.

Therefore, in May 2022 quotes were sought from consultants qualified to provide both a *strategic* comprehensive site study report (presented here) and an associated *operational* landfill closure management plan to guide Shire officers as the existing landfill progresses towards its end of life. ASK Waste Management Pty Ltd (ASK) was the successful candidate and commenced their study in September 2022, concluding it in April 2023.

The resulting draft Manjimup Recycling and Refuse Centre Site Study Report 2023 is attached (the Report) for Council's review and proposed approval.

ATTACHMENT: 9.12.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

No direct public consultation has been undertaken. However, in carrying out their comprehensive site study, the report consultants engaged extensively with the current site operations contractors (Verge Enviro Pty Ltd) and in compiling their draft report also considered recent Shire engagement with the owners of neighbouring properties regarding the MRRC's occasional odour emission issues.

Rather than being a public document, the purpose of the Report is to guide the Shire and its contractors in the management and operation of the MRRC over its remaining life. While the public should have access to it, the Report is a technical document, focusing particularly on compliance with regulation and licence conditions, efficient use of space over time, and management of the eventual progressive closure of the site.

COMMENT (Includes Options):

The ASK site study was based on both historic and current waste receival data.

In compiling their report ASK referred to narrative records of waste received between 1972 and 2004, the Shire's basic quantitative volume data from 2005 to 2021, and detailed quantitative and qualitative data captured during 2022 using their own Cooee® waste data platform (which the Shire of Manjimup has since adopted, ongoing.) In essence, the past fifty years of MRRC history provided the foundation for planning for the next fifty.

Key points raised in the Report include:

- The MRRC has a valuable position as the only licensed landfill operating within the Shire;
- The section of the premises which is currently approved by the Department of Water and Environmental Regulation as a landfill is nearing completion (full to capacity);
- Well-considered development and management of the other land space remaining will allow the premises life expectancy to extend out to another fifty years or more;
- There are various main drivers which will influence future site development; these are both external (generally beyond the control of the Shire) and internal (which can be controlled); and
- the drivers will shape six key outcome areas, namely: waste avoidance, increased recovery, minimised residual waste, removing future organics, implementing better practice, and minimising impacts on health and environment.

The Shire's Waste Management Officer and Manager Technical Services have carried out an extensive review of the report and recommend that Council approve and adopt the Manjimup Recycling and Refuse Centre Site Study Report 2023.

STATUTORY ENVIRONMENT:

Council's waste management practices are required to always comply with the *Environmental Protection Act 1986*, the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995*, the *Public Health Act 2016*, and the *Shire of Manjimup Health Local Law 2020* and the *Shire of Manjimup Waste Local Law 2022*.

POLICY / STRATEGIC IMPLICATIONS:

The Draft Manjimup Recycling and Refuse Centre Site Study Report 2023 is consistent with both the Shire of Manjimup Corporate Business Plan 2023 – 2027 Action Plan and the Shire of Manjimup Strategic Community Plan 2021 – 2031 Community Themes and Goals:

- Action A15 *Continue to diversify waste management options and encourage waste avoidance, reduction, reuse and recycling;*
- Community Goal 1.5 *Waste management strategies are expanded and a greater range of options provided to ensure we minimise the negative impacts on our environment.*

ORGANISATIONAL RISK MANAGEMENT:

There is great risk to the organisation that without a current management plan for the MRRC, many years (decades) of potential landfill space will be lost because future landfilling will not be of adequate efficiency. Further, without good guidance on better practice there is a risk that operations will be non-compliant, resulting in damage to health and/or the environment. Finally, opportunities for future grant funding for improved infrastructure will be limited without the ability to reference a guiding plan.

FINANCIAL IMPLICATIONS:

The Report guides management of the MRRC landfill well into the future. Present year to year operation of the MRRC is funded through waste revenues including tipping fees and waste service charges (for kerbside bins). In the case of an annual surplus, funds are diverted to the Waste Management Reserve. The potential longevity of the MRRC landfill warrants significant investment in the infrastructure required to minimise impacts on health and environment, maximise capacity and remain compliant with licence conditions. The funds for such investment will come from the Reserve and from grant funding, should the Shire of Manjimup attract any in future.

There will be a need for further and ongoing investment in the Waste Management Reserve to assist with the periodic procurement of landfill closure materials, up-to-date infrastructure, and new waste technologies. These will be required so that the landfill and its various operations remain compliant, environmental protection is maintained, and human (customer and operator) safety is always provided.

There are various models for ensuring consistent and appropriate investment in the Waste Management Reserve which should be considered by Shire officers before any recommendation is made to Council.

SUSTAINABILITY:

Environmental: The Report will provide guidance in protecting environmental values at the MRRC.

Economic: The Report will provide guidance for practices and operations for maximising longevity of the landfill which, in turn, will minimise long term costs of waste management for ratepayers in the Shire of Manjimup.

Social: The Report will provide guidance in minimising the impacts of landfilling on the owners of surrounding properties and will provide for best opportunity to maintain a comprehensive and diverse waste service for both community and commercial sectors.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council adopt the Manjimup Recycling and Refuse Centre Site Study Report 2023, as shown at Attachment: 9.12.2(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W SECONDED: Winfield, C

29413

That Council adopt the Manjimup Recycling and Refuse Centre Site Study Report 2023, as shown at Attachment: 9.12.2(1).

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.15.2 Unconfirmed Minutes of the Audit Committee Meeting Held 7 December 2023**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F170379
LEGISLATION:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	5 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

On the 7 December 2023 Council's Audit Committee met with the purpose of:

- 1) Receiving the unconfirmed minutes of the Audit Committee held 2 March 2023;
- 2) Receiving the Shire of Manjimup 2023 Annual Financial Report and Management Letter: and
- 3) Receive an update on progress from recommendations from the Financial Management System Review, Regulation 17 Review and the 2022 Annual Financial Accounts.

The purpose of this agenda item is to receive the unconfirmed minutes of the Audit Committee meeting held on 7 December 2023.

ATTACHMENT: 9.15.2(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The main purpose of the Audit Committee meeting held 7 December 2023 was to receive the findings from the audit of the 2023 Annual Financial Accounts and accompanying Management Letter and endorse the reports presentation to Council. The Committee was presented with an unqualified audit opinion and two (2) management comments that required minor action.

The report and findings had previously been presented to the Shire President, Deputy Shire President, Chief Executive Officer and Director of Business on the 28 November 2023 via Microsoft Teams from David Delvalle from the Office of Auditor General (OAG), supported by James Arthur and Chai Wen-Shien from Moore Australia.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

POLICY / STRATEGIC IMPLICATIONS:

The Audit Committee is established under the *Local Government Act 1995* to provide guidance and assistance to the Local Government in achieving the audit requirements of the Act thus ensuring that the financial management of the Shire of Manjimup remains open, transparent and accountable.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: It is essential that Local Government maintains open, transparent and accountable processes in the expenditure of public monies. Regular financial audits by auditors and the functions of the Audit Committee are some of the methods established to assist Local Government in meeting legislative and community expectations.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed minutes of the Audit Committee meeting held 7 December 2023 as per Attachment: 9.15.2(1); and
2. Receive the 2023 Annual Financial Report and Audit Management Letter for the year ending 30 June 2023.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29414

That Council:

- 1. Receive the unconfirmed minutes of the Audit Committee meeting held 7 December 2023 as per Attachment: 9.15.2(1); and**
- 2. Receive the 2023 Annual Financial Report and Audit Management Letter for the year ending 30 June 2023.**

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.16.1 Unconfirmed Meeting Notes of the Access and Inclusion Advisory Committee Meeting held on 30 November 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup Enter text
LOCATION / ADDRESS:	Whole of Shire
WARD:	Whole of Shire
ZONE:	All
DIRECTORATE:	Community Services
FILE REFERENCE:	F170381
LEGISLATION:	<i>Disability Services Act 1993</i> <i>Commonwealth Disability Discrimination Act 1992</i> <i>Equal Opportunity Act WA 1998</i> <i>Local Government Act 1995</i>
AUTHOR:	Georgia Schipp
DATE OF REPORT:	14 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Access and Inclusion Advisory Committee (AIAC) is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. The functions of the Committee are to:

- Promote the benefits of access and inclusion to the residents and businesses of the Shire of Manjimup;
- Be available to provide relevant advice on the development of proposals or plans for any activity, building or infrastructure within the Shire;
- Support and encourage partnership networks of local organisations that are best placed to collectively plan and coordinate strategies to address the needs of our local disability communities;
- Make recommendations to Council on matters arising not clearly dealt with by the Shire of Manjimup's Access and Inclusion Plan; and
- Monitor and review the Access and Inclusion Plan.

The purpose of this report is to present the unconfirmed meeting notes, including action items, of the AIAC meeting held 30 November 2023. A copy of the meeting notes and action items is attached.

ATTACHMENT: 9.16.1(1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As the Committee did not achieve a quorum of seven (7) as noted on the Terms of Reference, there are no recommendations to present to Council.

STATUTORY ENVIRONMENT:

- *Disability Services Act 1993;*
- *Commonwealth Disability Discrimination Act 1992;*
- *Equal Opportunity Act Western Australia 1998; and*
- *Local Government Act 1995.*

POLICY / STRATEGIC IMPLICATIONS:

The purpose of the Committee supports the following Shire plan and policy:

- Shire of Manjimup Access and Inclusion Plan 2024-2029; and
- Shire of Manjimup Access and Inclusion Policy 3.8.1.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Accessible and inclusive communities and visitor experiences have the potential to add to the visitor economy.

Social: The Shire of Manjimup is committed to ensuring that the community is an accessible and inclusive community for people with disability, their families and carers.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the unconfirmed meeting notes of the Access and Inclusion Advisory Committee meeting held 30 November 2023 as per Attachment: 9.16.1(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29415

That Council receive the unconfirmed meeting notes of the Access and Inclusion Advisory Committee meeting held 30 November 2023 as per Attachment: 9.16.1(1).

ADOPTED BY EN BLOC RESOLUTION: 9/0

ATTACHMENT**9.16.2 Informal Notes of the Local Emergency Management Committee Meeting held 13 December 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	All
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170449
LEGISLATION:	<i>Emergency Management Act 2005,</i> <i>Local Government Act 1995</i>
AUTHOR:	Nicole Favero
DATE OF REPORT:	19 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The purpose of this report is to accept the Informal Notes of the Local Emergency Management Committee (LEMC) Meeting held 13 December 2023. The minutes are considered informal as the meeting did not have a quorum. A copy of the informal meeting notes are attached.

ATTACHMENT: 9.16.2 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As the LEMC did not have a quorum, no formal minutes or LEMC recommendations were recorded. A copy of the informal meeting notes are provided for Council consideration.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005
Local Government Act 1995

POLICY / STRATEGIC IMPLICATIONS:

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

Community Goals

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

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

Strategies

C22 *Prepare for emergencies and natural disasters.*

ORGANISATIONAL RISK MANAGEMENT:

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

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Informal Notes of the Local Emergency Management Committee (LEMC) Meeting held on 13 December 2023 as shown in the attached. Attachment: 9.16.2(1).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: Winfield, C

29416

That Council receive the Informal Notes of the Local Emergency Management Committee (LEMC) Meeting held on 13 December 2023 as shown in the attached. Attachment: 9.16.2(1).

ADOPTED BY EN BLOC RESOLUTION: 9/0

Councillors Miolin and De Campo declared a Financial Interest in this Item as Councillor Miolin has a closely associated relationship with owner of Advance Packing, George Ipsen who made a donation of \$500 to assist with costs associated with the election and Councillor De Campo is a contractor to the Avocado Collective. Councillors Miolin and De Campo did not speak or vote on the matter and left the Chamber at 6.24pm.

Councillor Omodei declared an Impartiality Interest in this Item as Bendotti Avocadoes packs my sons' avocados. Councillor Omodei declared that he would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.3.1 Request to Change Basis of Rating for Portion of Lot 101 (243) Golf Links Road, Eastbrook & Lot 107 (40) Ralston Road, Ringbark from Unimproved Value to Gross Rental Value

PROPONENT OWNER	Shire of Manjimup J Bendotti and Advance Packing, Marketing Service Pty Ltd
LOCATION / ADDRESS:	Lot 101 (243) Golf Links Road, Eastbrook & Lot 107 (4) Ralston Road, Ringbark
WARD:	Rural
ZONE:	Priority Agriculture & General Agriculture
DIRECTORATE:	Business
FILE REFERENCE:	F160731
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Lisa Stevens; Greg Lockwood
DATE OF REPORT:	23 November 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Shire staff have been made aware of 2 properties in the Shire of Manjimup that carry out commercial packing services on land rated primarily for agricultural activities. The purpose of this agenda item is to assess those properties against the Shire's Rating Policy 4.1.9 and support the subsequent outcome from that assessment. A copy of the rating policy is attached.

ATTACHMENT: 9.3.1(1)

Property 1 – Lot 101 (243) Golf Links Road, Pemberton (J Bendotti)

Lot 101 is a 39.5411ha property located on the northern side of Golf Links Road. The property is currently group rated as per Council's Rating Policy, with the landowner's surrounding land parcels. Currently the group Unimproved Value (UV) is \$1,550,000. Attached are aerial maps of the property in question, with Attachment 2 being the land parcel involving the Packing Shed and Attachment 3 showing the overall group rated property. Attachment 4 is the property owner's Land Use Declaration used as part of the assessment.

ATTACHMENT: 9.3.1(2)

ATTACHMENT: 9.3.1(3)**ATTACHMENT: 9.3.1(4)**

Council resolved (Resolution 27838) at its Ordinary Meeting held on 13 June 2019, to grant approval for the landowner to develop a substantial Industry-Rural development for the storage, packing and loading out of avocados. Further development approval was granted at Council Ordinary Meeting on 8 September 2022, for extension of packing sheds. The property also has extensive avocado orchards.

Property 2 – Lot 107 (4) Ralston Road, Ringbark (Advance Packing, Marketing Service Pty Ltd)

Lot 107 is a 12.74ha property and consists of a processing shed of 1,194m², a commercial laundry, a 3,510m² packing shed, covered loading bays and approximately 6h of remnant vegetation, located just outside the townsite of Manjimup. The property is currently rated with UV of \$290,000. Attachment 5 is an aerial view of Lot 107 and Attachment 6 being the Land Use Declaration.

ATTACHMENT: 9.3.1 (5)**ATTACHMENT: 9.3.1(6)**

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Rating Policy 4.1.9 gives the Shire the ability to “Spot or split rate” *Where the predominant use cannot be clearly identified or where two or more significant activities occur*. In this case both properties are undertaking commercial packing of produce from other agricultural properties by way of a commercial agreement. Furthermore, both properties owners’ have undertaken significant infrastructure development to create commercial packing facilities.

One of the key rating objectives from the Shire of Manjimup’s Rating Policy 4.1.9 is: *(d) to the extent possible, delivers an equitable rating treatment between likes uses*. The Shire has other commercial packing facilities in the Manjimup light industrial area. These businesses are rated with GRV, meaning they pay significantly more rates compared to the current rating on Property 1 and 2. Typically, commercial activities of this nature are carried out in light industrial areas, due to the high level of traffic movement and the number of employees engaged in providing the service.

Property 1 – J Bendotti

As Lot 101 has two significant activities occurring, Council can apply a split rating. Landgate has provided an indicative Gross Rental Value (GRV) of \$72,800 for the area used as industrial packing shed. It is recommended that the basis of rating for this area to be changed from UV to GRV, and changes to apply once Ministerial approval is granted.

Property 2 - Advance Packing, Marketing Service Pty Ltd

Landgate have provided an indicative GRV of \$84,500 for Lot 107. As the predominant use is non-rural, it is recommended that the basis of rating for this whole property be changed from UV to GRV, and changes to apply once Ministerial approval is granted.

Phase in

Under the *Local Government Act 1995, Schedule 6.1 – Provisions relating to the phasing in of valuations* Council may choose to phase the rating change in over a 3 year period.

Split Rating is typically applied to new businesses on rural properties and during the establishment period a phase in method, supports the venture to get off the ground. Given both packing sheds have been operational for some time and are well established, Shire staff propose to introduce the new split rating charge effective from the 1 July 2024. Normal process would see the new split rating method applied once Minister approval is received which would be estimated to be late February 2024.

Conclusion

Based on information given by landowners and the demonstrated activities on the identified properties, the Officer Recommendation is to apply Split Rating to Lot 101 (243) Golf Links Road, Pemberton and change basis of rating from UV to GRV to Lot 107 (4) Ralston Road, Ringbark as per the Shire's Rating Policy 4.1.9.

STATUTORY ENVIRONMENT:

Local Government Act 1995 states:

“6.28 Basis of Rates

(2) in determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and*
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land”*

Schedule 6.1 – Provisions relating to the phasing in of valuations

- (1) Where a general valuation under the Valuation Act 1978 in respect of gross rental values comes into force in a district, the local government may, when imposing the general rate, resolve that the general valuation, in relation to all land where an increased valuation thereby results to be phased in over a 3 year period...*

POLICY / STRATEGIC IMPLICATIONS:

The proposal is consistent with the Rating Policy 4.1.9 for split rating and applying part GRV is in keeping with other rural properties with significant non-rural use. Where the predominant use is non rural, the basis of rating will be GRV.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The GRV on Lot 101 will increase rates by \$7,894.58 if rated for full 2023/24 financial year.

The GRV on Lot 107 will increase rates by \$7,210.08 if rated for full 2023/24 financial year.

SUSTAINABILITY:

Environmental: Nil.

Economic: As per financial implications.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Agree to change the basis of rating for portion of Lot 101 on Deposited Plan 29736 from Unimproved Value to Gross Rental Value;
2. Agree to change the basis for all of Lot 107 on Deposited Plan 403154 from Unimproved Value to Gross Rental Value; and
3. Seek approval from the Minister of Local Government to make the change and for them to take effect from 1 July 2024.

COUNCIL RESOLUTION:

MOVED: Darin, J

SECONDED: Winfield, C

29417

That Council:

1. Agree to change the basis of rating for portion of Lot 101 on Deposited Plan 29736 from Unimproved Value to Gross Rental Value;
2. Agree to change the basis for all of Lot 107 on Deposited Plan 403154 from Unimproved Value to Gross Rental Value; and
3. Seek approval from the Minister of Local Government to make the change and for them to take effect from 1 July 2024.

CARRIED: 7/0

For: Cr D Buegge, Cr J Darin, Cr W Eiby, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Councillors Miolin and De Campo returned to the Chamber at 6.27pm.

ATTACHMENT

9.3.3 Council Financial Payments for November 2023

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	ALL
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	<i>Local Government (Financial Management) Regulations 1996</i>
AUTHOR:	Judy Sutton
DATE OF REPORT:	21 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

Accounts for payment totalling \$3,512,232.25 for the month of November 2023. Corporate Card transactions, Ampol and BP fuel cards for October 2023 and Wright Express (Coles cards) transactions for October 2023 are attached.

ATTACHMENT: 9.3.3(1)

Vouchers for the expenditure are available for inspection at the Council Meeting of 18 January 2024.

Funds	Amount
Municipal	\$3,512,232.25
Trust Fund	\$0.00
Total	\$3,512,232.25

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Council Meeting of 18 January 2024.

Fund	Batch	Amount
Municipal Payments for Month October 2023		

Cheque payments	95444 – 95463	\$24,668.80
EFT	295 – 299	\$2,652,622.21
Direct Debits		\$31,273.16
Payroll – November 2023		\$803,668.08
Total Payments – November 2023		\$3,512,232.25

Direct Debit for Card Payments	Amount
Corporate Credit Cards – October 2023	\$7,992.67
Wright Express - Coles – October 2023	\$661.77
Total	\$8,654.44
Direct Debit payments included on Warrant Listing Report - November 2023.	

Fuel Card Payments	Amount
BP Cards – October 2023	\$8,405.96
Ampol Cards – October 2023	\$3,480.92
Total	\$11,886.88
Electronic Funds Transfer (EFT) payments included on Warrant Listing Report - November 2023	

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As stated.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council note the November 2023 accounts for payment totalling \$3,512,232.25, as detailed within Attachment: 9.3.3(1).

COUNCIL RESOLUTION:

MOVED: Darin, J SECONDED: De Campo, W

That Council note the November 2023 accounts for payment totalling \$3,512,232.25.

Councillor Darin declared a Financial Interest in this Item as she is the sole owner of Jayde Darin Consulting. Councillor Darin did not vote on the Item and left the Chamber at 6.33pm.

MOVED: Omodei, P SECONDED: Ventris, M

That Council Suspend Standing Orders.

The above motion was withdrawn by Cr Omodei.

The Substantive Motion was re-moved and re-seconded.

RE-MOVED: De Campo, W RE-SECONDED: Winfield, C

29418

That Council note the November 2023 accounts for payment totalling \$3,512,232.25, as detailed within Attachment: 9.3.3(1).

CARRIED: 8/0

For: Cr D Buegge, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Councillor Darin returned to the Chamber at 6.44pm.

ATTACHMENT

9.3.4 Monthly Statement of Financial Activity - November 2023

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
AUTHOR:	Greg Lockwood
DATE OF REPORT:	4 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The Statement of Financial Activity report for the period to 30 November 2023 is attached. The report is summarised by "Type" with operating comments identifying departments with a reportable variance.

ATTACHMENT: 9.3.4 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The financial performance for the Shire of Manjimup to the 30 November 2023 is a projected profit of \$284,073.

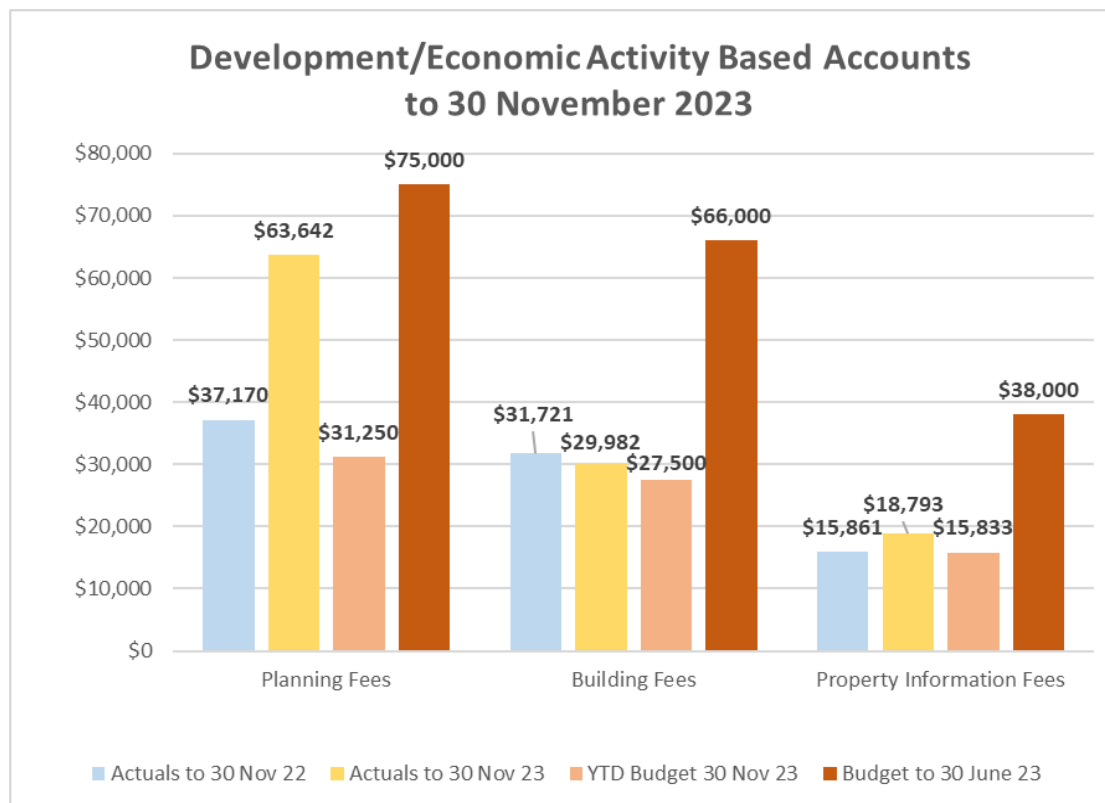
The projected profit is based on a conservative approach highlighting possible issues as they occur, which in most cases can be rectified or offset with under expenditure in other areas as the Shire progresses through the financial year.

To the 30 November 2023 the projected surplus from the October 2023 report remains unchanged which was driven primarily by the confirmation of the Shire of Manjimup's actual end of year position for the 2022/23 financial year. The 2023/24 adopted budget contained a projected carry forward surplus from the previous year of \$7,659,291 and after completion of the Annual Financial Account's audit process, the final position to the 30 June 2023 is \$7,926,507 a variance of \$267,216.

The projected surplus within the 30 November 2023 monthly accounts is \$429,216 however given the advice from the Department of Local Government, Sport and Cultural Industries of the overpayment of the Shire's Financial Assistance Grant, it would be prudent to set aside the \$145,143 overpayment from this leaving a projected profit of \$284,073.

Interest Received continues to exceed budget with strong returns in November to put Interest Received \$226,652 ahead of the year-to-date budget. This progress ahead of the year-to-date budget will slow as we continue through the year and utilise cash reserves, however the \$160,000 projection above budget should comfortably be achieved and available for reallocation.

Development activity based accounts for 2023/24 again show a high level of activity, in particular Planning Fees is well ahead of the Year to Date budget by \$32,392. The graph below compares November 2022 to November 2023 including year-to-date and annual budget.



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

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

As described in above summary.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council receive the Monthly Statement of Financial Activity Report for November 2023 as per Attachment: 9.3.4(1).

COUNCIL RESOLUTION:

MOVED: Ventris, M

SECONDED: Eiby, W

29419

That Council receive the Monthly Statement of Financial Activity Report for November 2023 as per Attachment: 9.3.4(1).

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

9.5.1 Proposed Commencement of Legal Action for Unauthorised Development at Lot 100 Etherington Road, Beedelup

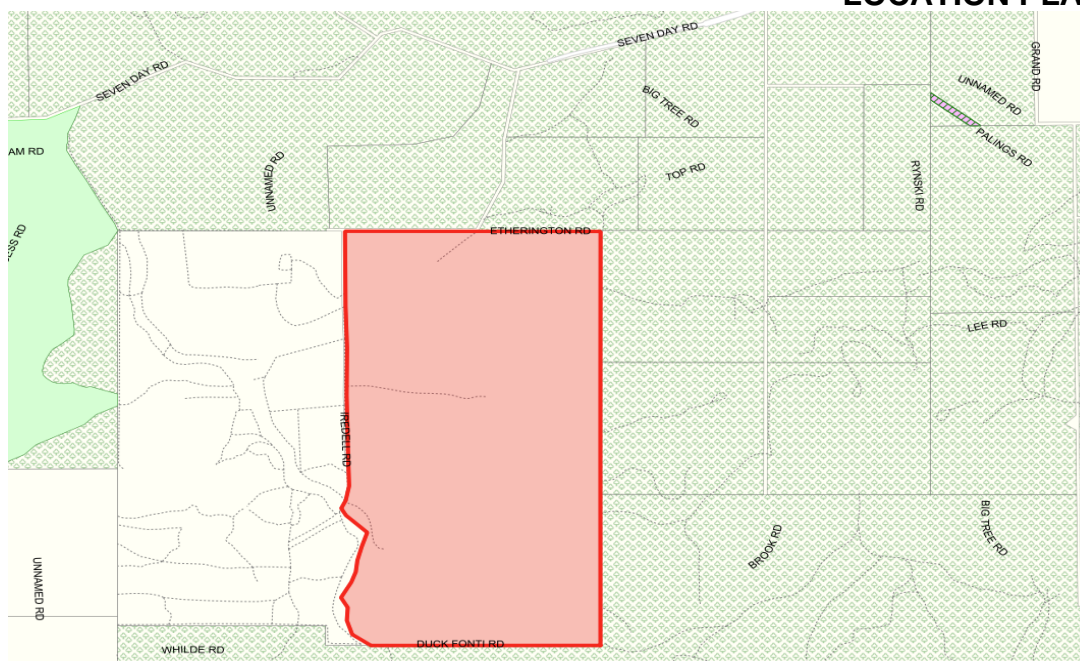
PROPONENT	Mecca Holdings Pty Ltd & Red Moon Holdings Pty Ltd
OWNER	Mecca Holdings Pty Ltd & Red Moon Holdings Pty Ltd
LOCATION / ADDRESS:	Lot 100 (122) Etherington Road, Beedelup
WARD:	Rural
ZONE:	Priority Agriculture
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/76 F180294 P58097
LEGISLATION:	<i>Planning and Development Act 2005; Building Act 2011, Health (Miscellaneous Provisions) Act 1911</i>
AUTHOR:	Jocelyn Baister; Peter Krispyn
DATE OF REPORT:	2 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

Council is requested to consider commencing legal action against the owners of Lot 100 (122) Etherington Road, Beedelup for multiple alleged offences pertaining to the provisions of Local Planning Scheme No.4 (the Scheme), the *Building Act 2011*, *Building Regulations 2012* and the *Health (Miscellaneous Provisions) Act 1911*.

The subject land is 430.5 hectares in area and is located to the south of Seven Day Road. The property is surrounded by State Forest to the north, south and east. A location plan is provided below.

LOCATION PLAN



An examination of Shire records and aerial imagery was undertaken in 2021 after concerns were raised in respect of suspected building works being undertaken on the lot. This examination identified multiple discrepancies with Shire records and what was shown on the aerial imagery, the largest being a 5,142m² building of which there were no apparent approvals. Shire Staff contacted the landowner in June 2021 querying the suspected unauthorised buildings.

Following initial contact and subsequent meetings with relevant Shire staff it was established that the landowner had not obtained the relevant approvals required under Building, Planning and Health legislation.

As a result of Shire involvement, the property owner started the process to legitimise the unauthorised works through the appointment of relevant consultants to work through the legislated process. A separate item was presented to Council, in December 2023, seeking retrospective planning approval for most of the developments that occurred. Although this approval was granted, the owner still needs to obtain relevant approvals as required under Building and Health legislation.

Council is now requested to consider legal action for a breach of Local Planning Scheme No 4, the *Building Act 2011* and the *Health (Miscellaneous Provisions) Act 1911*.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

To assist Council in determining whether legal action should be commenced in respect of the developments and ongoing uses, the following comments are offered:

Zoning

The provisions of Local Planning Scheme No 4 (the Scheme) include the land within the Priority Agriculture Zone. The Scheme also identifies that the land is located within Special Control Area No 1 (SCA 1) relating to a proclaimed Public Drinking Water Source Protection Area associated with the Lefroy Brook.

As outlined within clause 6.1.5 of the Scheme, *“Notwithstanding any other provision of the Scheme, and in particular the provisions of clause 8.4 – Permitted Development; development is prohibited on land within any of the Special Control Areas referred to in clause 6.1.1 and shown on the Scheme map without the prior approval of the local government.”*

Having regard to the provisions of clause 6.1.5, the commencement of development and or land uses on the land without the prior approval is an offence under the Scheme.

Purpose of Prior Approval

The objective in requiring prior approval within SCA 1 is to ensure that land use and development is compatible with the protection and long term management of water resources for public water supply. Consistent with this objective, applications which have potential to result in any of the following must be referred to the Department of Water for comment:

- increase nutrient loading;
- the application of fertilisers and pesticides;
- storage of chemicals, fuels and other polluting substances; or
- any other impact which the local government considers could have an impact on the quality of public drinking water.

Summary of Non-compliance

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

- a dwelling and shed located 25m to the south of Etherington Road, which do not have any record of approval from planning, building or health legislations;
- an additional transportable dwelling and four room donga within the staff accommodation cluster which do not have any approvals from planning, building and health;
- a 5,142m² building being used for a Machinery Workshop and Store inclusive of office, tearoom and separate ablutions that do not have planning, building or health approvals;
- a number of rural workers accommodation transportable units that do not have planning, building or health approvals (including a patio structure over the buildings that does not have building approval);
- three permanent dwellings in the cluster that have received planning approval but do not have building permits;
- a main office that does not have planning, building or health approvals;
- an Industry-Rural (Cool Store shed) that has been expanded to approximately 6,000m²; and
- multiple septic systems installed without approvals in place.

The above listed alleged offences are extensive and most likely represent the most significant level of non-compliance identified within the Shire. However, the developments have been undertaken over a period of years, with many timeframes being over the statute of limitations under building legislation (6 years) and planning legislation (12 months). This said, legal action can be taken for the commencement of various land uses as these offences are ongoing.

The continuation of the following land uses constitutes offences through all Building, Planning and Health legislation:

- the continued use of a dwelling and shed located 25m to the south of Etherington Road;
- the continued use of an additional transportable dwelling and four room donga within the staff accommodation cluster;

- the continued use of a 5,142m² building used for a Machinery Workshop and Store inclusive of office, tearoom and separate ablutions;
- the continued use of a number of rural workers accommodation;
- the continued use of the main office;
- the continued use of an Industry-Rural (Cool Store shed) that has been expanded to approximately 6,000m; and
- the continued use of the land for the Agriculture-Intensive expansion.

It should be noted that the granting of retrospective approval does not prevent the local government from taking action for a suspected breach or breaches of Building, Planning or Health law.

In enforcing the relevant legislation and following consideration of the scale of business operations undertaken on the property and the likely effects a forced cessation would have caused throughout not only the locality of Manjimup but the State, Shire Staff have not required a cessation of the continuation of uses relating to the alleged offences whilst in the process of obtaining retrospective approvals. It is important to note that offences relating to the use were occurring prior to the any Shire involvement.

The above listed alleged offences are extensive and would be considered to be the largest offence committed within this Shire. The enforcement of these offences through prosecution will help allay any public perception that it is acceptable to undertake development and building work without the necessary approvals. A successful prosecution will act as a deterrent to the public, developers and builders alike who are increasingly undertaking development and building works without obtaining necessary approvals and seeking retrospective approvals after the offences have been discovered. This is evidenced by the increasing number of retrospective development application approvals and Building Approval Certificate applications being sought.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

In accordance with Part 8 – Development of Land of the Scheme, the Shire's prior planning approval is required to be obtained unless the development is identified as 'Permitted Development' under clause 8.4. Given that works have been constructed and land uses intensified without a valid approval, the developments have been undertaken in breach of Part 8 of the Scheme.

Whilst there is a 12 month statute of limitation for taking actions against breaches of the *Planning and Development Act 2005*, there has been recent development and continued land use which falls within the period of prosecution.

Having regard to the following matters, it is recommended that legal action be commenced for a breach of the Scheme:

- the continued use of a dwelling and shed located 25m to the south of Etherington Road;

- the continued use of an additional transportable dwelling and four room donga within the staff accommodation cluster;
- a 5,142m² building continuing to be used for a Machinery Workshop and Store inclusive of office, tearoom and separate ablutions;
- the continued use of an unknown number of rural workers accommodation;
- the continued use of the main office;
- the continued use of an Industry-Rural (Cool Store shed) that has been expanded to approximately 6,000m; and
- the continued use of the land for the Agriculture-Intensive expansion.

Building Act 2011

Part 2, Division 1, Section 9 of the Building Act 2011 requires that a person must not do building work unless —

- (a) a building permit is in effect for the building work; or*
- (b) a building permit is not required for the building work under Part 5 or regulations or an order mentioned in Part 5 Division 1; or*
- (c) the work is done in accordance with a building order; or*
- (d) the work is done in the course of taking action under section 118(2).*

The penalty for an offence or offences committed in relation to the above are listed as:

- (a) for a first offence, a fine of \$50 000;*
- (b) for a second offence, a fine of \$75 000;*
- (c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.*

Shire Staff have identified multiple occurrences on this property where building work has commenced without a building permit being in effect.

Part 4, Division 1, Section 41(2) of the Building Act 2011 requires that an owner or occupier of a completed building must not occupy or use, or permit the occupation or use of, the building unless —

- (a) an occupancy permit, other than a temporary permit, is in effect for the building; or*
- (b) a temporary permit for the building has effect for a period after the completion of the building and the occupation or use of the building is during that period; or*
- (c) an occupancy permit is not required for the building under Part 5 or regulations or an order mentioned in Part 5 Division 1.*

Penalty:

- (a) for a first offence, a fine of \$50 000;*
- (b) for a second offence, a fine of \$75 000;*
- (c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.*

Whilst the *Building Act 2011 (the Act)* identifies the requirements for obtaining occupancy permits the Act also contains provisions through the *Building*

Regulations 2012 (the Regulations) where an occupancy permit is not required. The Regulations contain exemption provisions for Class 1 and 10 buildings being typically houses and private sheds, garages, patios etc. Other building classes from Class 2-9 as identified in the National Construction Code require occupancy permits. Due to the commercial nature of the buildings, building classification would be Class 5 being Offices, Class 7 being storage sheds including cool rooms and Class 8 being workshops. No applications for required occupancy permits have been received.

Environmental Health Legislation

In accordance with clause 107 of the *Health (Miscellaneous Provisions) Act 1911*, any person who installs any apparatus for the treatment of sewerage without prior approval commits an offence. This applies to both contractors and landowners. Ongoing use of the apparatus is also an offence.

Clause 4 of the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974* (the Regulations) stipulate that an apparatus may be approved by the local government if it is intended to serve a single dwelling, or any other building that produces not more than 540 litres of sewerage per day. In accordance with clause 4A(2) of the Regulations, the approval of the Chief Health Officer (i.e Department of Health) is required for other systems.

The investigations have confirmed that a number of dwellings, staff accommodation units, ablution buildings and the office have been established without the landowners obtaining approval for the associated waste water disposal systems. Having regard to the provisions of the Regulations, prior approval should have been obtained from the Department of Health prior to installation. The non-compliance with this requirement will be forwarded to the Department of Health for their consideration/action.

In addition to waste water issues, the provision of staff accommodation has been occurring without the owners having increased numbers of the lodging house registration. In accordance with part 8.1 of the Shire of Manjimup Health Local Law 2020, a lodging house registration is required to be obtained and maintained.

POLICY / STRATEGIC IMPLICATIONS:

The commencement of legal action for the unauthorised development at Lot 100 Etherington Road, Beedelup will assist in the delivery of the following Goals and Strategies within the Strategic Community Plan 2021-2032:

Goals

- 1.2 Development is managed sustainably and our environment is valued through policy and regulation

Strategies

- A7. Implement controls to protect air and water quality;
- A8. Effectively use development and land policies to protect and rehabilitate the environment whilst balancing the needs of the community;
- C15. Manage environmental health risks in the community.

ORGANISATIONAL RISK MANAGEMENT:

There has been a noticeable increase in the level of unauthorised development and building work within the Shire. This has been reflected in the number of applications referred to Council for retrospective approval and Building Approval Certificates.

Failure to enforce legislation and take action for unauthorised development of this scale is likely to send a message to the public, builders and developers alike that it is acceptable to commence development and building works without the necessary approvals being obtained. Not prosecuting will result in an undesirable precedence and unrealistic expectations within the community.

The Shire has also knowingly allowed the continuation of business operations on the subject property which increases the Shires risk exposure.

FINANCIAL IMPLICATIONS:

Any costs associated with legal action can be sourced from within the Shire's annual adopted budget. The awarding of costs will be sought should legal action be successful.

SUSTAINABILITY:

Environmental: This project has the potential for damage to the water and soil of the surrounding area and requires detailed implementation to mitigate any impacts.

Economic: Nil.

Social: Enforcement of the State and Shire's legislation by initiating legal action can act as a deterrent for future non-compliance by landowners and developers.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Authorise the Chief Executive Officer to proceed with legal action against the owners of Lot 100 (122) Etherington Road, Beedelup for:**
 - a) A breach of Local Planning Scheme No. 4 in respect of the unauthorised development;**
 - b) Alleged offences pertaining to :**
 - ***Building Act 2011 Part 2, Division 1, Section 9* No building work without a building permit; and**
 - ***Building Act 2011 Part 4, Division 1, Section 41(2)* Certain buildings not to be occupied or used without an occupancy permit;**

- c) Failure to amend the register of premises as a Lodging House in accordance with Part 8.1 of the Shire of Manjimup's Health Local Law 2020.

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: De Campo, W

29420

That Council:

1. Authorise the Chief Executive Officer to proceed with legal action against the owners of Lot 100 (122) Etherington Road, Beedelup for:
 - a) A breach of Local Planning Scheme No. 4 in respect of the unauthorised development;
 - b) Alleged offences pertaining to :
 - *Building Act 2011 Part 2, Division 1, Section 9* No building work without a building permit; and
 - *Building Act 2011 Part 4, Division 1, Section 41(2)* Certain buildings not to be occupied or used without an occupancy permit;
 - c) Failure to amend the register of premises as a Lodging House in accordance with Part 8.1 of the Shire of Manjimup's Health Local Law 2020.

MOTION CARRIED 7/2

FOR

Cr D Buegge
Cr J Darin
Cr W Eiby
Cr S Miolin
Cr M Ventris
Cr J Willcox
Cr C Winfield

AGAINST

Cr W De Campo
Cr P Omodei

ATTACHMENT

9.5.5 Proposed Motel with Parking Variation at Lot 174-176 (13-17) Rose Street, Manjimup

PROPONENT	Texture - Arch
OWNER	P Twin Holdings Pty Ltd
LOCATION / ADDRESS:	Lot 174-176 (13-17) Rose Street, Manjimup
WARD:	Urban
ZONE:	Town Centre
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/142 P55100, 52820, 54520
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Jocelyn Baister
DATE OF REPORT:	21 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land has a combined total area of 3,014m² and is located at the corner of Rose and Ipsen Streets within the Manjimup town centre. Lot 174 currently consists of a disused nursery building and trade area with Lots 175 and 176 vacant. A location plan is shown below.

LOCATION PLAN



In August 2023, Shire staff provided preliminary comments to the landowner with regards to the proposed development of a Hotel on the subject land. Comments were provided without prejudice with regards to the built form layout, parking calculations and site conditions, including access.

In September 2023, the Western Australian Planning Commission granted unconditional approval to amalgamate the three lots into one, which will assist in a coordinated development on the land.

Council is in receipt of an application for planning approval for a Hotel development comprising of:

- 35 accommodation units, two of which are proposed to be accessible;
- A combined reception and dining area;
- Outdoor barbeque area; and
- Parking for 27 cars and six bicycles.

Additional information received in support of the application states that the hotel will be operated from the head office in the city and operate 24 hours a day and 365 days a year. There will be two persons employed for reception and administration and three house keepers. Only light breakfast will be provided.

The submitted plans are shown attached.

ATTACHMENT: 9.5.5 (1)

Council is requested to determine the proposal given the development is seeking approval for a parking shortfall.

PUBLIC CONSULTATION UNDERTAKEN:

The proposal was referred to surrounding landowners and signs were placed on site for a period of 21 days for public comments. The proposal was also referred to Tourism WA for comment.

Seven comments were received from the public, with one submission in full support and the other submissions raising concerns relating to traffic movements, parking and building design.

Whilst some submissions are addressed in the Comments section below, a Schedule of Submissions and copies of the individual comments are provided attached.

ATTACHMENT: 9.5.5 (2)

COMMENT (Includes Options):

The provisions of the Local Planning Scheme No. 4 (the Scheme) include the land within the Town Centre Zone and within Planning Precinct 1a Manjimup (MP1A) Town Centre. The application is consistent with the purpose of the Town Centre Zone, which is to *“provide for the establishment and ongoing development of nodes of diverse commercial, professional, tourist, entertainment, residential and community activities to service the populations of surrounding areas.”*

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

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (vii) *the content and objective of Planning Precinct Statements set out in Schedule 8 of this Scheme;*
- (xi) *any social issues that have an effect on the amenity of the locality;*
- (xv) *the preservation of the amenity of the locality;*
- (xvi) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (xvii) *whether the proposed means of vehicular access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (xviii) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (xxiii) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (xxvi) *any relevant submissions received on the application; and*
- (xxvii) *the comments or submissions received from any authority consulted under Clause 10.1.*

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

Land Use Classification

The completed application form describes the proposed development as "Proposed Hotel and reception building". From examination of the Scheme, the proposed development could be deemed to be consistent with either of the following definitions:

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

Motel "means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the

accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988”.

As reflected on the submitted plans, the applicants are making special provision for vehicles, with allocated parking bays. Given this, it is considered that the use is appropriately classified as a Motel with associated facilities.

Setbacks

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

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

In this case the applicants are proposing a 2.4m setback to Robbies Lane, a 3.6m setback to Rose Street and a 3.2m setback to the adjoining property. The proposal includes a parking area within a 19.2m setback to Ipsen Street.

Planning Precinct

The Scheme includes the subject land within Planning Precinct MP1A which relates to the traditional town commercial and business centre. As outlined in clause 2.1.1 of the Scheme, the continuation of the individuality that is representative of most eras is encouraged.

Development within the precinct will be encouraged to:

- *Combine a wide range of uses and to include opportunities for combined residential and commercial or office uses;*
- *Accommodate tourist and entertainment orientated activities;*
- *Maintain a mix of larger and small scale development but where larger new developments and designed to appear as smaller more interesting units that relate to the street and are interesting for pedestrians;*
- *Create small scale one and two storey shops and other buildings with varying styles;*
- *Require new developments and renovations to be designed to be pedestrian oriented where sheltered outdoor spaces are created where footpath and open space awnings are developed for pedestrian comfort; and*
- *The preservation and enhancement of buildings representative of the “art deco” or jazz” and those building on the Heritage Inventory.”*

Apart from the above statement, there are no other design guidelines for the town centre to prescribe materials, colours and built form.

Car Parking

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

Use	Minimum Number of Parking Spaces to be Provided	Proposal	Parking Required	Parking provided
Motel	1 per unit	35 units	35 bays	27 bays & 10 on-street
	plus 1 per 25m ² of service area.	168m ² amenities	7 bays	

The applicant has proposed 27 car parking bays and six bicycle parking spaces off street. There is a proposed parking short fall of 15 car parking spaces for the number of rooms and service area to be provided.

Relaxation of Standards

In accordance with clause 5.5.1 of the Scheme, where a development does not comply with a standard or requirement prescribed by the Scheme, the local government may approve the application, despite this non-compliance. As stated in clause 5.5.3 of the Scheme, *“the power conferred by this clause may only be granted if the local government is 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 of the likely future development of the locality.”*

Traditionally when calculating car parking requirements relating to a proposed development or change of use within the Town Centre, both Shire Staff and Council have supported permanent on-street car bays to be taken into account when considering a relaxation of parking standards.

In this case, taking into account ten on-street parking bays, the required car parking bays could be reduced from 42 to 32, without having a detrimental impact on the occupiers or users of the development, the inhabitants of the locality of likely future development. A reduction in the required parking from 42 is therefore supported, however there is a still a shortfall of five spaces.

Cash in Lieu

In accordance with Clause 5.17.11 of the Scheme where an applicant can satisfy the local government that the minimum car parking requirements cannot be provided on the site, a cash payment can be accepted in lieu of the provision of parking. As outlined within the clause, the payment shall be equivalent to the cost of providing and constructing the car parking together with the value of the land that would otherwise be occupied by the car parking.

Clause 5.7.11 (b) stipulates that before accepting the payment of cash-in-lieu, the local government must have:

- i. purchased land for a car park; or
- ii. provided a public car park in the vicinity of the proposed development or have a firm commitment to do so; or
- iii. have an endorsed car parking strategy with agreed works to be implemented.

In this case, the Shire has an adopted Parking Strategy, which identifies the formalising of parking bays located on the railway reserve to the rear of the shops fronting Giblett Street. As the Shire is already in control of the land, which was obtained without the need to purchase the land, it is recommended the requirements of clause 5.17.11 be varied such that any cash in-lieu component is equivalent to the construction cost only. Any cash-in-lieu received could also be utilised to formalise parking abutting the property on the Ipsen and Rose Streets. The applicant has also proposed converting Robbies Lane to one way to address the concerns raised by the public about access and sightline issues.

Landscaping

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

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

As outlined within the Policy, a minimum three metre landscaping strip is required for commercial developments, except where development is approved with a nil setback. In this case the applicant has not achieved a landscaping strip to Ipsen Street and although the setback of 3.6m to Rose Street could achieve the required landscaping, each Motel room has provided a private courtyard encroaching on the landscaping area.

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

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

- applicants are proposing extensive paved areas within the site for pedestrian movement within the site along with landscaping adjacent to the neighbouring property and an outdoor barbeque area; and
- the level of landscaping complies with the scheme requirements.

Submissions Received

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

- Increase in parking demand in the area and the shortfall;
- Robbies Lane access and vehicle movements;
- Sightlines onto Ipsen Street;
- Impact on town Services;
- Noise impacts from Coles deliveries;
- Viability of additional accommodation proposals.

Vehicular access to and egress (Robbies Lane)

A number of concerns have been raised regarding the increased traffic movements onto Robbies Lane and the restricted sightlines for exiting onto Ipsen Street. Robbies Lane is currently 5m in width and therefore not wide enough for two vehicles to safely pass each other without using private land as a passing lane. To alleviate the concerns Shire Staff have proposed the conversion of Robbies Lane to one-way from Ipsen Street to Lock Street. As there are costs associated with this project in terms of line marking and signage, it is recommended that the applicant be requested to contribute to the costs for the conversion.

Servicing requirements

Comments were received from the public with regards to the Water Corporation infrastructure and its ability to support the proposed increase in demand for reticulated water supply. Whilst the comments are noted, the responsibility of maintaining the water supply is with the Water Corporation. As the land has zoned for Town Centre since 2010 the service agency has had the appropriate information to forecast loading demands on its infrastructure as applicable to the subject land.

External Noise Intrusion

Concerns were raised with regards to the existing noise being emitted from the commercial development to the north and private gymnasium to the south and how guests might not accept that these are considered normal for the area. Although the accommodation units are setback due to the location of the car park, it is recommended that the proponent be advised of these existing emissions and encouraged to introduce design elements in order to mitigate these factors.

Viability of proposed accommodation

One of the submitters has questioned the viability of the proposed accommodation given the existing and proposed accommodation in Manjimup. Whilst this is not a valid planning consideration, the concerns are noted and it is expected that the operator of the Motel has undertaken it's due diligence and considered the market demand for the area.

Conclusion

Whilst the Shire has received a number of concerns regarding the proposal, it is considered by Shire Staff that with appropriate conditions the development

can comply with the provisions of the Scheme and can achieve a quality development outcome.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

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

B2: Attract business-class accommodation services to Manjimup.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2023/24 annual budget.

Any cash in lieu received would be held in a reserve account for the construction of public parking by the Shire.

SUSTAINABILITY:

Environmental: No environmental impacts are anticipated.

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

Social: The proposal is in close proximity to existing businesses that emit noise and residences which are sensitive to excessive noise.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Clause 5.5 and Part 10 of the Shire of Manjimup Local Planning Scheme No. 4 grants planning approval to the proposed Motel at Lots 174-176 (13-15) Rose Street, Manjimup in accordance with the submitted plans and specifications as attached at Attachment 9.5.5(1), subject to compliance with the following conditions:

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

Reference	Document Title	Date Received
A2100	Floor Plan	13 October 2023
A3100	Elevation	13 October 2023
A3101	Elevation	13 October 2023

2. Notwithstanding Condition 1 above, the applicant shall submit a revised site/floor plan following a review of sightlines and access onto Robbies Lane;
3. Prior to the application for a demolition permit a dilapidation report is to be prepared at the applicants expense, documenting the current state of the adjoining premises located at Lot 173 Rose Street, Manjimup;
4. A dilapidation report, prepared at the applicants expense, documenting the current state of the verge, footpath and road shall be prepared and submitted to the Shire of Manjimup for approval prior to the commencement of any works associated with the development;
5. Prior to the application for Building Permit, the applicant must submit and have approved by the Shire of Manjimup, and thereafter implement to the satisfaction of the Shire of Manjimup, a construction management plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - g) Other matters likely to impact on the surrounding properties.
6. Prior to the application for Building Permit a Waste Management Plan must be submitted to and approved by the Shire of Manjimup. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - a) the location of bin storage areas and bin collection areas;
 - b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - d) frequency of bin collections.

7. The construction works involved in the implementation of the development must not cause a nuisance to neighbours through noise, dust and/or sand drift;
8. Within 60 days of a Building Permit being issued, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup;
9. The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Manjimup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Manjimup;
10. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4, including 32 car parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress;
11. Prior to the occupation or use of the development hereby approved, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) be constructed, drained and marked in accordance with Clause 5.17 of the Shire of Manjimup Local Planning Scheme No. 4 to the satisfaction of the Council prior to the commencement of the use hereby permitted.
 - b) thereafter be maintained to the satisfaction of the Council.
 - c) be made available for such use at all times and not used for any other purpose.
 - d) be properly formed to such levels that it can be used in accordance with the plan.
12. Prior to the occupation of the development, vehicle crossover between the subject land and Robbies Lane is to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup;
13. The development hereby approved shall be connected to the Water Corporation reticulated sewerage system;
14. All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction of the Shire of Manjimup;
15. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on

the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a building permit;

16. The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants to the satisfaction of the Shire of Manjimup; and
17. Any external lighting proposed on the subject property must be installed as to not have a detrimental impact upon traffic in the vicinity or upon the general amenity of neighbouring properties to the satisfaction of the Shire of Manjimup.

Advice to Applicant

- a) This Development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- b) Further to Condition 10) above, the applicant is advised that as an alternative, the Shire of Manjimup is prepared to accept payment of cash-in-lieu for the required parking that cannot be provided on-site, with such payment to be used by the Shire to formalise the parking spaces on Ipsen Street prior to occupation of the development. Any balance of funds is to be held in reserve for the improvement of parking on Bath Street;
- c) A minimum number of accessibility car bays shall be maintained on site at all times in accordance with the Australian Standard 2890.6 –2009, and connected to a continuous accessible path to the main entrance of the building or facility. The design and signage of the bay(s) and path(s) are to be in accordance with the Australian Standard 1428.1 – 2009;
- d) Existing commercial land uses to the north and south of the subject site may emit noise and odours which may not be acceptable to the guests staying at the Motel, the proponent is encouraged to introduce design elements to mitigate these impacts;
- e) The development and associated uses are required to comply all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* (as Amended), *Health (Public Buildings) Regulations 1992*, the *Food Act 2008* and *Food Regulations 2009*. Prior to commencement of the uses hereby approved, various applications are required under this legislation and it is recommended that you liaise with the Shire of Manjimup's

Environmental Health Team over the preparation, lodgement and approvals processes; and

- f) If public consumption of alcohol is likely to occur on the subject premises, additional requirements may be imposed by the Liquor Licensing Division of the Department of Local Government, Sport and Cultural Industries. It is recommended that the proponent consult with the Liquor Licensing Division, either directly (on 1800 634 541) or via the website: www.dlgsc.wa.gov.au for further information.

COUNCIL RESOLUTION:

MOVED: Winfield, C **SECONDED:** De Campo, W

29421

1. That the proposal is rejected on the basis that in its present form the traffic management, using Robbies Lane is inadequate and will disrupt other businesses using the lane. The proposal could be redesigned to include a minimum number of 1 bay per unit plus 2 bays for staff parking.
2. A traffic management plan is required to be lodged as part of any re-application for the development.

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Reason Council Decision

The Council was dissatisfied with parking and traffic management outcomes as part of the proposed development and proposed condition of development approval.

ATTACHMENT**9.5.6 Proposed Building Envelope Variation for a Dwelling- Single at Lot 144 Karri Street, Walpole**

PROPONENT	H J Heil
OWNER	H J Heil
LOCATION / ADDRESS:	Lot 144, 58 Karri Street Walpole
WARD:	Rural
ZONE:	Residential R10
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	DA23/174 P57558
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Karleha Brown; Jocelyn Baister
DATE OF REPORT:	21 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

A Planning Application has been received for Building Envelope Variation and a new Dwelling at Lot 144, 58 Karri Street, Walpole.

The property has an area of 1,295m² and is located on the northern side of Karri Street, near the McCallum Way intersection. A 3m easement for sewer exists to the rear of the property. A location plan is provided below.

Location Plan

Shire records indicate that approval was granted in October 2021 for retrospective fill and a proposed outbuilding. This application seeks approval to amend the Building Envelope by increasing its size and orientation to include the existing outbuilding and a proposed residence. The new building envelope has a reduced side setbacks from 7m to 2.5m to the southern

boundary, keeping similar alignment of the existing Building Envelope and with a projection toward the rear boundary to include the existing outbuilding. A copy of the proposal is attached.

ATTACHMENT: 9.5.6 (1)

Council is requested to consider the proposal due to concerns raised from a neighbouring landowner during the consultation period.

PUBLIC CONSULTATION UNDERTAKEN:

The application was referred to the adjoining landowners for a 28 day comment period, including a 7 day grace period for the Christmas and New year holiday period.

One comment was received from an adjoining landowner, who raised concerns about the reduction to the side boundary setback from 7m to 2.5m advising that they felt the setback to the proposed dwelling would be too close to the boundary. A copy of the submission is provided attached and the comments are discussed below.

ATTACHMENT: 9.5.6 (2)

COMMENT (Includes Options):

Lot 144 is zoned Residential with a density of R10 under the provisions of Local Planning Scheme No. 4 (the Scheme). The lot is situated in a planning precinct – Walpole 1 Boronia Ridge Residential Estate. The objective of the planning precinct is to recognise the environmental significance and to ensure retention of the character of the precinct as a whole and buildings within.

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 within the Scheme area;*
- (iii) *any approved State Planning Policies of the Commission;*
- (vi) *the local governments adopted Local Planning Strategy and any Local Policy adopted by the local government under clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme; and*
- (xv) *the relationship of the proposal to development on adjoining and or on other land in the locality including but not limited to, the likely effect of the height, bulks, scale, orientation and appearance of the proposal.*

An assessment against the above criteria is provided within the balance of this agenda item and consideration needs to be given as to whether a condition should be imposed requiring some additional revegetation of the property.

Scheme Provisions

The purpose of the Residential Zone is to provide for the adequate provision of suitable located land to provide for varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas.

Building Envelope

The subject property has a building envelope that has a 7.5m front, 10m rear setback and 6.8m side setbacks. The intent of the building envelopes in Boronia Ridge Estate was to maximise the retention of vegetation on the property to protect:

- (i) *The visual amenity of the area, both on-site and from other vistas around the Walpole Inlet; and*
- (ii) *The habitat of flora and fauna in the area.*

The dwelling is proposed to be setback 2.5m from the southern boundary, reducing the setback of the building envelope by 3.5m.

The Scheme allows for a variation to the position, shape, or size of a building envelope. Local Planning Policy 6.1.15 Boronia Ridge Development Standards provides guidance on the assessment of proposed building envelope variations based on site, vegetation or land conditions warranting a change. No justification to that effect has been supplied from the landowner, however given the site is predominantly clear of vegetation, enforcing the building envelope has limited effect.

Setbacks

In an absence of a prescribed building envelope, development setbacks would be required to be in accordance with the R-Codes. The prescribed side setbacks for development of an R10 density would be in accordance with Table 2a and 2b of the R-Codes which is 1.5m without major openings. In this instance the proposed setback of 2.5m is compliant with the R-Codes.

Bush Fire Prone Area

The subject property is within a Bush Fire Prone Area, the BAL assessment identifies the site as a BAL 12.5, which is considered a low risk.

Submission Received

As mentioned above, a submission was received by the neighbour who raised concerns regarding the earthworks on the property, with the assumption that these had not be approved. Concerns were also made with regard to the variation to the building envelope, stating that 2.5m is too close to the boundary. As stated above for a residential zone of this density, the setback is compliant with the R-codes. In addition, adjacent properties have received a reduced side setback of 2.5m therefore support for this variation would not impact on the existing streetscape.

It should also be noted that the adjoining neighbour has received approval for a dwelling which proposes a carport setback 4.5m from the common boundary

resulting in a setback to their property greater than 10m. The total separation between dwellings will be almost 13m.

Conclusion

The proposed variation to the building envelope is supported as the reduced setback is compliant with the R-Codes and density of the area and is consistent with the existing streetscape.

STATUTORY ENVIRONMENT:

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

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The applicant has paid the fees in accordance with Shire of Manjimup's 2023/24 Fees and Charges Schedule.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS:

SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council in accordance with Part 10 and clause 5.5 of Local Planning Scheme No. 4 grant planning approval for the proposed Dwelling – Single and building envelope variation at Lot 144 (58) Karri Street, Walpole subject to compliance with the following conditions:

1. The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application, as marked and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup;

Reference	Document Title	Date Received
A101	Site Plan – Envelope Variation	27 November 2023
A202	Floor Plan	27 November 2023
A301	Elevations A - B	27 November 2023
A302	Elevations A - B	27 November 2023

2. Prior to occupation, the vehicular crossover between the subject land and Karri Street is to be located, designed, constructed, sealed and drained to the satisfaction of the Shire of Manjimup;
3. Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of an approved dwelling, outbuildings and driveways or as otherwise approved by the Shire of Manjimup;
4. The submitted Bushfire Attack Level (BAL) Assessment shall be complied with and the on-going management provisions of the (BAL) Assessment shall thereafter be permanently maintained to the satisfaction of the Shire of Manjimup;
5. All buildings shall be constructed in accordance with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas" to the satisfaction of the Shire of Manjimup;
6. All perimeter fencing shall be constructed in a manner and of materials, which does not prevent the flow of surface water across any lots. The minimum standard fencing style acceptable is post and wire, for the purpose of preserving the amenity of the area. No fence shall be constructed of material or of a colour, which is considered by the Shire of Manjimup to be detrimental to the character of the natural landscape of the locality;
7. No rainwater run-off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience; and
8. All stormwater and drainage run off is to be retained on the subject property 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.

Advice to Applicant:

- i. This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works;
- ii. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system; and
- iii. The development the subject of this planning approval, must comply with the requirements of the *Health (Miscellaneous Provisions) Act 1911* and with the Shire of Manjimup's Health Local Laws 2020.

COUNCIL RESOLUTION:

MOVED: Omodei, P SECONDED: De Campo, W

29422

That Council defer this item to the next meeting pending further information in relation to the levels on the block.

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

Councillors Buegge and Omodei declared an Impartiality Interest in this Item as Councillor Buegge is an executive member of Manjimup Chamber of Commerce and Industry and Councillor Omodei is a member of the Manjimup Chamber of Commerce and Industry. Both Councillors declared that they would consider this matter on its merits and vote accordingly.

ATTACHMENT

9.9.1 Consideration of Fee Waiver for Christmas Tree Lighting Event 2023

PROPONENT	Manjimup Chamber of Commerce & Industry Inc
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Community Services
FILE REFERENCE:	F161343
LEGISLATION:	Local Government Act 1995
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	2 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Manjimup Chamber of Commerce & Industry (MCCI) Inc hosted the Christmas Tree Lighting event on Friday 8 December 2023 at Coronation Park in Manjimup. The event aim was to enhance community engagement and the activation of Christmas shopping in the Manjimup CBD. The event consisted of live entertainment, book readings, a performance from the Manjimup Primary School Choir and turning on the lights to the Christmas Tree.

On 29 November 2023, the Shire received a request from the MCCI to waive fees associated with event application and music copyright costs to assist with the delivery of the Christmas Tree Lighting event. A copy of the correspondence has been attached for Council reference.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Christmas Tree Lighting event is solely run by volunteers, designed to activate the CBD, encourage community engagement, promote local businesses, and provide various entertainment for families.

It should be noted that whilst essentially a community run event, commercial business operators located within the Manjimup CBD are clear beneficiaries of the event.

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, consider any justification to support the decision. The decision as determined, and in respect of fairness and transparency, will likely be regarded as a guiding precedence for other not-for-profit organisations seeking waivers of fees and charges for future events.

Associated Fees and Charges

The fees and charges applicable to the Christmas Tree Lighting event are as follows:

- Event application fee (\$50); and
- Music copyright fee (\$11.65)

Council's adopted Fees and Charges are set in such a way as to minimise financial impost on community groups and activities whilst recognising the need to recoup administration and service costs as deemed appropriate. It is also important to note that most community groups are not-for-profit and community events are generally run by volunteers. Essentially what this might suggest is should Council consider a waiver on these grounds, being volunteer run and not-for-profit, then Council may further wish to review all such fees and charges in the 2024/2025 budget process.

Further it is important to note that in previous years, as well as the current financial year, the Shire committed funding towards the installation costs of the Christmas tree. In 2023/2024 the Shire allocated \$1,500 towards the erection of the tree from the operation budget allocation for Christmas decoration rotation and provided free traffic management services for the installation and pending removal of the Christmas Tree.

Should Council elect to favourably consider the request by the MCCI it is recommended that the event application administration fee only be waived and that Council refuse the request to waive the music copyright fee as they are set to mitigate risk and to recover real costs.

Conclusion

Staff recommendation is for Council to adhere to the adopted fees and charges and not approve a waiver of fees and charges as they apply to the Christmas Tree Lighting Event.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.12(1)

Subject to subsection (2) and any other written law, a local government may –

- a) When adopting the annual budget, grant a discount of other incentive for the early payment of any amount of money;
- b) Waive or grant concessions in relation to any amount of money; or
- c) Write off any amount of money, which is owed to local government.

POLICY / STRATEGIC IMPLICATIONS:

The Shire of Manjimup Strategic Community Plan 2021 – 2031 contains the following being relevant to the request:

2. Our Prosperity

- B9. Encourage and support initiatives to encourage extended service provision and activate town centre.

3. Our Community

3.7 Our community is vibrant, dynamic and fun because we have access to a broad range of art, cultural, social and recreational opportunities.

- C2. Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community.
- C19. Support public events to ensure they are successful and safe.
- C20. Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements.

ORGANISATIONAL RISK MANAGEMENT:

Waiving of all fees and charges, which are already heavily subsidised, without considered and transparent justification, could be deemed as setting precedence for other not-for-profit hirers of community venues.

Any future review of the annual fees and charges to accommodate the future waiving of venue fees and charges will likely require an operational budget increase to accommodate this loss of revenue and ability to recover direct costs.

FINANCIAL IMPLICATIONS:

Whilst the dollar figures relating to this application are relatively small, there is a likelihood of a much bigger inherent financial risk to the organisation should the decision be made to waive all fees, as community groups may perceive this to be a precedence for future years.

Council sets fees and charges annually to ensure an equitable application across the community. Should Council deem the fees and charges, as adopted, too onerous for community groups then it is perhaps best to address this during the budget process as opposed to encouraging all not-for-profits and community groups to request a waiver for events and activities undertaken that incur a fee or charge.

SUSTAINABILITY:

Environmental: Nil.

Economic: The event is focused on promoting direct spend with local business.

Social: The event activates the Manjimup town centre, creating a sense of place and enhancing community spirit.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council refuse the request by the Manjimup Chamber of Commerce & Industry Inc to waive the Event Application Fee of \$50 and music copyright fee of \$11.65 as prescribed in the adopted Shire of Manjimup 2023/2024 Schedule of Fees and Charges.

COUNCIL RESOLUTION:

MOVED: Eiby, W SECONDED: Ventris, M

29423

That Council refuse the request by the Manjimup Chamber of Commerce & Industry Inc to waive the Event Application Fee of \$50 and music copyright fee of \$11.65 as prescribed in the adopted Shire of Manjimup 2023/2024 Schedule of Fees and Charges.

MOTION CARRIED 7/2

FOR

Cr W De Campo
Cr W Eiby
Cr S Miolin
Cr P Omodei
Cr M Ventris
Cr J Willcox
Cr C Winfield

AGAINST

Cr D Buegge
Cr J Darin

Councillor Darin declared a Financial Interest in this Item as she is President of the Warren District Hospital Auxiliary. Councillor Darin did not speak or vote on the matter and left the Chamber at 7.34pm.

ATTACHMENT

9.9.2 Request for 'Out-of-Round' Shire of Manjimup Community Grant Request: Warren District Hospital Auxiliary

PROPONENT	Warren District Hospital Auxiliary
OWNER	Warren District Hospital Auxiliary
LOCATION / ADDRESS:	Hospital Avenue Manjimup
WARD:	Urban
ZONE:	NA
DIRECTORATE:	Community Services
FILE REFERENCE:	F160252
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Gail Ipsen Cutts
DATE OF REPORT:	3 January 2024
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The annual Shire of Manjimup community grants programme opens in early February and closes end of March each year as part of the annual budget process. Each year applications for financial assistance exceed the allocated budget amount and as such Council needs to make determination on how the limited financial resources are distributed.

From time-to-time financial assistance requests are presented to Council 'out-of-round', essentially being after the budget has been adopted and funds allocated. This agenda item addresses one such request being from the Warren District Hospital Auxiliary (WDHA). Initial correspondence, and additional information as requested, from the WDHA is attached.

ATTACHMENT: 9.9.2 (1)

ATTACHMENT: 9.9.2 (2)

At the Information Briefing Session of Council on the 16 November 2023 staff advised Councillors of the request and a follow up email to all Councillors seeking confirmation of support or otherwise, sent on 20 November 2023 was inconclusive in terms of formalising support.

The purpose of this report is to seek Council determination on the request as received from the WDHA.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The WDHA are seeking a grant of \$1,606 to facilitate a rebranding of WDHA as part of an overall strategy to *'reach out to a new generation, to communicate the relevance of the work, and to invigorate fundraising efforts'*.

With a refreshed brand, it is anticipated that WDHA can appeal to a broader audience, including the younger demographic, inspiring them to volunteer and support the cause. It also serves to reaffirm WDHA's commitment to the region's health and well-being, shining a renewed light on the Auxiliary's pivotal role within the community. The request to the Shire of Manjimup is for: logo development \$550, pull-up sign \$528, and a heavy metal A-Frame sign \$528 (\$1,606).

The remaining Unspecified amount of the 2023/24 Community Grants allocation is currently \$2,222, reserved for "Applications throughout the year for significant and compliant projects/activities and emergencies".

Whilst considering this request it is pertinent that Councillors be informed that Staff are aware of 2 other requests for financial assistance from the Shire of Manjimup being from the: Southern Forests Campdraft and Rodeo Club; and Pink Lady Apple 50th Anniversary committee. Council consideration of both requests is pending subject to the receipt of additional information.

The WDHA perform a very worthy role for health clients and the broader community. Engaging younger generations to participate and volunteer is challenging and a revitalised image as part of a broader strategy may indeed facilitate the anticipated changes. As such it is recommended that Council support the WDHA request for financial assistance.

STATUTORY ENVIRONMENT:

Local Government Act (1995) s6.7

POLICY / STRATEGIC IMPLICATIONS:

Policy 3.1.3 Community Funds Allocation;

The Community Funds Policy aims to support community groups, projects and events to carry out their own activities. These activities, however, also serve to support Council in fulfilling the objectives of various Council Plans and Strategies including the Shire of Manjimup Strategic Community Plan 2021 – 2031.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

The allocation of \$1,606 from the Unspecified Community Grant amount will leave \$616. Any further 'out-of-round' financial assistance requests submitted for Council consideration in the current financial year will likely require an additional and appropriate budget source to be identified.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: WDHA play an important role in the health care and support of attendees at the Warren Health Service Campus.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council allocate \$1,606 from the Unspecified amount of the 2023/24 Community Grants to the Warren Districts Hospital Auxiliary.

COUNCIL RESOLUTION:

MOVED: De Campo, W SECONDED: Eiby, W

29424

That Council allocate \$1,606 from the Unspecified amount of the 2023/24 Community Grants to the Warren Districts Hospital Auxiliary.

CARRIED: 8/0

For: Cr D Buegge, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

ATTACHMENT**9.12.1 Proposal to Support the Study of the Feasibility of Utilising Organic Waste and Residues at Diamond Mill**

PROPONENT	Verge Enviro Pty Ltd
OWNER	Verge Enviro Pty Ltd
LOCATION / ADDRESS:	Diamond Mill Lease, Eastbourne Road, Diamond Mill
WARD:	Rural
ZONE:	State Forest and Other Forest Reserves
DIRECTORATE:	Works and Services
FILE REFERENCE:	F240005
LEGISLATION:	<i>Environmental Protection Act 1986, Waste Avoidance and Resource Recovery Act 2007, Local Government Act 1995, Public Health Act 2016, Shire of Manjimup Health Local Law 2020 and Shire of Manjimup Waste Local Law 2022.</i>
AUTHOR:	Mark Sewell; Catherine Mills
DATE OF REPORT:	11 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

In September 2023 Verge Enviro Pty Ltd (Verge) was announced as a recipient of a grant under the WA Government Native Forestry Transition Plan Community Small Grants Fund (CSGF). The Shire of Manjimup provided Verge with a letter of support to accompany their grant application. The CSGF grant was for \$89,350 and its purpose is to “undertake a business case (feasibility study) for a new waste transfer station in Manjimup.” For Council’s reference, the letter of support is attached.

ATTACHMENT: 9.12.1(1)

Verge is also the current Shire appointed contractor managing the Manjimup Recycling and Refuse Centre (MRRC) at 62 Ralston Road Ringbark. It is worth noting that the MRRC prescribed premises licence to operate as a landfill is due for renewal in 2031 with the Department of Water and Environmental Regulation.

At the Council briefing session of 7 December 2023, Verge, accompanied by a representative of Stella Renewables Pty Ltd, presented an overview of their concept for a new materials recovery and recycling facility (MRF) at Diamond Mill. Stella Renewables, along with WA Plantation Resources Pty Ltd (WAPRES), were described in the presentation as “project partners”. The presentation included a list of requests of Council which, if granted, would assist Verge in commencing the feasibility study.

This report discusses those requests and makes recommendation that Council approve the request for support for Verge to complete its feasibility study.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Verge presentation to Council on 7 December 2023 was headed “Utilising waste and residues to support and grow local industry”. However, the purpose of the CSGF grant is to fund the preparation of an independent report on the feasibility of establishing and operating a new waste transfer station in Manjimup.

In its presentation, Verge listed itself as project leader, WAPRES and Stella Renewables as project partners, ASK Waste Management Pty Ltd and Enerbi Sustainable Energy Solutions as project consultants, and the Shire of Manjimup, Shire of Bridgetown – Greenbushes, the Southern Forests Food Council and the Manjimup Chamber of Commerce and Industry as “project supporters / interested parties”. Coincidentally, ASK Waste Management Pty Ltd has recently completed its MRRC Site Study Report and MRRC Landfill Closure Management Plan for Council. The MRRC Site Study Report is presented to Council for adoption in this agenda as report 9.12.2 Proposed Adoption of the Draft 2023 Manjimup Recycling and Refuse Centre Site Study Report.

According to the Verge presentation, the feasibility study will be a one-year collaborative investigation into the form and feasibility of an MRF co-located with WAPRES at the Diamond Mill. Verge’s stated desired outcomes of their briefing presentation were to obtain:

1. Permission and support to proceed with the (feasibility study) project;
2. Permission to access relevant Shire data, information, and personnel for the purposes of completing the (feasibility study) project;
3. In-kind time allocation from the Shire for staff to participate in a working group of stakeholders that will form and refine the concept (of a MRF at Diamond Mill); and
4. A commitment to consider the outcomes of the investigation project (feasibility study) on its merits.

These outcomes are discussed in greater detail under their respective headings below.

1. Permission and support

It is not considered appropriate for Council to offer permission to proceed with the feasibility study because the arrangement to carry out the study is entirely between the funding body (the WA government through the CSGF) and the project proponent (Verge Enviro Pty Ltd). Involvement of the Shire of Manjimup in the feasibility study is limited to having provided a letter of support for the grant application, and presently being an interested party only.

2. Access to relevant Shire of Manjimup data, information, and personnel

Verge's pre-feasibility study concept for a new waste transfer station at Diamond Mill includes processing some waste streams which are received at the MRRC at present. The range of material types which would be processed at Diamond Mill is likely to be identified by the feasibility study.

All waste received at the MRRC is recorded, both for reporting requirements and for planning purposes. The data recorded includes material type, source, and quantity. The inclusion of such data in the feasibility study may add value to the report it generates. However, the MRRC data recording mechanism also includes some information (such as waste materials, quantities and fees paid by identifiable commercial waste generators) which may be considered confidential or in confidence for commercial reasons. Furthermore, through their position as the responsible contractor at the MRRC, Verge is the entity which inputs the waste data for Council's records, and therefore is in a privileged position, having awareness of that information.

While MRRC waste receipt data would support the study, it would be prudent for Council to impose clear limitations on feasibility study access to the data, and on precisely which data sets should be made available. Such control would best be exercised through the ongoing involvement of an appointed staff member, rather than any blanket approval for the feasibility study to use all of the receipt data that Verge has access to.

3. Time allocation (of staff) to participate in a working group

Participation in a feasibility study working group would require two separate time allocations: regular, predictable time to attend working group meetings, and irregular, unpredictable time to make Shire waste information suitably available to the feasibility study.

There was no indication by Verge in their presentation of how frequently the feasibility study working group might meet, nor of what duration each meeting might be. However, it is reasonable to assume, based on experience with previous working group-based projects, that for every hour of formal meeting time required there will be at least two hours of preparation time focused solely on meeting the requests of the working group. Providing useful input might require a further four hours per month.

Staff time will likely be provided by the Waste Management Officer in many but not all instances. It is reasonably likely that Manager Technical Services time and Director Works and Services time will also be required in order to properly contribute to the feasibility study. Given that staff time is already fully allocated, a commitment by Council of staff time to the feasibility study will require that other waste management tasks and duties presently being undertaken are not pursued or are given less time.

It is possible that the feasibility study consultants or other working group participants may approach Shire staff for information or other input between working group meetings. Such approaches have the potential to impact noticeably on the other ongoing duties of Shire staff, in part simply through the

time taken to respond, and in part because ad hoc requests are very likely to interrupt other tasks being undertaken or come with an expectation of immediate or prompt response. Placing limitations on response expectations for ad hoc requests will minimise negative impacts on other normal duties being undertaken by Shire staff.

4. Commitment to consider the outcomes of the feasibility study on its merits

It is always in Council's interest to consider ways to reduce waste to landfill. With this in mind, careful and thorough consideration of the outcomes of the feasibility study may provide Council with new and/or alternative avenues to reducing the volume of waste being sent to its MRRC landfill. Any such findings of the feasibility study should be considered on their merits, in the context of the range of other potential means of reducing waste to landfill that staff investigate. To warrant the significant time invested during the feasibility study, staff will require input and access to all draft and final reports that the study generates.

As such, it is recommended that Council request the Chief Executive Officer to support and work collaboratively with Verge to complete the feasibility study.

STATUTORY ENVIRONMENT:

There is no statutory reason compelling Council to support a feasibility study into establishing and operating a new waste transfer station in Manjimup. However, Council's waste management practices are required to always comply with the *Environmental Protection Act 1986*, the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995*, the *Public Health Act 2016*, and the *Shire of Manjimup Health Local Law 2020* and *Waste Local Law 2022*. The study proponents should also be guided by these same Acts and Local Laws in considering the feasibility of a new waste transfer station.

POLICY / STRATEGIC IMPLICATIONS:

Council has just received the Draft MRRC Study Report 2023 (MRRC Report) for consideration to adopt in agenda item 9.12.2. A second report, the MRRC Landfill Closure Management Plan 2023 (LCMP) which is a purely operational document, has been prepared by the same consultant (ASK Waste Management Pty Ltd).

These reports identify MRRC landfill capacity for many more decades (with optimal operation, for fifty years or more). However, the final outcome will be shaped by various factors including minimising residual waste to landfill through such practices as removing organics from landfill waste, increasing resource recovery (from received waste), and implementing better operational practices. The MRRC Report says that "the long operational life (of the MRRC landfill) supports investment in better practice infrastructure and operations." Considering the outcomes of the feasibility study on their merits may provide one avenue towards achieving the objective of maximising MRRC landfill life.

ORGANISATIONAL RISK MANAGEMENT:

There is a real risk to the organisation that, because of staff time allocated to the feasibility study, other waste management tasks will not be completed. At least partial alleviation of this risk will be achieved through allocating staff time at the outset, which is then clearly defined to Verge, its feasibility study consultants and the project working party.

There is a slight risk that participation in the feasibility study will not bring significant benefit to Council's future waste management.

FINANCIAL IMPLICATIONS:

Council's support of the feasibility study would be limited to in-kind contribution of time and information and as such there are no financial implications.

SUSTAINABILITY:

If the feasibility study leads to a new materials recovery facility being established within the Shire of Manjimup, then it is likely that there will be sustainability benefits for the broader community and for the Shire of Manjimup organisation:

Environmental: A new facility with ability to recover value from organic waste material in particular may provide a viable alternative to landfilling such material. If such an alternative was taken up, the potential for the MRRC landfill to generate greenhouse gas emissions (particularly methane) would decrease in the long term. Further, the need to transport such waste material to other, more distant facilities in the future would be reduced, again reducing the potential for greenhouse gas emissions (through heavy vehicle road transport) to increase in the long term.

Economic: It is likely that having options for treating waste materials of any description nearer to their point of origin will reduce the significant costs associated with transporting those same materials elsewhere for treatment. Waste materials treated for resource recovery will reduce the rate of growth of the MRRC landfill, a significant cost to the Shire of Manjimup.

Social: The fundamental understanding held by many residents that waste needs to be managed with a view to proper environmental protection is both widening and deepening. More people are becoming aware that there are long term environmental issues associated with waste and many of these people are learning more about what they do which contributes to the problems, and about what they can do to contribute to the solutions. There is a growing desire at community level to be a part of a population which manages its waste sustainably.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council, advises Verge Enviro Pty Ltd that:

- 1. It is not Council's role to provide permission to proceed with the feasibility study because Council is not a party to the feasibility study for a new waste transfer facility in Manjimup grant agreement;**
- 2. Council supports the feasibility study for a new waste transfer facility in Manjimup by requesting the Chief Executive Officer to prepare an agreement outlining the level of resources to be supplied that will assist the completion of the feasibility study with inclusion of the following:**
 - a. Up to 36 hours for the 6 months in which the feasibility study is undertaken for the purpose of attending working group meetings and for the purpose of preparing information requested by the study consultant or the working party;**
 - b. Requests for data or information are required to be made in writing, to which responses will be made generally within one week, but with limitation to otherwise publicly available information and which does not have any confidential or other commercial sensitivities;**
 - c. Requests for responses other than data or information (i.e. more complex comment, prediction or commitment) are required to be made in writing, to which responses may be made after due consideration by an appropriate staff member;**
 - d. Staff to have full opportunity for editorial input to all drafts of any report that the feasibility study generates and require full access to all draft and final reports and their attachments that it generates; and**
- 3. Council will consider the outcomes of the feasibility study for a new waste transfer facility in Manjimup on its merits if and when required.**

COUNCIL RESOLUTION:

MOVED: Darin J

SECONDED: W De Campo

29425

That Council, advises Verge Enviro Pty Ltd that:

- 1. It is not Council's role to provide permission to proceed with the feasibility study because Council is not a party to the feasibility study for a new waste transfer facility in Manjimup grant**

agreement;

2. Council supports the feasibility study for a new waste transfer facility in Manjimup by requesting the Chief Executive Officer to prepare an agreement outlining the level of resources to be supplied that will assist the completion of the feasibility study with inclusion of the following:
 - a. Up to 36 hours for the 6 months in which the feasibility study is undertaken for the purpose of attending working group meetings and for the purpose of preparing information requested by the study consultant or the working party;
 - b. Requests for data or information are required to be made in writing, to which responses will be made generally within one week, but with limitation to otherwise publicly available information and which does not have any confidential or other commercial sensitivities;
 - c. Requests for responses other than data or information (i.e. more complex comment, prediction or commitment) are required to be made in writing, to which responses may be made after due consideration by an appropriate staff member;
 - d. Staff to have full opportunity for input to all drafts of any report that the feasibility study generates and require full access to all draft and final reports and their attachments that it generates; and
3. Council will consider the outcomes of the feasibility study for a new waste transfer facility in Manjimup on its merits if and when required.

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

9.15.1 Unconfirmed Minutes of the Airfield Management Committee Meeting Held 13 December 2023

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Dawn Road, Manjimup
WARD:	Urban
ZONE:	Public Purposes
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170380
LEGISLATION:	<i>Local Government Act 1995</i> <i>Civil Aviation Safety Authority (CASA)</i> <i>Regulations 1998</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	22 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The purpose of this report is to present to Council the unconfirmed minutes of the Airfield Management Committee meeting held 13 December 2023. A copy of the unconfirmed minutes is attached.

ATTACHMENT: 9.15.1 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

There were two recommendations made by the Airfield Management Committee with both recommendations requiring Council approval.

Committee Recommendation	Officers Comment
Note the election of Councillor Cliff Winfield as Chairperson of the Airfield Management Committee	Supported.
Amend the Terms of Reference for the Airfield Management Committee as shown in attachment 9.15.1(2)	Supported.

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

ATTACHMENT: 9.15.1 (2)

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Civil Aviation Safety Authority (CASA) Regulations 1998 Part 123.

POLICY / STRATEGIC IMPLICATIONS:

The airfield services a large geographical area providing emergency access to firefighting and hospitals.

ORGANISATIONAL RISK MANAGEMENT:

There is no risk to the organisation with Council accepting the minutes and recommendations contained in this report.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: The Airfield is critical infrastructure to the community.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 13 December 2023, as shown in attachment 9.15.1(1); and
2. Note the Committee's election of Councillor Cliff Winfield as the Chairperson; and
3. Amend the Airfield Management Committee Terms of Reference as shown in attachment 9.15.1(2).

COUNCIL RESOLUTION:

MOVED: Eiby, W

SECONDED: De Campo, W

29426

That Council:

1. Receive the unconfirmed Minutes of the Airfield Management Committee Meeting held 13 December 2023, as shown in attachment 9.15.1(1); and
2. Note the Committee's election of Councillor Cliff Winfield as the Chairperson; and
3. Amend the Airfield Management Committee Terms of Reference as shown in attachment 9.15.1(2).

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

9.15.3 Northcliffe Town Hall Management Committee Minutes held 29 November 2023

PROPONENT	Northcliffe Town Hall Management Committee
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Northcliffe Town Hall – 54-58 Zamia Street, Northcliffe
WARD:	Rural
ZONE:	Public Purposes
DIRECTORATE:	Development and Regulation
FILE REFERENCE:	F170371
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Peter Krispyn/Robyn Filipiak
DATE OF REPORT:	7 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The Northcliffe Town Hall Management Committee is a Management Committee appointed by Council under the *Local Government Act 1995* to assist the Shire in the management of the Northcliffe Town Hall (the Town Hall) with the following functions in accordance with the Terms of Reference:

1. Provide responsible management for the Northcliffe Town Hall.
2. Prepare a budget for consideration by Council.
3. Recommend fees and charges for adoption by Council.
4. Expend funds in accordance with the approved budget and in consultation with relevant manager.
5. Prepare an appropriate development plan in consultation with relevant Shire departments for Council consideration.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

The Committee considered and discussed several items including the future direction of the Northcliffe Town Hall Management Committee, the upcoming Northcliffe Centenary celebrations, the change in booking procedure responsibility with the Shire taking on that function and the impacts and way that process was handled.

Of particular importance to note was the discussion relating to the future direction of Committee. The discussion focused on the future of the Committee itself with the Shire now taking on the booking functions of the hall rather than the Committee, and whether there was an opportunity to explore alternative options for the management of the Town Hall. The suggestion of a possible lease arrangement with a locally based and incorporated community organisation was raised with the members of the Committee being supportive of this option. The leasing of the facility was seen as an opportunity to provide financial support to a local community organisation through the hire fees whilst

retaining control of the facility locally and having the facility maintenance undertaken through the Shire. The resultant effect of this option would also include the disbanding of the Committee as there would no longer be a need for the Committee.

As reflected in the unconfirmed minutes, there are four committee recommendations. Three of the Committee's recommendations require a Council resolution, and one of the Committee's recommendations is important for Council to note.

ATTACHMENT: 9.15.3 (1)

Committee Recommendation	Officer's Comment
The Northcliffe Town Hall Management Committee would support a proposal for the Shire of Manjimup to explore a lease option of the Northcliffe Town Hall to a Northcliffe based community group and subject to a successful lease arrangement being made would also support the disbanding of the committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report. Slight rewording of the recommendation has been made however the intent remains.
That the Shire of Manjimup Cleaning Team travel to Northcliffe to conduct a thorough cleaning of the Town Hall in preparation for the Centenary celebrations prior to the weekend of the 29 March 2024.	Supported and dealt with administratively.
That Jodie Miller's input to the committee and the booking system be acknowledged. Jodie is thanked by the committee and the Shire of Manjimup for her contribution.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report. Slight rewording of the recommendation has been made however the intent remains.
Subject to Council approval that the waiver of fees for the Town Hall hire for the Centenary celebrations be approved. Full day hire for setup on Friday 29 March 2024 and Saturday 30 March 2024 as the day of celebration.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.

STATUTORY ENVIRONMENT:

As a Management Committee, the operation of the Northcliffe Town Hall Management Committee is required to comply with the *Local Government Act 1995*.

Local Government Act 1995 Section 6.12(1)

Subject to subsection (2) and any other written law, a local government may –

- a) When adopting the annual budget, grant a discount of other incentive for the early payment of any amount of money;*
- b) Waive or grant concessions in relation to any amount of money; or*
- c) Write off any amount of money, which is owed to local government.*

POLICY / STRATEGIC IMPLICATIONS:

Ongoing management of the Northcliffe Town Hall and recognition of contributions made by the community are consistent with the following strategies within 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.
- C19. Support public events to ensure they are successful and safe.
- D5. Develop and maintain community infrastructure to a service level that meets the community's needs.

ORGANISATIONAL RISK MANAGEMENT:

There is a risk that if no community group takes on a lease of the Northcliffe Town Hall, that the Shire will retain responsibility for the ongoing management.

Waiving of all fees and charges, which are already heavily subsidised, without considered and transparent justification, could be deemed as setting precedence for other not for profit hirers of community venues.

Further to the above and given the nature of the event a decision to waive hire fees could be justified and not regarded as one of setting precedence.

FINANCIAL IMPLICATIONS:

The Northcliffe Town Hall Management Committee is responsible for the management of the budget allocated for the Northcliffe Town Hall's maintenance, capital improvements and reserves. If the Shire is not successful in the leasing of the facility, then the ongoing costs associated with the management of the Town Hall will remain with the Shire or Management Committee.

Whilst the dollar figures relating to this application are relatively small, there is a likelihood of a much bigger inherent financial risk to the organisation should the decision be made to waive all venue hire fees and charges and whereby other community groups perceive this as a precedence.

SUSTAINABILITY:Environmental: Nil.Economic: Nil.Social: The Northcliffe Town Hall is an important communal facility for the Northcliffe community.**VOTING REQUIREMENTS:****ABSOLUTE MAJORITY****OFFICER RECOMMENDATION:****That Council:**

1. Receive the unconfirmed minutes of the Northcliffe Town Hall Management Committee held on 29 November 2023 as shown in Attachment: 9.15.3 (1);
2. Request the Chief Executive Officer to explore a lease option of the Northcliffe Town Hall to a Northcliffe based community group, and subject to a successful lease being entered into, disband the Northcliffe Town Hall Management Committee;
3. Thank Jodie Miller's input to the Town Hall Management Committee; and
4. Approve the waiver of hire fees for the Town Hall being \$160.00 for the Northcliffe Centenary celebrations. Full day hire for setup on Friday 29 March 2024 and Saturday 30 March 2024.

COUNCIL RESOLUTION:**MOVED: De Campo, W SECONDED: Eiby, W****29427****That Council:**

1. Receive the unconfirmed minutes of the Northcliffe Town Hall Management Committee held on 29 November 2023 as shown in Attachment: 9.15.3 (1);
2. Request the Chief Executive Officer to explore a lease option of the Northcliffe Town Hall to a Northcliffe based community group, and subject to a successful lease being entered into, disband the Northcliffe Town Hall Management Committee;
3. Thank Jodie Miller's input to the Town Hall Management Committee; and
4. Approve the waiver of hire fees for the Town Hall being \$160.00 for the Northcliffe Centenary celebrations. Full day hire for setup on Friday 29 March 2024 and Saturday 30 March 2024.

CARRIED: 9/0**For:** Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.**Against:** Nil.

ATTACHMENT**9.16.3 Unconfirmed Minutes of the Pemberton Town Activation Advisory Committee Meeting Held 5 December 2023**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS:	Pemberton Town Centre
WARD:	Rural
ZONE:	NA
DIRECTORATE:	Works and Services
FILE REFERENCE:	F170456
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Michael Leers
DATE OF REPORT:	22 December 2023
DECLARATION OF INTEREST:	Nil

BACKGROUND:

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

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

The purpose of this report is to present the unconfirmed minutes of the Pemberton Town Activation Committee meeting held on 5 December 2023. A copy of the minutes is attached.

ATTACHMENT: 9.16.3 (1)

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

As reflected in the unconfirmed minutes, there are four committee recommendations. Two of the Committee's recommendations require a Council resolution, while two of the Committee's recommendations are important for Council to note.

Committee Recommendation	Officers Comment
Note the election of Councillor Murray Ventriss as Chairperson of the Pemberton Town Activation Advisory Committee.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee recommend that due	Supported and dealt with

to the actions raised from PTAAC Workshop and those items presented to the Committee are being dealt with, no further actions are needed from the PTAAC workshop.	administratively.
Amend the Terms of Reference for the Pemberton Town Activation Advisory Committee as shown in attachment 9.16.3(2).	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
The Committee recommended that the future of the old Pemberton School site be a function of this Committee and be updated by Council, regarding the current status of the old Pemberton School site with the Shire's current proposal	Supported and dealt with administratively.

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

ATTACHMENT: 9.16.3 (2)

STATUTORY ENVIRONMENT:

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS:

Revitalisation of the Pemberton Town Centre will ensure that the town is accessible, attractive and inviting, whilst maintaining its unique character, consistent with Community Goal 4.4 as identified in the Shire's Strategic Community Plan 2021-2031.

ORGANISATIONAL RISK MANAGEMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

SUSTAINABILITY:

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

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

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

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council:

1. Receive and note the unconfirmed minutes of the Pemberton Town Activation Committee Advisory Committee meeting held on 5 December 2023 as attached 9.16.3(1);
2. Note the Committee's election of Councillor Murray Ventris as the Chairperson; and
3. Amend the Pemberton Town Activation Committee Advisory Committee Terms of Reference as shown in attachment 9.16.3(2).

COUNCIL RESOLUTION:

MOVED: Miolin, S SECONDED: Ventris, M

29428

That Council:

1. Receive and note the unconfirmed minutes of the Pemberton Town Activation Committee Advisory Committee meeting held on 5 December 2023 as attached 9.16.3(1);
2. Note the Committee's election of Councillor Murray Ventris as the Chairperson; and
3. Amend the Pemberton Town Activation Committee Advisory Committee Terms of Reference as shown in attachment 9.16.3(2).

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

10. LATE REPORTS: Nil.**11. QUESTIONS FROM MEMBERS:**

11.1 Response to questions from members taken on notice: Nil.

11.2 Questions from members:

Councillor De Campo:

How many conditions changes, either formally or informally asked for, has there been any formal or informal requests for opening early and how many planning changes were formally or informally asked for or given to the developers of the Gallery Hotel.

Councillor Miolin:

In relation to Gatsby's Skyline I have previously asked for the financials relating to Gatsby's. In a general sense what has it cost us, what was the expected expenditure, what were the discounts, what are the rents and so forth.

Director Business responded to Councillor Miolin.

I sought clarification from Councillor Miolin as to what financial meant and it was more about what the proponent was contributing to the development and what we are contributing to the development. I am putting together an extensive dossier of what has occurred over time. I have had to go back to the very beginning. Ultimately the project was run by the ex Chief Executive Officer and ex Director. I should have an answer early next week and I will give it to all Councillors.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING: Nil.**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING: Nil.****14. APPLICATIONS FOR LEAVE OF ABSENCE:****COUNCIL RESOLUTION:**

MOVED: Eiby, W

SECONDED: Miolin, S

29429

That Council grant Councillor Cliff Winfield a Leave of Absence for 14 March 2024 Council Meeting.

CARRIED: 9/0

For: Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

Against: Nil.

15. CLOSURE:

There being no further business to discuss, the Shire President thanked those in attendance and closed the meeting at 7.45pm.

SIGNED:.....DATE:

**Donelle Buegge
Shire President**