



# AGENDA

## ORDINARY MEETING OF COUNCIL

12 DECEMBER 2024

Our Community Vision

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

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

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

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

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

**12 DECEMBER 2024**

**NOTICE TO ALL COUNCILLORS**

**An Ordinary Meeting of Council is called for Thursday 12 December 2024 commencing at 5:30pm in the Council Chamber.**



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

6December 2024

**DISCLAIMER**

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

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

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

**SHIRE OF MANJIMUP**

**ORDINARY MEETING OF COUNCIL**

**THURSDAY 12 DECEMBER 2024**

**TO BE HELD**  
**IN THE COUNCIL CHAMBER**

**COMMENCING AT 5:30PM**

**AGENDA**

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

*Ngaala kaaditj Noongar moort keyen kaadak nidja boodja.*

We acknowledge the Noongar people as the Traditional Owners of this land.

**2. ANNOUNCEMENTS BY THE PRESIDENT**

To be advised at the meeting.

**3. ATTENDANCE**

**3.1 Apologies**

Nil at time of publication.

**3.2 Approved Leave of Absence**

Nil.

**4. DECLARATIONS OF INTEREST**

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

**5. PUBLIC QUESTION TIME**

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

Nil.

## **5.2 Public Question Time**

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

## **6. PRESENTATIONS**

### **6.1 Petitions**

Nil.

### **6.2 Presentations**

Nil.

### **6.3 Deputations**

Nil.

### **6.4 Delegate reports**

Nil.

### **6.5 Conference Reports**

Nil.

## **7. CONFIRMATION OF PREVIOUS MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Council held on 7 November 2024 be confirmed as a true and accurate record.**

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

## 9. OFFICER REPORTS

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

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

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

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

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

VOTING TYPE	ITEM	OFFICER REPORTS	Page No.
<b>OFFICE OF CEO</b>			
	<b>9.1</b>	<b>OFFICE OF CEO</b>	
	9.1.1	Pemberton Community Hub - Balang Miya Project Review	8
<b>Absolute</b>	9.1.2	Council to Chief Executive Officer Delegations from 12 December 2024 to 25 February 2025	13
	9.1.3	Review of Council Policy 1.1.1 (Council Meeting System)	16
<b>Absolute</b>	9.1.4	Shire of Manjimup Annual Report 2023/24 and Notice of Annual Meeting of Electors	19
<b>BUSINESS DIRECTORATE</b>			
	<b>9.2</b>	<b>CORPORATE AND GOVERNANCE</b>	
<b>Absolute</b>	9.2.1	Request for Extension to Lease Condition of Time Restriction for Development Completion - Site 519 Windy Harbour	22
	9.2.2	Proposed Licence to Occupy to Southern Forest Arts Inc	26
	9.2.3	Proposed Lease - Little Taddies Childcare Centre	29
	9.2.4	Proposed Lease - Walpole Community Resource Centre	33
	9.2.5	Proposed Lease - Walpole Town Hall	36
	<b>9.3</b>	<b>FINANCE AND ADMINISTRATION</b>	
	9.3.1	Shire Financial Payments for October 2024	40
	9.3.2	Monthly Statement of Financial Activity - October 2024	43
	<b>9.4</b>	<b>INFORMATION COMMUNICATIONS TECHNOLOGY</b>	
<b>DEVELOPMENT SERVICES</b>			

	<b>9.5</b>	<b>STATUTORY PLANNING</b>	
<b>Absolute</b>	9.5.1	Review of Delegations, Authorisations and Appointments - Development Services Directorate	46
	9.5.2	Proposed Advertising of Draft Windy Harbour Coastal Hazard Risk Management and Adaptation Plan	54
	9.5.3	Application for Retrospective Approval for Dam Modifications at Lot 104 Tammar Terrace, Crowea	59
	9.5.4	Responsible Authority Report - Proposed Motel and Restaurant at Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup	66
	9.5.5	Delegated Planning Decisions October 2024	80
	9.5.6	Proposed Amendment 28 to Local Planning Scheme No. 4 at Lot 200 Club Road and Swimming Pool Road, Pemberton Adoption for Purposes of Advertising	83
	9.5.7	Request to Initiate Proposed Scheme Amendment for Short Term Rental Accommodation	89
	9.5.8	Proposed Dam Extension with Reduced Setback for Lot 9 (5169) Churches Road, Jardee	93
<b>Absolute</b>	9.5.9	Proposed Budget Adjustment - Replacement of Public Barbeques in Windy Harbour Reserve	100
	<b>9.6</b>	<b>BUILDING SERVICES</b>	
	<b>9.7</b>	<b>RANGER AND EMERGENCY SERVICES</b>	
	9.7.1	Proposed Fire Weather Officer	103
	<b>9.8</b>	<b>ENVIRONMENTAL HEALTH SERVICES</b>	
<b>COMMUNITY SERVICES DIRECTORATE</b>			
	<b>9.9</b>	<b>COMMUNITY AND RECREATION SERVICES</b>	
	9.9.1	Proposed Adoption Shire of Manjimup Child Safe Awareness Policy 3.11.1	107
	<b>9.10</b>	<b>HACC SERVICES</b>	
	<b>9.11</b>	<b>LIBRARIES AND CULTURAL SERVICES</b>	
<b>WORKS AND SERVICES DIRECTORATE</b>			
	<b>9.12</b>	<b>TECHNICAL SERVICES</b>	
	9.12.1	Request to Consider Staging the Regional Road Group Funding in 2025/26 for North Walpole Road	112
	<b>9.13</b>	<b>WORKS</b>	
	<b>9.14</b>	<b>PARKS AND GARDENS</b>	
	<b>9.15</b>	<b>OCCASIONAL AND MANAGEMENT COMMITTEES</b>	
	<b>9.16</b>	<b>ADVISORY COMMITTEES</b>	
	9.16.1	Unconfirmed Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held 30 October 2024	116
	9.16.2	Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 13 November 2024	120

	9.16.3	Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting held 8 November 2024	123
<b>Absolute</b>	9.16.4	Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 12 November 2024	127
	9.16.5	Unconfirmed Minutes of the Audit Committee Meeting Held 26 November 2024	131
	9.16.6	Unconfirmed Minutes of the Manjimup Town Activation Advisory Committee Meeting held 6 November 2024	134
<b>Absolute</b>	9.16.7	Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held 14 November 2024	137
	9.16.8	Unconfirmed Meeting Notes of Walpole Town Activation Advisory Committee Meeting	141

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“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 143 of the Agenda with the exception of those on the board.”

**ATTACHMENT****9.1.1 Pemberton Community Hub - Balang Miya Project Review**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	61 Brockman Street, Pemberton
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Office of the CEO
<b>FILE REFERENCE</b>	P58100
<b>LEGISLATION</b>	Local Government Act 1995
<b>AUTHOR</b>	Phillip St John (Project Officer)
<b>DATE OF REPORT</b>	14 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

At its Ordinary Meeting of 23 May 2024, Council directed the Chief Executive Officer to engage a consultant to undertake an independent review of the Pemberton Community Hub Balang Miya Project (Resolution 29494). The scope of the independent review included governance and financial arrangements, building and tenant arrangements, asset management and maintenance arrangements for the operation of the Hub.

Hammond Woodhouse Advisory were engaged to undertake the review, following a Request for Quote procurement process. The consultant team also included architectural / interior design services. The consultant report is attached.

**ATTACHMENT: 9.1.1 (1)****PUBLIC CONSULTATION UNDERTAKEN**

No public consultation was carried out as part of this review. However, direct stakeholder consultation was undertaken as part of the process, with the results documented on page 2 of the attached consultant's report.

**COMMENT**

The independent review report concludes as follows:

*'Our analysis has shown that there are no substantive issues or shortcomings with the "governance" documentation that has been provided to us in relation to the Pemberton Community Hub. We are not aware of any major flaws that might expose the Shire to inappropriate levels of risk.'*



*We understand that the Shire continues to deal with warranty issues relating to the building construction phase of the project and that these matters will inevitably be resolved in line with the relevant provisions of the contract with the construction company.*

*We concur with the view of H & H Architects that “the main dysfunction is associated with the overlapping of the Visitor and Resource Centre”. The concept plans provide a solution to the problem. This acknowledges that relocation or modification of the library footprint is unnecessary’*

Given these findings, the Shire now needs to consider whether the works suggested in the report (by the architect) should be funded and implemented.

The rationale for the works recommended by the consultant is based on issues raised as part of the stakeholder engagement with the tenants of the building, namely that:

- The current entry point to the Visitor Centre (VC) and the Community Resource Centre (CRC) premises is considered by stakeholders to be confusing and unwelcoming, and the layout and demarcation of the VC and the CRC reception spaces is considered to be confusing.
- Inadequate reception/customer service space for both the VC and the CRC.
- The location of the Centrelink office gives limited privacy and should be relocated, and this space would be much better suited as a reception or customer service space.
- There is no functional relationship between the current entry, the retail display areas and the VC reception counter.

Whilst it is acknowledged that the functionality of the building could be enhanced by these works being undertaken, it is considered that the conclusions of the report do not place sufficient weight on the original design intent and functional intent of the facility.

The intent of the project, from the outset, was that the facility be co-habitated, incorporating flexible shared spaces between the various users. The basis of this was a desire to foster collaboration and resource sharing between the various tenants, providing an opportunity for their mutual benefit and enhanced operational sustainability. The layout of the building was a result of a co-design process involving representatives of the tenants at that time.

In order to achieve this intent, an MoU was signed between the (then) CEO of the Shire and the Chairs of the Pemberton Community Resource Centre and Pemberton Visitor Centre in September 2016. This MOU expressed this intent in the following terms:

*“The Project Partners agree to be located together as an integrated unit, sharing the same space, pooling resources, and jointly managing and coordinating the core services offered by each entity.”*

The current design and layout of the building supports the achievement of this collaborative intent.

The suggested works are, in the main, seeking a design solution to partition and separate the tenant organisations. Whilst this may reasonably be perceived as enhancing the functionality of the facility by current tenants, this is not considered to be essential from the perspective of the overall project intent.

The issue that the Shire now has to consider is whether the suggested works are 'desirable' versus 'essential' - from the point of view of the original intent of the project, and from the perspective of whether further funds should be expended on this project, in the light of other capital priorities of the Shire.

Furthermore, the Council has already agreed in its May 2024 decision to an additional \$100,000 funding to support an additional LotteryWest grant application to complete some of the building components that were pared- back during the project.

The only available source of funds for these works is the Shire's Strategic Projects and Development Reserve. This has an allocation of approximately \$455K in the current budget. The foreseeable likely demand on these funds includes the works at 5D Brockman Street, as well as the \$100,000 noted above.

Given these factors, and other budget priorities, it is not considered to be a high priority to spend further Shire funds to undertake the works as identified in the report.

Having said this, there is no objection to the works (or a version of them to suit the tenants) being funded by the tenants themselves, should they feel that this will enhance their capacity to deliver services to the community and improve the functionality of the building in terms of their current operations. Any proposals from the tenants should be encouraged to consider impacts on any future collaborative operational models and the long-term sustainable operations of the tenants.

As the building is a Shire asset, any works funded by the tenants would have to be approved by the Shire (Council) from a compliance and quality perspective.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Nil applicable.

## **ORGANISATIONAL RISK MANAGEMENT**

The Shire faces a moderate reputational risk in the event that there is a sustained perception amongst stakeholders that a recently completed building project is not fit for purpose.

## **FINANCIAL IMPLICATIONS**

The cost of the identified works has not been estimated at this stage. Should the Shire consider undertaking the works, then a cost estimate will need to be developed so that an appropriate budget allocation can be considered by Council.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the attached report 'Pemberton Community Hub Operating Review'.**
- 2. Acknowledge that the project stakeholder objective of a co-designed building with a shared space layout has been delivered at the Pemberton Community Hub Balang Miya, notwithstanding further works proposed to be funded by the Shire and LotteryWest.**
- 3. Decide that works recommended in the attached 'Pemberton Community Hub Operating Review' report are not a priority to be funded or delivered by the Shire, at this time.**
- 4. Invite the Pemberton Community Hub Balang Miya tenants to consider the 'Pemberton Community Hub Operating Review' report and whether they wish to consider submitting a proposal to the Shire to self-fund the identified works.**

**ATTACHMENTS**

- 1 Pemberton Community Hub operating review report 20 Pages

### 9.1.2 Council to Chief Executive Officer Delegations from 12 December 2024 to 25 February 2025

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	N/A
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Office of CEO
<b>FILE REFERENCE</b>	F161497
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kevin Walker (Executive Assistant)
<b>DATE OF REPORT</b>	15 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

At the Council Meeting on 7 November 2024, Council resolved that after 12 December 2024, it will not meet again until 25 February 2025.

The agenda for the 12 December 2024 meeting closed Thursday 28 November 2023. This results in a period of 75 days elapsing before some matters will be considered by Council at the 25 February 2025 meeting; the agenda cut off for which is 20 February 2025.

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

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

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

It is proposed that delegated authority be granted to the Chief Executive Officer for all Council functions (other than those matters requiring an absolute majority or specifically precluded by the *Local Government Act 1995*) to decide on matters that cannot be held-over to the 25 February 2025 meeting. Exercise of such authority requires support by the Shire President and the relevant ward Councillor/s and will be reported to the Council at the 25 February 2025 meeting.

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

## **STATUTORY ENVIRONMENT**

Section 5.42 of *Local Government Act 1995*.

## **POLICY / STRATEGIC IMPLICATIONS**

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

## **ORGANISATIONAL RISK MANAGEMENT**

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

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council delegate to the Chief Executive Officer for the period 12 December 2024 to 11 February 2025 power to determine matters which cannot be held-over until the 25 February 2025 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*.**
- 5. A report being presented to the 25 February 2025 Ordinary Council Meeting detailing any such delegations exercised.**

**ATTACHMENT****9.1.3 Review of Council Policy 1.1.1 (Council Meeting System)**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	N/A
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	N/A
<b>FILE REFERENCE</b>	F170041
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Shire of Manjimup Standing Orders 2013</i>
<b>AUTHOR</b>	Phillip St John (Project Officer)
<b>DATE OF REPORT</b>	19 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

At its 7 November 2024 Ordinary Meeting, Council adopted a new meeting schedule, including Agenda Briefing Sessions and Concept Forums. As part of this decision, the Council also resolved that a report on the review of the current Policy 1.1.1 (Council Meeting System) be presented to the December 2024 meeting.

The purpose of this report is to satisfy the requirements of this resolution.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The revised draft policy is attached and is informed by (but not entirely modelled on) the Operational Guidelines for Council Forums published by the Department of Local Government Sport and Cultural Industries. The main areas of new policy content are summarised below.

**ATTACHMENT: 9.1.3(1)**

**Purpose of meetings:** The draft Policy states the purpose of both Agenda Briefing Sessions and Concept Forums. The critical issue in both cases is that these meetings are not, nor perceived to be, formal meetings of Council where matters are voted on and decisions can be made. In the case of Agenda Briefing Sessions, the primary purpose is to enable briefing of the Council on upcoming Council agenda items, whereas at Concept Forums the purpose is to enable



informal discussion on ideas and concepts which are not yet suitable for formal consideration.

**Declarations of Interest:** Although the Agenda Briefing Sessions and Concept Forums are not decision making meetings, Policy provisions relating to declarations of interest have been included, based on the principles contained in the Local Government Act.

**Conduct of meetings:** Good governance principles dictate that Council members consider matters in the chamber in an objective manner, without pre-determined views. Consequently, the draft Policy provisions prohibit debate or expressing definitive opinions on items at the Agenda Briefing Sessions, to ensure that there is no actual or perceived decision making.

**Public attendance and live streaming:** The matter of public attendance and live streaming of Agenda Briefing Sessions and Concept Forums is an issue of preference, rather than legislation. On the one hand, allowing for public attendance at these meetings allows for full transparency, whereas on the other hand, the meetings have no debating or decision-making capacity, and consequently there is no requirement that these meetings be open to the public. The guidelines on Council Forums issued by the DLGSC (January 2004) acknowledge that holding Concept Forums behind closed doors is justified given that many of the matters discussed may be impractical and never be adopted. Given that the draft Policy provisions relating to meeting content include clear requirements to prohibit debate and decision making, it is recommended that these meetings be generally held behind closed doors.

**Alternate Motions or Amendments to Officer Recommendations:** The provisions from the current Policy have been retained, albeit in a streamlined and simplified format, and recognising that the Standing Orders allow for alternate motions and amendments to be moved during the Council meeting anyway.

## STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Shire of Manjimup Standing Orders Local Law 2013*

The draft Policy is subservient to the Shire of Manjimup Standing Orders 2013, however, it can be used by Council as guidance in the operation of its meetings in cases where the Standing Orders are silent or provide the Council with discretion.

## POLICY / STRATEGIC IMPLICATIONS

The proposed policy changes are a component of the broader organisational imperative to provide for more streamlined and effective operations, including

a review of meetings and decision making. This draft policy will assist the Council in balancing, the sometimes competing, demands of required statutory decision making, whilst maintaining opportunity to focus on key strategic considerations, and maintain good governance and transparency.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Revoke Policy 1.1.1 (Council Meeting System).**
- 2. Adopt Policy 1.1.1 (Council Meetings, Agenda Briefing Sessions and Concept Forums) as attached.**
- 3. Direct the Chief Executive Officer to present a review of the application of the 'new' meeting framework to Council by no later than September 2025.**

### **ATTACHMENTS**

- |   |                |
|---|----------------|
| <b>1 Council Meetings, Agenda Briefing Sessions and Concept Forums Policy</b> | <b>5 Pages</b> |
|---|----------------|

#### 9.1.4 Shire of Manjimup Annual Report 2023/24 and Notice of Annual Meeting of Electors

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	All of Shire
<b>WARD</b>	All Wards
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Office of CEO
<b>FILE REFERENCE</b>	F161440
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Shammara Markotis (Senior Digital Engagement and Marketing Officer)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

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

The audited Annual Financial Report for the 2023/24 year was received by the Audit Committee on 26 November 2024 from the Office of the Auditor General. The 2023/24 Annual Report, inclusive of the Annual Financial Report is tabled for Council's consideration.

#### REPORT TABLED

#### PUBLIC CONSULTATION UNDERTAKEN

Notice of the availability of the Annual Report (including the audited Annual Financial Report) and notice of the Annual Meeting of Electors for 2025 is required to be advertised in a newspaper circulating throughout the district.

#### COMMENT

Council is required to adopt the Annual Report no later than 31 December 2024. The purpose of the Annual Report is to provide transparency and accountability by detailing Council's activities, achievements, and financial performance for the past financial year, as well as providing an overview of future plans.

The structure of the 2023/24 Annual Report has been revised from previous years. While the format has changed, the report continues to meet all statutory requirements. This approach focuses on providing relevant and valuable information, supporting the report's overall purpose.

Once the Annual Report is adopted, an Annual Meeting of Electors is to be scheduled. The Meeting of Electors requires at least 14 days public notice and is to be held within 56 days (by 6 February 2025) from the date the Annual Report is adopted by Council.

It is recommended that the Annual Meeting of Electors be held Tuesday 21 January 2025 commencing at 6.00pm in the Council Chamber.

## **STATUTORY ENVIRONMENT**

Sections 5.27, 5.29 and 5.54 of the Local Government Act 1995 all relate. Section 5.53(2) requires the Annual Report to contain the following:

- Report from the President (e.g. welcome / introduction)
- Report from the CEO (welcome / introduction and the following):
  - Overview of the plan for the future including major initiatives to commence next year.
  - Financial Report for the year.
  - Prescribed information regarding payment to employees.
  - Auditors report for the year.
  - Report required under the Disabilities Services Act.
  - Details regarding complaints made against Councillors during the year.
  - Other prescribed information.

## **POLICY / STRATEGIC IMPLICATIONS**

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The financial performance for the year ended 30 June 2024 is detailed in the 2023/24 Annual Financial Report. The organisations' financial performance has also been the subject of quarterly financial review reports previously presented to and adopted by Council.

## **SUSTAINABILITY**

Environmental: As detailed in the report.

Economic: As detailed in the report.

Social: As detailed in the report.

**VOTING REQUIREMENTS**

**ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Adopt the 2023/2024 Shire of Manjimup Annual Report including the audited 2023/24 Annual Financial Report.**
- 2. Endorse the scheduling of the Annual Meeting of Electors to be held in Shire of Manjimup Council Chamber on Tuesday 21 January 2025 commencing at 6.00pm.**
- 3. Request the Chief Executive Officer to give public notice of the Annual Meeting of Electors and the availability of the 2023/24 Annual Report for the Shire of Manjimup.**

## ATTACHMENT

### 9.2.1 Request for Extension to Lease Condition of Time Restriction for Development Completion - Site 519 Windy Harbour

<b>PROPONENT OWNER</b>	C Atherton & R Biluta
<b>LOCATION / ADDRESS</b>	Management Order to Shire Site 519 Richards Close, Windy Harbour
<b>WARD</b>	Rural
<b>ZONE</b>	Special Use Zone No 5
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F161053
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess (Senior Administration and Properties Officer)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

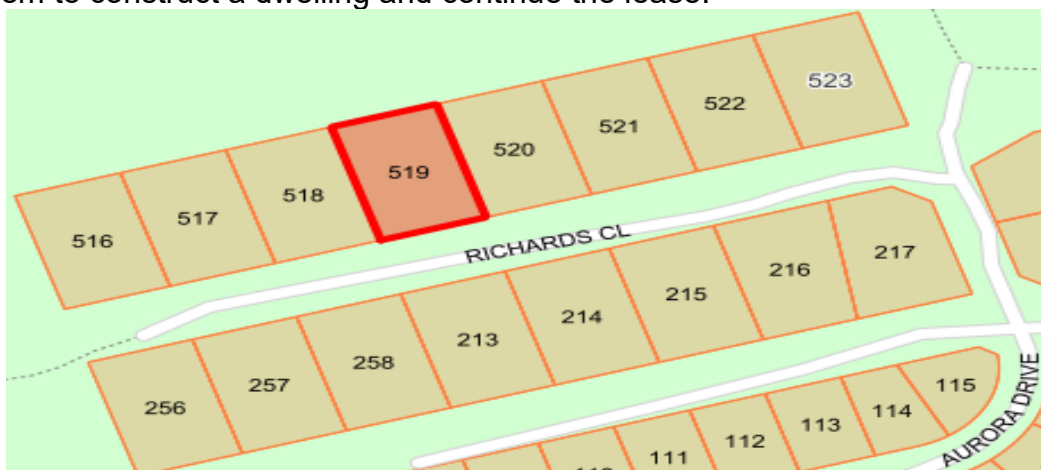
#### BACKGROUND

The Shire of Manjimup has the Management Order for Reserve 38881 Windy Harbour for the purpose of "Recreation, Camping, Caravan Park and Holiday Cottages".

In 2015 the Shire of Manjimup released 12 vacant lease sites by tender, including Site 519. A condition of purchase included that construction of an approved dwelling was to be completed within five years.

The lease for Site 519 was purchased by tender in 2015 and then on-sold to the current proponents in 2020. A full 20 year lease and a full five years to complete construction was granted to the proponents when the sale was approved. The leaseholders have not commenced construction and the lease site remains vacant.

The leaseholders have requested an extension to the lease condition to allow them to construct a dwelling and continue the lease.



## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The leaseholders of Site 519 will soon be in default of the lease as construction of a dwelling has not commenced and will not be fully constructed within the five year period, being by 1 January 2025.

The default conditions include the following options for the Shire of Manjimup:

1. The right to elect to repurchase the lease for the original tender price;
2. Where the lease site is partially improved, the right to elect to repurchase the lease at a price determined by a valuation from the Valuer General;
3. Permission may be granted to the lessee to sell the lease, including within a specified period; or
4. Commence default proceedings and resell the lease, retaining any surplus in excess of the original tender price and sale expenses or recovering any loss from the lessee.

Notwithstanding this, Council may consider granting an extension to the lease condition.

The purpose of the time restriction for development completion being included in the purchase conditions was to ensure orderly and timely development occurred without sites remaining vacant for an extended period. Development timeframes for the twelve lease sites released in 2015 were varied from the original 2020 timeframe due to two not being sold until a later date, resale of some leases and Council granting extensions to the time restriction conditions for some leases.

Five years was considered a reasonable timeframe when the lease commenced in 2020, however it is acknowledged that there have been delays in the building industry since then, which the leaseholders refer to in their request.

### **ATTACHMENT: 9.2.1 (1)**

The leaseholders have recently submitted an application for development approval and advised they have the building plans and associated documents prepared for the building permit application. If Council approve an extension of the lease condition, the Shire can then consent to the development application as the 'landowner'.

If the lease were resold by either the leaseholder or the Shire, in accordance with the default conditions, it would be expected that a new leaseholder would be granted five years to complete a dwelling, seeing the lease site remain vacant for a longer period of time than the current leaseholders have requested an extension to. On this basis, and that the leaseholders have their statutory

applications prepared, it is recommended to grant an extension to 30 June 2026.

## **STATUTORY ENVIRONMENT**

Nil.

## **POLICY / STRATEGIC IMPLICATIONS**

Council has previously extended the same lease condition for other leaseholders to allow them to construct dwellings within an extended period of time.

This is the last remaining vacant lease site and, notwithstanding that there is a default of the current lease condition, the recommendation to grant an extension presents as the best option to see a dwelling constructed withing a reasonable time.

Should any new lease sites be released in the future, the sale and lease conditions relating to construction of a dwelling should be reviewed.

## **ORGANISATIONAL RISK MANAGEMENT**

As above.

## **FINANCIAL IMPLICATIONS**

The leaseholders have been paying rates and lease fees while the site is vacant.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**



## **OFFICER RECOMMENDATION**

**That Council grant an extension to the ‘time restriction for development completion’ lease condition for Site 519 Windy Harbour, with the following additional conditions:**

- 1. Development approval and a building permit are to be obtained by 31 March 2025.**
- 2. An approved dwelling is to be substantially constructed by 30 January 2026.**
- 3. An approved dwelling is to be fully constructed by 30 June 2026.**
- 4. If the above conditions are not met, the lease default conditions may apply, at the discretion of the Chief Executive Officer.**

## **ATTACHMENTS**

- 1 Request for Extension 1 Page**

## ATTACHMENT

## 9.2.2 Proposed Licence to Occupy to Southern Forest Arts Inc

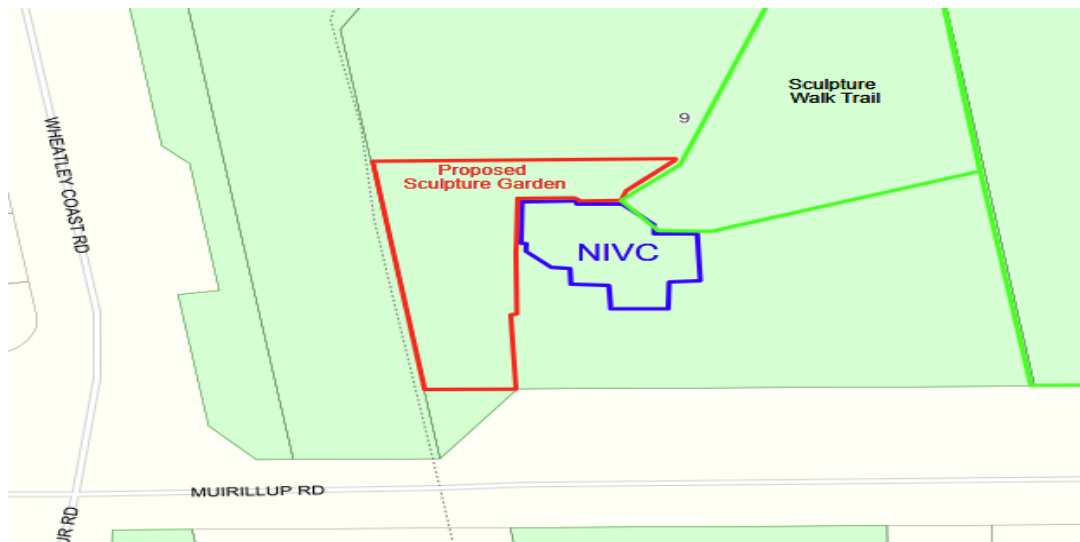
<b>PROPONENT</b>	Southern Forest Arts Inc
<b>OWNER</b>	Management Order to Shire of Manjimup
<b>LOCATION / ADDRESS</b>	9 Muirillup Road, Northcliffe Reserve 46739, Lot 178
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160748
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess (Senior Administration and Properties Officer)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

The Shire of Manjimup holds the Management Order for Reserve 46739, which contains the Northcliffe Information and Visitor Centre (NIVC) building. Southern Forest Arts Inc (SFA) have been occupants of a portion of the building since 2006, currently under a sublease from the Northcliffe Community Resource Centre Inc. SFA also have a separate lease from the Shire for an adjoining area of reserve land in which they have established a sculpture walk trail.

SFA have obtained grant funding and requested approval to create a sculpture garden around the NIVC building and operate a 'pop up café' using a mobile food van.

A licence to occupy is proposed to grant approval for the proposed occupation and use.



## **PUBLIC CONSULTATION UNDERTAKEN**

SFA have consulted with food businesses in Northcliffe while planning their proposed 'pop up café' and with other occupants of the NIVC.

Northcliffe Community Resource Centre as the lessee of the NIVC building have advised the Shire they and the Northcliffe Visitor Centre are supportive of the proposed sculpture garden and 'pop up café'.

The Shire has not undertaken any further public consultation.

## **COMMENT**

The sculpture garden is proposed to be located around the west and north of the NIVC building. The food van is proposed to be located to the north of the building. This is adding to SFA's current activities of gallery within the NIVC and sculpture walk trail partly into the Northcliffe Forest Park reserve.

SFA are proposing to install pathways, native garden beds, reticulation, plinths for displaying sculptures, various sculptures, signage, electricity access points for the food van and potentially future lighting. SFA have provided the attached diagram.

### **ATTACHMENT: 9.2.2 (1)**

A licence to occupy is a non-exclusive permit to use and occupy the licence area. The licence will define what SFA are permitted to do and their ongoing responsibilities, while allowing other occupants of the NIVC, the general public and the Shire to access and use the licence area.

The licence is proposed to be for a short term to November 2027, being when the sublease to SFA for portion of the NIVC building expires. During the licence term the area and use will be more defined and then the various lease and licence arrangements can be reviewed and possibly consolidated.

The food van is proposed to be operated within the licence area and will be subject to SFA obtaining a food business registration. SFA advise that the intention of the 'pop up cafe' is to support consistent food supply within the town for the benefit of residents and visitors. Initially it will only open two days per week. While this may generate some income for SFA, it is considered that this will remain within the scope of being not-for-profit and supplementing their other activities.

The proposed activities appear to fit with the current operations of the NIVC and approval is recommended.

## **STATUTORY ENVIRONMENT**

Each licence on Shire managed reserves requires the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

Southern Forest Arts Inc are already an occupant of the adjoining NIVC and the proposal will assist in enhancing and maintaining the area surrounding the building. The licence will permit non-exclusive use by SFA.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Southern Forest Arts Inc will be responsible for the licence preparation fee set in the annual fees and charges.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: SFA are a not-for-profit community association. The sculpture garden and food van will provide some income generation for SFA and attract visitors.

Social: The artwork that will be displayed and other activities of SFA provide a social and cultural benefit to the community and visitors.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council approve a licence to occupy to Southern Forest Arts Inc for portion of Reserve 46739, around the Northcliffe Information and Visitor Centre, for the purpose of a sculpture garden and food van, to 7 November 2027, with a licence fee of ten dollars per annum, subject to licence conditions being to the satisfaction of the Chief Executive Officer and consent from the Minister for Lands.**

## **ATTACHMENTS**

1 SFA indicative diagram 1 Page

### 9.2.3 Proposed Lease - Little Taddies Childcare Centre

<b>PROPONENT</b>	Pemberton Community Child Care Centre Inc.
<b>OWNER</b>	Management Order to Shire
<b>LOCATION / ADDRESS</b>	7-9 Hepple Place, Pemberton (Reserve 30376, Lots 203 and 202)
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160751
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess (Senior Administration and Properties Officer)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	The Director Development Services (Jason Giadresco) is a member of the Little Taddies Management Committee. Mr Giadresco has taken no part in preparation of this agenda item.

### BACKGROUND

The Shire of Manjimup holds the Management Order for Reserve 30376 (Lots 203 and 202), 7-9 Hepple Place, Pemberton, for the purpose of 'Community Centre'.

Pemberton Community Child Care Centre Inc. (Little Taddies) have been leasing and operating at the premises since January 1999.

The current lease is due to expire on 31 January 2025 and Little Taddies have requested a new lease from the Shire of Manjimup.



## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The Little Taddies childcare operations are well established and it is recommended to allow this to continue by granting a new lease. The Shire undertook \$420,000 of refurbishment work to the building in 2020/2021 for it to continue to be fit for purpose.

Little Taddies' constitution states that the association is to "act as a non-profit organisation whose purpose is to provide and maintain a quality education and care service in Pemberton, operating a centre based service in accordance with relevant legislation" and to "operate as a public benevolent institution".

The current lease rental is \$100 per annum. In accordance with Council's current property leasing policy, the proposed rental for the new lease agreement is \$200 per annum (building managed by the Shire and leased to a community organisation with potential to earn income).

The leasing policy is due for review, however, Council resolved the following on 13 June 2024:

*Direct the Chief Executive Officer to undertake a review of all leases with clubs, community groups and recreational bodies; and anything considered a 'peppercorn lease.' This review, along with the proposed Strategic Asset Review, is to inform a revision of Council Policy 4.2.8.*

Review of the policy is on hold until completion of a strategic asset review. The recommendation is to continue the current lease arrangement for Little Taddies with a minimal lease fee, until both of those reviews have been completed. Little Taddies income earning potential may also be reviewed at that time.

The standard lease agreement proposed to be issued will include the ability for the lease fee to be reviewed on an annual basis, with reference to the Council leasing Policy, after the above reviews have been undertaken.

## **STATUTORY ENVIRONMENT**

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

Each lease on Crown land requires the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil, continuing the current arrangement.

## **FINANCIAL IMPLICATIONS**

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

The Shire has assumed responsibility for structural maintenance and building insurance, as outlined in the lease and Council leasing policy, with the maintenance subject to annual budgets approved by Council.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: The proposed lease will allow the continuation of an important childcare service to the Pemberton community.

## **VOTING REQUIREMENTS**

## **SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer execute a lease agreement to Pemberton Community Child Care Centre Inc. for 7-9 Hepple Place, Pemberton (Reserve 30376) for a term of five years with a renewal option of a further five year term, at a rental of \$200 per annum, subject to:**

- 1. Lease conditions to the satisfaction of the Chief Executive Officer.**

- 2. The annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing.**
- 3. The lessee being responsible for the lease preparation fee.**
- 4. Approval of the Minister for Lands.**



### 9.2.4 Proposed Lease - Walpole Community Resource Centre

<b>PROPONENT</b>	Walpole Community Resource Centre (Inc.)
<b>OWNER</b>	Management Order to Shire
<b>LOCATION / ADDRESS</b>	Reserve 30907, Lot 44 24 Latham Avenue, Walpole
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160704
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess (Senior Administration and Properties Officer)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Shire of Manjimup holds the Management Order for Reserve 30907 for 'civic purposes'. The reserve contains two separate lots, with the Community Resource Centre on Lot 44 and the Town Hall and Library on Lot 3.

Portion of Lot 44 is leased to Walpole Community Resource Centre (Inc.) (Walpole CRC) on a vacant land basis for the Community Resource Centre building.

The building was constructed in 2004/2005 and funded through a combination of Federal and State grant funding, a Lotterywest grant and contributions from the Walpole CRC and Shire of Manjimup (provided the car park). The lease commenced in November 2004 and expires 24 November 2024.

Walpole CRC have requested a new lease.



## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

It is recommended to grant a new lease to continue the current arrangement.

In accordance with Council's current property leasing policy, the proposed new lease term is ten years with a renewal option of a further ten years as the building is of a significant type and function. The proposed rental is \$10 per annum payable on demand, equivalent to a peppercorn rental, as the building is owned by a community association and that association has minimal income earning capacity.

The leasing policy is due for review, however Council resolved the following on 13 June 2024:

*Direct the Chief Executive Officer to undertake a review of all leases with clubs, community groups and recreational bodies; and anything considered a 'peppercorn lease.' This review, along with the proposed Strategic Asset Review, is to inform a revision of Council Policy 4.2.8.*

Review of the policy is on hold until completion of a strategic asset review. The recommendation is to continue the current lease arrangement with the nominal rental, until both of those reviews have been completed.

The standard lease agreement proposed to be issued will include the ability for the lease fee to be reviewed on an annual basis, with reference to the Council leasing policy, after the above reviews have been undertaken.

## **STATUTORY ENVIRONMENT**

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

Each lease on Crown land requires the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

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

The proposed lease terms and conditions are in accordance with Council Policy 4.2.8 *Property Leasing*.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil, continuing the current arrangement.

## **FINANCIAL IMPLICATIONS**

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS**

## **SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer execute a lease agreement to Walpole Community Resource Centre (Inc.), for portion of Lot 44 Latham Avenue, Walpole, for a term of ten years, with a renewal option of a further term of ten years, at a rental of ten dollars per annum, subject to:**

- 1. Lease conditions to the satisfaction of the Chief Executive Officer, including the lessee to continue to be responsible for all maintenance and insurance of the building.**
- 2. The annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing.**
- 3. The lessee being responsible for the lease preparation fee.**
- 4. Approval of the Minister for Lands.**

### 9.2.5 Proposed Lease - Walpole Town Hall

<b>PROPONENT</b>	Walpole Community Resource Centre (Inc.)
<b>OWNER</b>	Management Order to Shire
<b>LOCATION / ADDRESS</b>	Reserve 30907, Lot 3 Latham Avenue, Walpole
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160705
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Shire of Manjimup holds the Management Order for Reserve 30907 for 'civic purposes'. The reserve contains two separate lots, with the Community Resource Centre on Lot 44 and the Town Hall and Library on Lot 3.

Walpole Community Resource Centre (Inc.) (Walpole CRC) have a licence to occupy the Walpole Town Hall. The purpose of the licence over the Community Centre / Town Hall was for the Walpole CRC to manage the use of the building by various community groups.

Walpole CRC have requested to continue the current arrangement.



## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

A licence to occupy was previously granted as it did not give Walpole CRC exclusive use of the premises; the Shire retained the right to authorise other users. However, as the arrangement with Walpole CRC managing the building has been successful, including all hire bookings, it is now recommended to grant a lease, with additional conditions outlining the management obligations. An appropriate lease and management agreement has been prepared by the Shire's nominated solicitor.

The proposed agreement outlines that the Walpole CRC agrees to promote use of the hall by the community and coordinate bookings. The Shire will continue to be able to book the hall for a Council meeting annually. Walpole CRC will be required to report operational activities relating to the hall when required and requested by the Shire.

The lease will be for the Town Hall part of the building, excluding the adjoining library.

In accordance with Council's current property leasing policy, the proposed lease term is five years with a renewal option of a further five years. The proposed rental is \$10 per annum payable on demand, equivalent to a peppercorn rental, as the building is owned by the Shire and leased to a community association with a minimal income earning capacity.

The leasing policy is due for review, however Council resolved the following on 13 June 2024:

*Direct the Chief Executive Officer to undertake a review of all leases with clubs, community groups and recreational bodies; and anything considered a 'peppercorn lease.' This review, along with the proposed Strategic Asset Review, is to inform a revision of Council Policy 4.2.8.*

Review of the policy is on hold until completion of a strategic asset review. The recommendation is to continue the current lease arrangement with the nominal rental, until both of those reviews have been completed.

The standard lease agreement proposed to be issued will include the ability for the lease fee to be reviewed on an annual basis, with reference to the Council leasing policy, after the above reviews have been undertaken.

## **STATUTORY ENVIRONMENT**

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

Each lease on Crown land requires the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil, continuing the current arrangement.

## **FINANCIAL IMPLICATIONS**

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

The Shire has responsibility for structural maintenance and building insurance, as outlined in the lease and Council leasing policy, with the maintenance subject to annual budgets approved by Council.

The lessee may retain hire fees.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer execute a lease agreement to Walpole Community Resource Centre (Inc.), for the Walpole Town Hall on Lot 3 Latham Avenue, Walpole, for a term of five years, with a renewal option of a further term of five years, at a rental of ten dollars per annum, subject to:**

- 1. Lease conditions to the satisfaction of the Chief Executive Officer, including management of the Town Hall;**
- 2. The annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing;**
- 3. The lessee being responsible for the lease preparation fee; and**
- 4. Approval of the Minister for Lands.**

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

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	ALL
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160967
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>AUTHOR:</b>	Judy Sutton (Finance Officer – Accounts Payable)
<b>DATE OF REPORT:</b>	13 November 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

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

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

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

Accounts for payment totalling \$3,397,259.33 for the month of October 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for September 2024, are attached.

**ATTACHMENT: 9.3.1(1)**

<b>Payment by Fund</b>	<b>Amount</b>
Municipal – October 2024	\$3,397,259.33
Trust Fund	\$0.00
<b>Total</b>	<b>\$3,397,259.33</b>

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Ordinary Meeting of Council of 12 December 2024.



Method	Batch or cheque no.	Amount
<b>Municipal Payments for Month October 2024</b>		
Cheque payments	95637 – 95654	\$18,295.12
EFT	355 – 359	\$2,491,640.65
Direct Debits		\$23,061.43
Payroll – October 2024		\$864,262.13
<b>Total Payments – October 2024</b>		<b>\$3,397,259.33</b>

Direct Debit for Card Payments	Amount
Corporate Credit Cards – September 2024	\$10,352.04
Wright Express - Coles – September 2024	\$479.27
<b>Total</b>	<b>\$10,831.31</b>
<b>Direct Debit payments included on Warrant Listing Report – October 2024</b>	

Fuel Card Payments	Amount
BP Cards – September 2024	\$6,570.55
Ampol Cards – September 2024	\$1,271.43
<b>Total</b>	<b>\$7,841.98</b>
<b>Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – October 2024</b>	

## STATUTORY ENVIRONMENT

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

## POLICY / STRATEGIC IMPLICATIONS

Nil.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

As stated.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council note the October 2024 accounts for payment totalling \$3,397,259.33 as detailed within Attachment: 9.3.1(1).**

### **ATTACHMENTS**

**1** Payments - October 2024 42 Pages

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

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Whole Shire
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160188
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
<b>AUTHOR:</b>	Greg Lockwood (Director Business Services)
<b>DATE OF REPORT:</b>	26 November 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

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

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

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

**ATTACHMENT: 9.3.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The financial performance for the Shire of Manjimup to the 31 October 2024 is a projected loss to 30 June 2025 of \$47,813. The projected loss is based on a conservative approach highlighting possible issues as they occur, which in most

cases can be rectified or offset with under expenditure in other areas as the Shire progresses through the financial year.

To the 31 October 2024 the reduced projected loss is being driven primarily by and improved projection of "Interest Revenue". When setting the annual budget "Interest Revenue" is typically set at a conservative level. This is to ensure that if there is a sudden drop in interest rates that there wont being any shortfalls or future deficits in the budget. Interest rates that were projected to drop in late 2024, are now considered by many to remain at their current level until at least May 2025.

As stated in previous reports the \$256,831 shortfall in Financial Assistance Grants will need to be addressed with a budget adjustment. \$18,024 will be adjusted against Road Maintenance as that is the purpose of that portion of the grant which directly relates to the Road Asset Preservation Model. It is proposed that the remaining \$249,192 will come back to Council giving consideration to the end of year position within the audited 2024 Annual Financial Accounts, and other project issues that require some finalisation and financial implications understood.

An item of note whilst not significant in financial impact, is Entry Fees for the PowerUp Museum. Year to Date income is 14% more than the same time last year. A review of the entry statistics will be important to assess if the increase is due to the introduction of the Free Entry to shire residents in late 2023, or just a higher tourism participation.

Another area that continues to be positive to 31 October 2024 is Planning Fees. At present Planning fees actuals are \$43,129, of a year to date budget of \$30,000. Whilst too early in the year to project an excess in income, it shows a high degree of positive economic activity in the Shire.

A major budget category which suffered under significant budget pressure in 2023/24, Road Maintenance, has seen a more measured start to 2024/25. Overall, \$1,139,283 has been expended out of the \$3.1m (36.4%) budget to 31 October 2024. This expenditure will slow further as the Works Team enter the Construction phase of their overall annual works program.

Other than the aforementioned grants, no other major discrepancies have come to light in the four months after adopting the 2024/25 budget, and with appropriate adjustments for the grant shortfalls, and with sound financial management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2025.

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As described in above summary.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

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

### **ATTACHMENTS**

- 1 Statement of Financial Activity - October 2024 22 Pages

**ATTACHMENT****9.5.1 Review of Delegations, Authorisations and Appointments - Development Services Directorate**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	N/A
<b>WARD</b>	N/A
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F161497
<b>LEGISLATION</b>	<i>Local Government Act 1995, Planning and Development Act 2005, Bush Fires Act 1954, Building Act 2011, Dog Act 1976</i>
<b>AUTHOR</b>	Jason Giadresco (Director Development Services)
<b>DATE OF REPORT</b>	22 October 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

In order to allow for the efficient management of Shire operations and service delivery, a number of powers of the Council are delegated to the Chief Executive Officer (CEO). The CEO may then sub-delegate such powers to other employees, as appropriate.

Council's delegations were last reviewed on 7 December 2023, and the current Register of Delegations, Authorisations and Appointments can be found on the Shire website.

Over the previous 12 months, staff of the Development Services Directorate have been investigating how service delivery can be improved through the review of delegated powers and whether their adjustment will deliver improved turn-around times on permit applications, registrations and the like.

The ultimate intention of this delegation review is to result in not only a more streamlined and efficient statutory process, but also more effective and efficient use of the Council's time. By reducing the burden of minor, administrative matters on the Council agenda, the aim is to:

- Allow Council a more focused and responsive approach to addressing significant community issues.
- Contribute to improved customer service and streamlined assessment and process workflows, ultimately enhancing the overall effectiveness of the Shire's statutory operations.
- Ensure that delegated decision making by staff reflects the intent of Council.

The purpose of this report is to seek Council's approval for the proposed adjustments to delegations relevant to the Development Services Directorate as described over the following pages of this report. A copy of the proposed amended Register of Delegations, Authorisations and Appointments is attached.

**ATTACHMENT: 9.5.1 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

### Purpose of Delegated Authority

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

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

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

### Proposed Amendment to Building Delegations

The proposed changes to the delegations granted to staff under the *Building Act 2011* and its associated regulations are relatively minor and are summarised below. The delegations have been simply adjusted to provide the Director Development Services clear sub-delegation:

- To grant or refuse a building or demolition permit.
- To grant an occupancy permit for a development.
- Deal with matters related to the installation of compliant private pool barriers. It is recommended that building administration officer also be granted this delegation given they maintain a register of private pools within the Shire of Manjimup.
- To grant or refuse approval of smoke alarms.

### Proposed Amendments to Planning Delegations

The proposed changes to delegations under the *Shire of Manjimup Local Planning Scheme No.4* and *Planning and Development (Local Planning Schemes) Regulations 2015* have been significantly reviewed, with the intended purpose of reducing application processing times for certain land uses and to account for legislative changes enacted by the State Government over

the previous year. The changes have been tabulated below and updated in the attachment. The numbers in the left column correspond to the delegation number in the “Functions Delegated” section of 2 - *Local Planning Scheme No.4 and Planning and Development (Local Planning Schemes) Regulations 2015* of the attachment.

Number	Proposed change	Effect
1	<p>Removal of the words “Uses other than ‘P’, ‘D’ or ‘IP’” at 1.(i).</p> <p>Removal of number iv. “<i>Lot boundary adjustments where minimum lot sizes are not met</i>”.</p> <p>Addition of a new point allowing staff discretion to approve dam setbacks (including associated infrastructure) to 5m from a property boundary subject to no objection being received.</p>	<p>The removal of this point provides the ability for staff to not only approve those uses, but also ‘A’ land uses.</p> <p>This delegation has been overridden by State Planning Policy 2.5 Rural Planning and no longer has currency.</p> <p>This is to reflect the delegation granted by Council (Resolution 29526) to staff regarding dam setbacks on 13 June 2024.</p>
2	<p>Removal of points 2 (ii) and (iii).</p> <p>Adjustment of iv) to read “Approval of greater than 4 years”.</p> <p>Adjustment of v) to allow for the determination of retrospective applications where not an ‘A’ land use or an objection has been received after advertising.</p>	<p>This will allow staff to approve ‘A’ land uses and ‘Uses Not Listed’ in the Scheme, after consultation in accordance with Scheme requirements and approve them provided no objection is received during consultation.</p> <p>This reflects Council’s support of a standardised 4-year approval timeframe for development applications as presented on 22 August 2024.</p> <p>This will remove a significant number of retrospective applications being presented to Council for determination over simple matters (e.g. domestic outbuildings, setback reductions for dams, signage).</p>
2 (cont.)		



Number	Proposed change	Effect
	Addition of ix) to grant delegation for staff to issue/revoke a conservation notice on a heritage place in accordance with Part 3 - clause 13 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	If the Shire forms the view that a heritage place is not being properly maintained, the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.
4	Amendment to include the words "for group dwelling and multiple dwellings" specifically.	Legislative changes made by the state government to the Residential Design Codes of Western Australia effective from July 1, 2024, have granted delegation directly to the local government CEO to determine application related to most residential development. The change clarifies that Council still has some discretion over the determination of group and multiple dwellings (e.g. blocks of flats, multiple houses on one freehold lot).

*Proposed adjustment of "Conditions on Delegation/Sub-Delegation" section*

Part 1.(e) of this section, which discusses the delegation around the processing of structure plans has been removed as it is considered no longer relevant.

*Reporting of planning decisions determined under delegation*

Shire staff will continue to report to Council planning decisions taken under delegation from Council monthly. The regular reporting of delegated planning decisions to Council:

- Maintains oversight and ensures that decisions are made in alignment with Council's strategic priorities and community values.
- Strengthens the accountability of the Shire's delegated decision-makers and promotes good governance.
- Allows the public to stay informed about the decisions that affect their community.

Proposed Amendments and Additions to Ranger and Emergency Services Delegations

The delegations pertinent to the *Bush Fires Act 1954* and *Dog Act 1976* have also undergone significant review.

#### *Adjustment of Bush Fires Act 1954 delegations*

The changes proposed to these delegations are largely administrative.

Upon review of the legislative ability to delegate the powers of the *Bush Fires Act 1954* (The Fire Act) and its associated regulations, it was recognised that this legislation only allows delegation of its powers to either the Chief Executive Officer, Shire President or Chief Bush Fire Control Officer and does not allow for further sub-delegation to other Shire staff. However, Section 48 of the Fire Act does not limit the ability of local government staff to carry out the requirements of the legislation in the normal course of business, in which those items are listed in the document. This means that those staff who carry out activities with regard to the act and regulations are legally empowered to do so through the Chief Executive Officer. Adjustment of the “Delegated to:” sections of the delegations under the Fire Act has been undertaken to reflect this.

#### *Additions to delegations under the Dog Act 1976*

A number of new delegations have been introduced related to the powers of the *Dog Act 1976*. Similar to the proposed changes to the planning delegations, the delegations are designed to improve response times, improve public satisfaction and prevent escalation of dog-related issues. The proposed new delegations and their purpose, are described in the table below:

Introduced Delegation Name	Purpose
Appoint Registration Officer	Provides for formal authorisation of those persons able to take a dog registration.
Grant Exemption as to Number of Dogs Kept at Premises	Allows staff authority to determine applications for additional dogs at a premises where it does not meet the land use definition of a ‘kennel establishment’.
Kennel Establishments	Allows staff authority to issue a kennel licence where all other statutory requirements have been met (i.e development approval)
Recovery of Moneys Due Under this Act	Provides the Chief Executive Officer authority to recover money from a dog owner through the court process.
Dispose of or Sell Dogs Liable to be Destroyed	Provides staff authority to sell, rehome or destroy a dog. Funds received from the sale of will be put back into the Shire’s Municipal Fund.
Declare Dangerous Dog	Grants authority to staff to declare a dangerous dog, with the declaration only being able to be made with the final approval of the Community Emergency Services Manager.
Deal with Objection to Notice to Revoke Dangerous Dog	Provides staff with authority to uphold or dismiss an objection received in relation to the declaration or seizure of a dangerous dog. This delegation

Declaration Destruction Notice	or	also provides authority to revoke a notice to either declare or destroy a dangerous dog, subject to the dog successfully undertaking behavioural training.
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These proposed delegations have been added to the delegations manual attached to this report.

#### Other Minor Amendments

Staff position titles have been updated through the delegations document to reflect current position titles.

## **STATUTORY ENVIRONMENT**

### Local Government Act 1995

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

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

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

Section 5.44 allows the CEO to subsequently delegate to any employee of the local government the exercise of the CEO's powers. Appointment of staff to carry out the delegated functions granted is at the discretion of the Chief Executive Officer.

### Other Acts

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

## **POLICY / STRATEGIC IMPLICATIONS**

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

Furthermore, delegating authority to staff can create a sense of ownership and accountability for their work. This can lead to increased motivation and a greater commitment to achieving positive outcomes for the local community.

## **ORGANISATIONAL RISK MANAGEMENT**

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

Increased delegation can provide greater flexibility in responding to changing circumstances and emerging issues. For example, officers could be delegated the power to make decisions about the appropriate course of action in situations involving dangerous dogs, allowing for a more tailored and effective response.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

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

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Resolves in accordance with Section 5.42(1) of the *Local Government Act 1995*, and other Acts as designated, to approve the delegation of powers and duties in accordance with the Register of Delegations, Authorisations and Appointments (including Council appointed officers) as attached at 9.5.1 (1).**
- 2. Note that the Chief Executive Officer sub-delegates powers to employees of the Shire Administration as appropriate.**

**ATTACHMENTS**

<b>1</b>	<b>Shire of Manjimup Register of Delegations, Authorisations and Appointments</b>	<b>127</b> <b>Pages</b>
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**ATTACHMENT****9.5.2 Proposed Advertising of Draft Windy Harbour Coastal Hazard Risk Management and Adaptation Plan**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Crown Land
<b>LOCATION / ADDRESS</b>	Windy Harbour Settlement
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F230025
<b>LEGISLATION</b>	<i>Planning and Development Act 2005 and Local Government Act 1995</i>
<b>AUTHOR</b>	Ann Bentley (Environmental Sustainability Officer)
<b>DATE OF REPORT</b>	3 May 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Windy Harbour has been identified by the State Government as a projected erosion hotspot within 25 years. As a result, the Shire applied for funding from the Western Australian Planning Commission (WAPC) to co-fund the development of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

It is internationally recognised that the mean sea level has been rising globally since the nineteenth century and is predicted to rise at an increasing rate in the future (IPCC 2021). Rising sea levels and intensifying storm activity will increase the risk of coastal inundation (temporary coastal flooding), storm erosion and long-term shoreline recession.

The CHRMAP risk assessment framework is guided by State Planning Policy. The purpose is to identify the coastal hazards in the area, at-risk assets and community values. State Planning Policy 2.6: State Coastal Planning Policy (SPP2.6) requires adequate risk management planning is undertaken where development is potentially at risk of being affected by coastal hazards over the 100-years. SPP2.6 recommends management authorities develop a CHRMAP to identify which risks are intolerable to the community, and other stakeholders such as local governments, indigenous and cultural interests, and private enterprise.

The development of the Windy Harbour CHRMAP commenced in 2022 and has undertaken the following stages to develop the draft document for consultation:

- Establishing the Context
- Risk Identification & Vulnerability Assessment
- Risk Evaluation & Risk Treatment

- Implementation Plan
- Monitoring and Review

The CHRMAP study area covers the Windy Harbour settlement located on the “A” class Crown Reserve 38881 (Lot 12439 and 13304). It comprises of a stretch of sandy coast on the eastern side of Point’ D’Entrecasteaux and includes recreational camping, a caravan park, and holiday cottages.

The objective of this CHRMAP project is to increase knowledge and understanding of coastal hazard risks and identify risk management and adaptation measures for implementation. The outcomes will be used to inform the review of the Windy Harbour Management Plan, local government policies, strategies and plans, including (but not limited to), planning strategies, community strategic plans, drainage strategies, asset management plans, emergency management plans, and foreshore management plans.

With the draft CHRMAP completed, Council is requested to adopt the document for the purposes of public consultation.

#### **ATTACHMENT: 9.5.2 (1)**

#### **PUBLIC CONSULTATION UNDERTAKEN**

All 232 lease owners, and key stakeholders such as the Department of Biodiversity Conservation and Attractions, were written to and informed about the commencement of the project and the provided opportunities contribute.

In the Establishing the Context stage of the project, a survey and a public meeting was held to capture community values associated with the study area. Sixty-seven (67) community members participated in this consultation. In the Risk Evaluation and Risk Treatment stage of the project, a community workshop, an onsite community meeting and a survey was conducted. Sixty-four (64) community members participated in this consultation.

To deliver guidance and oversight in relation to all aspects of the project, a Steering Committee was formed. The Steering Committee is made up of the following representatives:

- Shire of Manjimup Director of Development Services;
- Shire of Manjimup Environmental Sustainability Officer;
- Department of Planning Lands and Heritage;
- Department of Transport;
- Windy Harbour Caretaker;
- Windy Harbour Marine Rescue (Community); and
- Councillor Wendy Eiby (Community).

## COMMENT

A Management Plan is in place for the settlement, being the *Windy Harbour Management Plan 2007-2017*. In accordance with Plan Statement No 1, the vision for the reserve is:

*“To manage Windy Harbour as a district and regional coastal holiday and recreation destination, while recognising limited servicing, strong community associations, cultural heritage, specific character and environmental context.”*

The CHRMAP has identified strategic direction for coastal adaptation scenarios from the present-day to the year 2122 and identified an implementation plan to achieve this direction.

The CHRMAP funding agreement with WAPC is funded through the State Government’s Coastal Management Plan Assistance Program. The funding agreement outlines that once the Steering Committee have endorsed the Draft CHRMAP for advertising, it is then able to be publicly advertised for 8 weeks.

The Draft CHRMAP presented for this report has been reviewed by the Windy Harbour CHRMAP Steering Committee, their relevant comments have been included in the attached document. The Draft CHRMAP will be reviewed again after being released for public comment to include any relevant comments prior to Council meeting in February 2025 where the Council will be asked to consider adoption of the Draft CHRMAP.

### Conclusion

The CHRMAP has developed a flexible adaptation pathway for the location and will serve as a key reference for management, planning, and policymaking in the short-term (0-15 years), medium-term (15-30 years), and long-term (100 years). As such, it is recommended that Council endorse the CHRMAP for public consultation.

## STATUTORY ENVIRONMENT

The Shire of Manjimup holds the Management Order for the Windy Harbour Settlement under the *Land Administration Act 1997*.

Other relevant statutory documents include:

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Shire of Manjimup’s Local Planning Scheme No. 4.*
- *State Planning Policy 2.6: State Coastal Planning Policy.*



## **POLICY / STRATEGIC IMPLICATIONS**

The preparation of appropriate management plans for land under the care and control of the Shire, having regard to the impacts and associated threats associated with coastal processes and the environmental values of those reserves is consistent with the following Community Goals as identified within the Shire of Manjimup Strategic Community Plan 2021-2031:

- 1.1 *Natural landscapes, habitats and resources are sustainably managed for the benefit of existing and future generations; and*
- 1.4 *Potential climate change impacts are anticipated and responded to.*

The Windy Harbour draft CHRMAP, once adopted by Council, will be used to inform any future reviews of the Windy Harbour Management Plan.

Additionally, the adoption of a CHRMAP for Windy Harbour will significantly enhance the Shire's ability to leverage State and Federal funding for critical infrastructure projects. The CHRMAP provides a robust framework that clearly outlines the coastal risks and vulnerabilities within the area, enabling targeted investment in adaptation and mitigation strategies. By demonstrating a proactive and evidence-based approach to coastal management, the CHRMAP strengthens the Shire's funding applications and positions Windy Harbour as a priority for essential infrastructure support. This investment will safeguard the community, protect critical assets, and ensure the long-term resilience of Windy Harbour in the face of climate change and coastal hazards.

## **ORGANISATIONAL RISK MANAGEMENT**

The Windy Harbour Draft CHRMAP, once adopted by Council, will fulfill the Shire's due diligence in understanding coastal hazard risk management for the Windy Harbour Settlement.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: As per Comment section above.

Economic: As per Financial Implications section.

Social: As per Comment section above.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council endorse the Windy Harbour Coastal Hazard Risk Management and Adaptation Plan, as contained in Attachment 9.5.2(1), for the purpose of public comment, for a period of not less than 8 weeks, and at a minimum by way of a notice in a newspaper circulating in the Local Government area and the Shire of Manjimup website.**

**ATTACHMENTS**

- |          |   |                     |
|----------|---|---------------------|
| <b>1</b> | <b>Draft Windy Harbour Coastal Hazard Risk Management and Adaption Plan</b> | <b>56<br/>Pages</b> |
|----------|---|---------------------|

## ATTACHMENT

### 9.5.3 Application for Retrospective Approval for Dam Modifications at Lot 104 Tammar Terrace, Crowea

<b>PROPONENT</b>	Mr Cameron W Baldock
<b>OWNER</b>	Mr Cameron W Baldock
<b>LOCATION / ADDRESS</b>	Lot 104 Tammar Terrace, Crowea
<b>WARD</b>	Rural
<b>ZONE</b>	Rural Residential
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/144 P57975
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister (Manager Planning Services)
<b>DATE OF REPORT</b>	11 November 2024
<b>DECLARATION OF INTEREST</b>	The applicant's partner is a casual employee of the Shire and was not involved in the preparation of this agenda item.

### BACKGROUND

The Shire is in receipt of an application for retrospective approval for modification to a pre-existing Dam and two Shipping Containers at Lot 104 Tammar Terrace, Crowea. The subject property is a 1.16ha, battle-axe type lot which consists of a number of unauthorised structures and one approved Outbuilding. A location plan is shown below.

### LOCATION PLAN



Pre-development, the property contained a row of conifers, existing vegetation, and a 450m<sup>2</sup> dam. The property also had a small dam located in the south-eastern corner that crosses the common neighbouring boundary.

The applicant has completed modification works to the small dam in the south-eastern corner of the property, whereby the dam is now larger and contained within the property boundary.

In accordance with section 257c of the *Planning and Development Act 2005*, the determination of the Shipping Containers has been given consideration under delegation to the Chief Executive Officer.

Council is requested to consider the portion of the retrospective application that incorporates the modifications to the existing Dam only. Details submitted in support of the application are provided attached.

**ATTACHMENT: 9.5.3 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

In accordance with clause 9.6 of the Shire of Manjimup Local Planning Scheme No. 4 (the Scheme), the application was advertised for a 21-day period to adjoining affected landowners and to the Department of Water and Environmental Regulation (DWER) for a 42 day period.

During the consultation period one objection was received, and one comment was received by the adjoining neighbours. DWER also provided comments with regards to the area being a non-proclaimed area and that it had no further comments or objections to the proposal.

Whilst the comments are discussed below in the Comment section, a copy of the submission from DWER is provided attached and copy of the confidential submission has been provided to Council separately.

**ATTACHMENT: 9.5.3 (2)**

## **COMMENT**

The property is zoned Rural Residential and labelled RR28 under Schedule 2 by the provisions of the Scheme.

Objectives for the zone relevant to this application include to:

- facilitate the conservation of native vegetation, water courses and water bodies and other environmental feature and where appropriate to provide for environmental repair; and
- encourage opportunities for innovative design and clustering of houses and other structures to minimise the impact on adjacent land uses, protect

landscape and remnant vegetation and to utilise the more efficient use of services.

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

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

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

#### Zoning Purpose

The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

RR28 of the Scheme states that subdivision and development is to be generally in accordance with the Subdivision Guide Plan. Lot 104, does not have a prescribed building envelope and therefore development should be in accordance with the development standards for the zone.

#### Setbacks

Unless otherwise provided for in the endorsed Structure Plan or special conditions, the building setbacks from lot boundaries shall be a minimum of:

- a) from a road boundary: 20 metres
- b) from other boundaries: 10 metres
- c) from a boundary with State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land: 100 metres.

Development works have been undertaken to fill-in the subject Dam as it crossed the boundary and provide a 5m maintenance access alongside the boundary fence. As such the works are within the prescribed 10m setback and required prior planning approval.

#### Relaxation of Standards

In accordance with clause 5.5 of the Scheme, the local government may approve an application for planning approval, despite the application not complying with the standard or requirement prescribed under the Scheme.

However prior to relaxing a standard, the local government must be satisfied that:

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

To assess the effect upon the locality, the proposal was assessed against the Local Planning Policy for Dams.

#### Policy Assessment

The application has been assessed against the provisions of Local Planning Policy 6.1.22 – Dams (the Policy). The policy applicable to the construction of all dams within the Shire, where the Shire’s Development Approval is required. The risk assessment (overleaf) indicates that the dam would be considered a high risk given size of the property.

<b>Risk Category</b>	<b>Score</b>
Construction Type (Off-stream/soak)	2
Volume (1ML)	3
Wall Height (0-5m)	3
Dam Wall Design (designed by others)	3
Infrastructure Downstream (None)	1
Overflow infrastructure proposed (None)	5
<b>TOTAL</b>	<b>17</b>

In accordance with the provision 6.3 of the Policy, dams that score above 15 when assessed against the risk matrix are considered high risk. A score of high has been achieved due to the property size, rather than the risk of the size of the dam, height of the wall or dam designer.

Whilst a dam on the property has existed at least since 2004 (as confirmed by available Shire aerial imaging) an assessment of the risk has been completed based on the modification and creation of the new Dam and how it relates to the capacity of the Dam.

Usually where a Dam risk assessment score 15 or more the application shall be supported by the following information:

- a) A certified report on the dam structure by a suitably qualified engineer.
- b) A Dam overflow system or spillway designed by a suitably qualified engineer.
- c) Detailed plans including a cross-section, topographic map/site feature survey and locality plan.

In this instance, it is considered that the Policy does not provide a suitable assessment criterion for small dams within Rural Residential zone, which has resulted in this proposal being determined as a high-risk dam. If Council deems

appropriate, it could determine to relax this condition. The dam wall is only 1m high, previous applications considered by Council have relaxed this condition and this has been reflected through the Officer Recommendation.

#### Retrospective Application

A decision to grant retrospective approval does not prevent the local government from taking action for a breach of the Scheme requirement for prior approval to be granted. In this instance no action is recommended. However, should compliance matters continue at the property, the recommendation to take legal action may be presented to Council for consideration.

#### Submissions Received

As indicated above, two submissions were received, one commented on the retrospective Dam works and advice was received from DWER. The submissions relevant to the Dam are discussed below.

A concern raised by a neighbour, who wished to remain confidential, in relation to earthworks associated with the dam, that have spilled over the property boundary into their property. During a conversation with the applicant, they have advised that it is their intention to have a 5m access track around the perimeter of the property. Whilst it is expected that this spill will be resolved during this process, it is recommended that as a condition of any Council approval, that this be remediated within 60 days.

#### Conclusion

The original dam was located across the property boundary and has been modified to create two separate dams. The works, constituting development, unknown to the landowner required prior planning approval. Notwithstanding the overspill of earthworks across the boundary, the dam is recommended for approval subject to conditions.

### **STATUTORY ENVIRONMENT**

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

### **POLICY / STRATEGIC IMPLICATIONS**

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

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## FINANCIAL IMPLICATIONS

The applicant has paid the retrospective fee required as per the Shire's 2024-2025 adopted Fees and Charges Schedule.

## SUSTAINABILITY

Environmental: Nil.

Economic: The proposed dam will enable the site to be drained efficiently allowing the site to be developed for residential purposes, to support our local economy

Social: Development of vacant land within the estate is beneficial to the Northcliffe and greater community.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION

That Council in accordance with clause 5.5 and clause 8.4 of Local Planning Scheme No. 4 grant retrospective planning approval for dam modifications at Lot 104 Tammar Terrace Northcliffe in accordance with the plans and specifications contained at Attachment 9.5.3(1) and subject to conditions and advice notes below:

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

Reference	Document Title	Date Received
1.	Site Plan	13 August 2024
2.	Site Image	6 September 2023

2. Any ground levels differences at the boundaries of the land in excess of 150mm must be retained, or otherwise stabilised to the satisfaction of the Shire of Manjimup, and fences shall not to be used for that purpose.
3. Within 60 days of notice of approval, the applicant shall remediate all overspill earthworks that have occurred beyond the property boundary, to the satisfaction of the Shire of Manjimup.
4. All pumps and ancillary equipment and structures not part of this approval being setback from property boundaries in accordance



with the requirements of Shire of Manjimup Local Planning Scheme No. 4.

5. Water from the dam is prohibited from accumulating across property boundaries.

**Advice to Applicant**

1. The applicant/landowner is responsible for the structural integrity of the dam construction.
2. Due to the high-risk score of the Dam, the applicant is encouraged to obtain certification from a suitably qualified engineer that the dam wall and overflow infrastructure is adequate to cater for the additional storage capacity of the dam, hereby approved.

**ATTACHMENTS**

- 1 Attachment 1 - Development Application Information 2 Pages
- 2 Attachment 2 - Comments from DWER 6 Pages

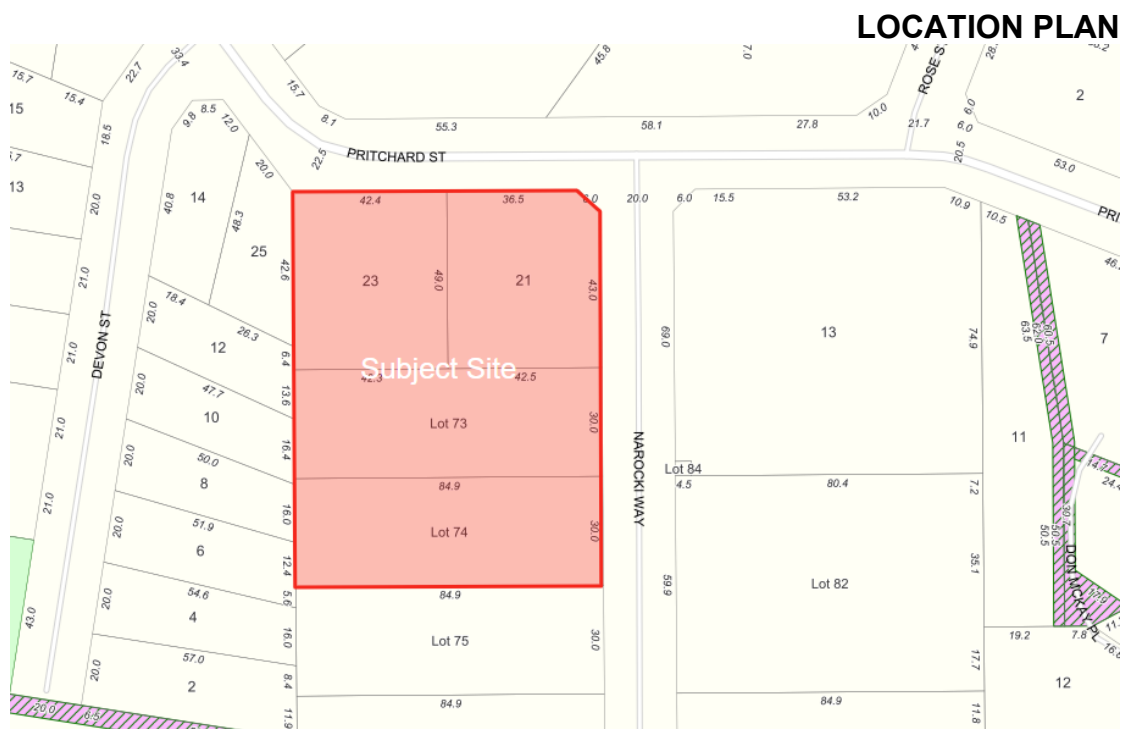
## ATTACHMENT

### 9.5.4 Responsible Authority Report - Proposed Motel and Restaurant at Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup

<b>PROPONENT</b>	Texture Design Pty Ltd
<b>OWNER</b>	Second GLT Pty Ltd
<b>LOCATION / ADDRESS</b>	Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/127 P52048, 52122, 25197, 52278
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister (Manager Planning Services)
<b>DATE OF REPORT</b>	13 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The subject land has a combined total area of 9,239m<sup>2</sup> and is located at the corner of Pritchard Street and Narocki Way, within the Manjimup town centre. All lots are vacant with minimal remnant vegetation. Land to the west is developed for residential purposes, to the north for light industrial purposes and to the east there is a mix of commercial land uses. A location plan is provided below



The landowner has obtained conditional approval to amalgamate the properties through a subdivision application to the Western Australian Planning Commission. Council may recall an application that was presented at the December 2023 meeting for a much larger scaled development, over a greater land size. This proposal was withdrawn prior to consideration due to delays with Western Power service rationalisation.

The Shire is in receipt of an application for planning approval for Holiday Accommodation (Motel) and Restaurant comprising of:

- 76 individual motel units, contained within 16 separate buildings.
- 93 parking bays (including 2 ACROD bays and associated shared space), with 76 bays allocated to motel guests and 17 set aside for staff and visitors.
- Internal vehicle circulation space.
- Vehicle crossovers to Pritchard Street and Narocki Way.
- Central administration / guest facilities building fronting Narocki Way.
- Restaurant located at the intersection of Pritchard Street and Narocki Way;
- Back-of-house facilities, including plant room, bin store, cleaners' room and bike store; and
- Perimeter fencing and landscaping.

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

#### **ATTACHMENT: 9.5.4 (1)**

The applicant has provided a notice that the application is to be determined by a Development Assessment Panel (DAP). This report to Council is a 'Responsible Authority Report' that is provided to the DAP providing Council's comment on the proposal. Council is requested to consider the recommendation to the DAP due to the car parking variation.

#### **PUBLIC CONSULTATION UNDERTAKEN**

In accordance with Clause 9.6 of Local Planning Scheme No. 4, the proposal was referred to surrounding landowners for a period of 21 days for public comments. A referral was also sent to Tourism WA for comments. At the close of consultation two submissions were received, providing an objection to the inclusion of a Gymnasium and discussing potential impacts on adjoining neighbours. A copy of the submissions is attached.

#### **ATTACHMENT: 9.5.4 (2)**

## COMMENT

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

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

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

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

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

### Land Use Classification

The completed application form describes the proposed development as a Motel. From examination of the Scheme, the proposed development could be deemed to be consistent with the following definitions:

*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 adjacent to each of the accommodation units

### 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.
- 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 1.7m setback to Pritchard Street and a 2.3m setback to Narocki Way. A nil setback is proposed to a neighbouring property of 12m in length with a height of 2.5m being a 40-foot shipping container for back of house purposes.

The setbacks are considered a variation, although a nil setback is permitted, where a setback is provided, sufficient space is required for a 3m landscaping strip.

### Planning Precinct Statement

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

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

The proposed accommodation is located between Service Industry type uses and low density residential. The proposal, if managed and developed correctly could provide an effective transition between the land uses. However, the proposed Motel units located on the western boundary are shown as being

setback 3.8m, to ensure that there is not an impact from noise such as air-conditioning units along this boundary, it is recommended that no air-conditioning units be located within the proposed setback or achieve at least a 1.5m setback.

As reflected on the submitted plans the applicant has identified a mix of materials responsive of the country locality such as timber batten cladding and brick fencing and walls.

The accommodation units will be single storey with each unit being orientated internally to the site. External fencing is proposed around the perimeter of the site in order to restrict unauthorised access to the site. The applicant has advised that where the property adjoins other land uses, a Colorbond® fence is proposed to match existing, whilst fencing proposed to sections of Pritchard Street and Narocki Way elevations is proposed to be 1.2m, chainlink steel fencing in charcoal colour with brick pillars.

#### State Planning Policy 7.0 Design of the Built Environment

The intent of SPP 7.0 is to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes across the State.

#### South West Design Review Panel

Given the prominent development location and the importance of the design when considering a substantial development within a town centre, Shire staff referred the proposal to the South West Design Review Panel (SWDRP). The SWDRP is a shared initiative between South West Shires and the Cities of Bunbury and Busselton. The panel comprises professionals in the fields of architecture, urban design, landscape architecture, heritage, sustainability and environmental design, town planning, arts and culture, and meets monthly to provide design advice on development applications, structure plans, design guidelines and any local government projects occurring in the local government areas.

Although the Shire of Manjimup initially opted out of the Terms of Reference for the SWDRP, the Shire has been fortunate to be able to participate and will incur minor costs associated with the panel meeting.

The proposal was considered by the panel on 1 November 2024. Minutes taken by the Chair are attached and the main findings are provided as a summary below.

The panel considered that the motel project had the capacity to effectively transition between the residential and service industry uses nearby. It determined that the positioning of the Restaurant and Reception is well considered and largely provides separation from the residential component of the motel to the Pritchard Street traffic. Further resolution was considered to be required between the interface of the single residential to the west for overlooking and setback issues.

It was recommended that a review includes the following:

- Deeper landscape strip and fencing to the north.
- Reconsideration of the extent of earthworks as a finish floor level of greater than 500mm should not be supported.
- Consideration of sun protection for western facing windows.
- Consideration of safe outdoor play spaces.
- Improved street engagement to Pritchard Street including an active component.
- Review impact of container storage.
- Increase carparking setback from Pritchard Street.
- Ensure adequate wayfinding is provided given the dual access.

### **ATTACHMENT: 9.5.4(3)**

The SWDRP comments are not binding and the recommendations are not mandatory. The advice and recommendations can be used as a decision making aid, forming part of the assessment of the proposal.

Given the proposal was considered to have merit, it is considered by Shire staff that the recommendation to revise details of the proposal are able to form part of conditions of a recommended approval.

#### Car Parking

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

<b>Use</b>	<b>Minimum Number of Parking Spaces to be Provided</b>	<b>Proposal</b>	<b>Parking Required</b>	<b>Parking provided</b>
Motel	1 per unit	76 units	76 bays	<b>93</b>
	plus 1 per 25m <sup>2</sup> of service area.	510sqm	20.4 bays	
Restaurant	1 per 1 patrons	58 patrons	15 bays	
<b>Total</b>			<b>112</b>	

The applicant has provided enough parking spaces to cater for one bay per each accommodation units with an additional 19 bays available for staff, visitors and service providers. Additional parking could also be provided on-street and for buses.

The applicant has stated that this is a variation of 5 bays, this was not taking into account the back of house areas. Shire staff have assessed the variation as 19 car spaces. The shared use of the restaurant by motel guests would generate a reciprocal use of bays however the restaurant land use only has a parking demand of 15 bays, less than the shortfall.

It is assessed that the service area and back of house is the cause for the shortfall.

The applicant does have the ability to seek a variation by providing additional landscaping.

#### 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.”*

#### 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.

Given the allocated areas is not in close proximity to this proposal, any cash-in-lieu received could be utilised to construct parking abutting the property on Narocki Way.

#### Landscaping

Provisions of the Scheme specify that a minimum of 5% of the site is required to be set aside for landscaping. In accordance with clause 5.13 of the Scheme,



landscaping may consist of garden plantings and areas for pedestrian use. At the discretion of the local government landscaping may include natural bushland, swimming pools and areas under covered ways.

Notwithstanding the above, clause 5.13.3 of the Scheme states that the requirements for landscaping will be determined by Council on the merits of each case. In order to provide further guidance on this to applicants and Shire 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 sufficient setback to Narocki Way to allow for landscaping.

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

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

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

#### Submissions Received

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

- Potential light intrusion into neighbouring residential areas;
- Material selection for abutting shipping container; and
- Objection to the inclusion of a gymnasium when there is an existing gym business nearby.

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

The Department of Communities owns and manages several houses in the adjoining Devon Street. Concerns were made with regards to the potential for light intrusion from the proposed motel which could have negative impacts on the adjoining low density residential dwellings. Appropriate conditions have been recommended to address this concern.

The Department of Communities made comments relating to the proposed 40 foot shipping container, to be used for 'back of house' and situated directly on the boundary of a neighbouring property. The comments noted that the shipping container was not representative of the domestic nature of the existing

development and suggested an appropriate material treatment for the proposal. An appropriate condition has been recommended to address this.

A neighbouring business made comment with regards to a proposed gymnasium as part of the motel complex. The comments were around the number of existing gymnasiums already located in town and that there is not a demand for another facility. The matters to be addressed in the assessment of the proposal does not extend to business competition, it is assumed that the motel operator would have undertaken its own assessment of the demand or need.

### Conclusion

The applicant as submitted provides a transition between the low density residential to the west and the light industrial in the east and to the north. Given there was no consequential revisions recommended from the SWDRP, the application is recommended for approval subject to conditions.

## **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 2024/25 annual budget and the *Planning and Development (Development Assessment Panels) Regulations 2011* fees and charges.

The Shire of Manjimup has covered the fees applicable for the payment of the Design Review Panel members' services.

## SUSTAINABILITY

Environmental: Nil.

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

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

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION

That Council recommend that the Regional Joint Development Assessment Panel approve the Development Assessment Panel Application reference DAP/24/02791 at contained in Attachment 9.5.4 (1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the Shire of Manjimup Local Planning Scheme No. 4 and subject to the following conditions and advice:

1. The development hereby approved is to be carried out 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
DA-2001	Site Plan	27 August 2024
DA-2100	Floor Plan	27 August 2024
DA-2101	Floor Plan Amenities & Typical Motel Rooms	27 August 2024
DA-3100	Elevations	27 August 2024
DA-3101	Sectional Elevation	27 August 2024

2. Notwithstanding condition 1, prior to application for building permit, the plans submitted and hereby approved shall be modified as follows:

- 2.1 Deeper landscape strip and fencing to the north.
- 2.2 Consideration of sun protection for western facing windows.
- 2.3 Consideration of safe outdoor playspaces.
- 2.4 Improved street engagement to Pritchard Street including an active component.

- 2.5 Selection of materials or treatment to shipping container storage.**
  - 2.6 Increase carparking setback from Pritchard Street.**
  - 2.7 Wayfinding signage strategy given the dual access.**
- 3. Prior to the issue of a Building Permit, an urban water management plan is to be prepared and approved, to the satisfaction of the Shire of Manjimup;**
- 4. The urban water management plan referred to in Condition 3, shall be implemented to the satisfaction of the Shire of Manjimup;**
- 5. The applicant is to provide the finished floor levels for the proposed development to the western side of Narocki Way, prior to the application for Building Permit, to the satisfaction of the Shire of Manjimup;**
- 6. A dilapidation report, prepared at the applicant's 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;**
- 7. 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;**
- 8. 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;**
- 9. Prior to the application for commencement of development 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:**
  - 9.1 the location of bin storage areas and bin collection areas.**
  - 9.2 the number, volume and type of bins, and the type of waste to be placed in the bins.**
  - 9.3 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.**
  - 9.4 frequency of bin collections.**
- 10. Within 60 days of the issue of 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:**

- 10.1 How materials and equipment will be delivered and removed from the site.
  - 10.2 How materials and equipment will be stored on the site.
  - 10.3 Parking arrangements for contractors;
  - 10.4 Construction waste disposal strategy and location of waste disposal bins;
  - 10.5 Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - 10.6 How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - 10.7 Other matters likely to impact on the surrounding properties.
11. The construction works involved in the implementation of the development must not cause a nuisance to neighbours through noise, light, dust and/or sand drift;
12. 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 119 car parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress;
13. 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:
  - 13.1 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 Shire prior to the commencement of the use hereby permitted.
  - 13.2 Thereafter be maintained to the satisfaction of the Shire.
  - 13.3 Be made available for such use at all times and not used for any other purpose.
  - 13.4 Be properly formed to such levels that it can be used in accordance with the plan.
14. Prior to the occupation of the development, vehicle crossovers between the subject land Pritchard Street and Narocki Way are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup;
15. The development hereby approved shall be connected to the Water Corporation reticulated sewerage system;
16. 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;

17. 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
18. 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**

1. This Development approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
2. Further to Condition 12) 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 construct the parking spaces on Narocki Way prior to occupation of the development.
3. 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.
4. No earthworks are permitted until full details and particulars have been submitted to and approved by the Shire of Manjimup prior to a building permit being issued.
5. Any retaining walls in excess of 500mm in height required in connection with development shall be so constructed as to accord with plans and specifications prepared by a practicing structural engineer to the satisfaction of the Shire of Manjimup and details and particulars of the certified plans and specifications shall be provided to Shire of Manjimup as part of any application for a building permit.
6. Any ground levels differences at the boundaries of the land in excess of 150mm must be retained, or otherwise stabilised to the satisfaction of the Shire of Manjimup, prior to occupation of the

approved development and fences shall not to be used for that purpose.

7. 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.dlqsc.wa.gov.au](http://www.dlqsc.wa.gov.au) for further information.

### **ATTACHMENTS**

- |   |   |          |
|---|---|----------|
| 1 | Attachment 1 - Development Plans and Planning Statement | 30 Pages |
| 2 | Attachment 2 - Submissions Received                     | 2 Pages  |
| 3 | Attachment 3 - Design Review Panel                      | 4 Pages  |

**ATTACHMENT****9.5.5 Delegated Planning Decisions October 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	All
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170085
<b>LEGISLATION</b>	<i>Planning and Development Act 2005 and Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield (Planning Administration Officer)
<b>DATE OF REPORT</b>	15 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to 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 October 2024.

**ATTACHMENT: 9.5.5 (1)****PUBLIC CONSULTATION UNDERTAKEN**

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

**COMMENT**

During October 2024, eight (8) development applications were determined under delegated authority. Table 1 shows the number and value of development applications determined under both delegated authority and by Council for October 2024 compared to October 2023.



**Table 1: Planning Decisions Made October 2023 to 2024**

	<b>October 2023</b>	<b>October 2024</b>
<b>Delegated Decisions</b>	11 (\$2,962,385)	8 (\$745,625)
<b>Council Decisions</b>	6 (\$270,370)	2 (\$324,500)
<b>Total</b>	<b>17 (\$3,232,755)</b>	<b>10 (\$1,070,125)</b>

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2024-25 compared to the previous Financial Year:

**Table 4: Planning Decisions Made Year-To-Date 2023-2024 and 2024-25**

	<b>YTD 2023-24</b>	<b>YTD 2024-25</b>
<b>Delegated Decisions</b>	36 (\$5,815,846)	50 (\$4,051,108)
<b>Council Decisions</b>	12 (\$2,300,370)	10 (\$900,000)
<b>Total</b>	<b>48 (\$8,116,216)</b>	<b>60 (\$4,951,108)</b>

From July 2024, Shire staff are reporting on WAPC delegations to the Chief Executive Officer for "Single House" approvals. Of which there were zero and none are shown as Section 257C approvals on the attachment.

## **STATUTORY ENVIRONMENT**

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

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

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

## **POLICY / STRATEGIC IMPLICATIONS**

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

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

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council receive the report on Delegated Development Approvals for October 2024 as per Attachment: 9.5.5(1).**

## **ATTACHMENTS**

1 Planning Delegated Decisions October 2024 1 Page

## ATTACHMENT APPENDIX

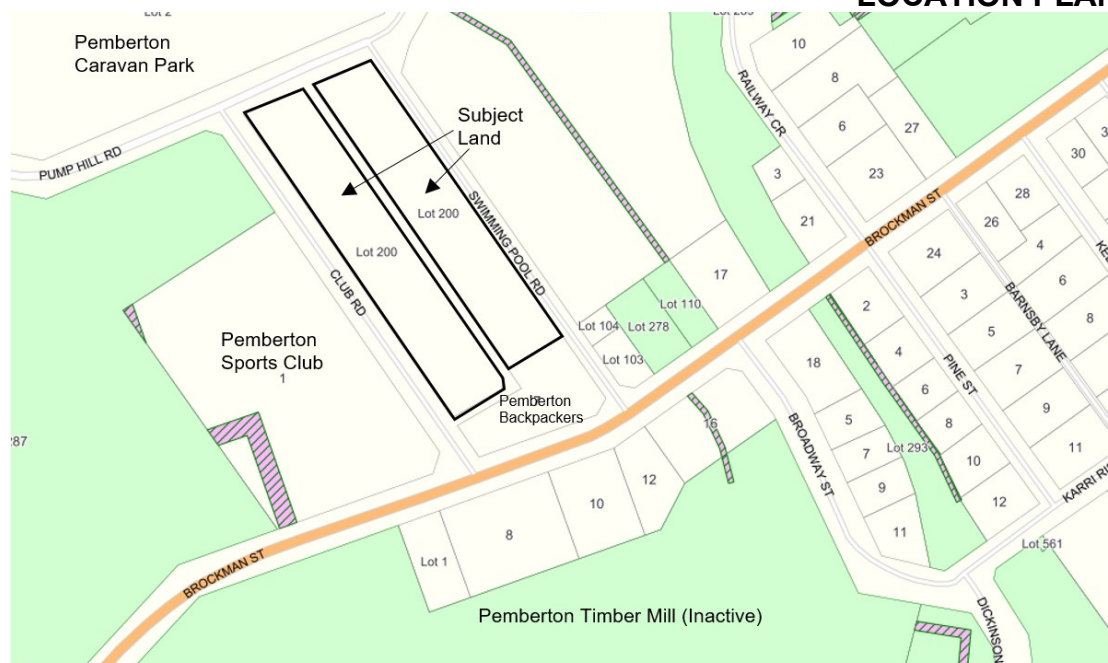
### 9.5.6 Proposed Amendment 28 to Local Planning Scheme No. 4 at Lot 200 Club Road and Swimming Pool Road, Pemberton Adoption for Purposes of Advertising

<b>PROPONENT</b>	Pemberton Aged Accommodation Inc
<b>OWNER</b>	Pemberton Aged Accommodation Inc
<b>LOCATION / ADDRESS</b>	Lot 200 Swimming Pool and Club Roads, Pemberton
<b>WARD</b>	Rural
<b>ZONE</b>	Existing Tourist Enterprise Proposed Town Centre
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA22/141 LPS428 P58032 58038
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister (Manager Planning Services)
<b>DATE OF REPORT</b>	18 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

## BACKGROUND

At its Ordinary Meeting 18 August 2022, Council resolved 28855, to amend Local Planning Scheme No. 4 to rezone Lot 200 Club Road and Swimming Pool Roads, Pemberton from 'Tourist Enterprise' to 'Town Centre'. Lot 200 is a 1.3189ha lot located between Club Road and Swimming Pool Road at the western end of the Pemberton townsite. The land consists of two separate parcels which are separated by a 5.1m wide right of way. A location plan is provided below.

## LOCATION PLAN



The resolution as written is provided below and the minutes are appended.

**APPENDIX: 9.5.6(A)**

**28855**

**That Council:**

1. **Subject to the receipt of Scheme Amendment documentation to the satisfaction of the Chief Executive Officer, Council, pursuant to Section 75 of the *Planning and Development Act 2005* amend Local Planning Scheme No 4 to:**
  - a. **Rezone Lot 200 Club Road from “Tourist Enterprise” to “Town Centre” Zone, with an applicable residential density of R40 in accordance with the Residential Design Codes of Western Australia;**
  - b. **Delete Development Investigation Area No 23 from Schedule 19 of the Scheme; and**
  - c. **Amend the Scheme maps accordingly.**
2. **Classify the scheme amendment, referred to in point 1 above as a Standard Scheme Amendment in accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations (2015)*, as the amendment is considered to some extent be consistent with the local planning strategy;**
3. **Subject to the receipt of Scheme Amendment documentation to the satisfaction of the Chief Executive Officer, refer the Scheme Amendment to the Environmental Authority for Assessment in accordance with the *Planning and Development Act 2005*;**
4. **Subject to the Environmental Protection Authority determining that the Scheme Amendment will not be the subject of a formal Environmental Impact Assessment and the Western Australian Planning Commission granting consent to advertise, advertise the amendment period of not less than 42 days in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and**
5. **Having regard to the non-for-profit status of the landowner, waive all fees associated with the Scheme Amendment.**

**CARRIED: 11/0**

With the draft Scheme Amendment documentation finalised, Council is now requested to re-adopt the amendment for the purposes of advertising, as the documentation varies from the above Council resolution. A copy of the draft Scheme Amendment documentation is attached.

**ATTACHMENT: 9.5.6 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

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

### South West Infrastructure Plan

Finalised in 2015, the South West Regional Planning and Infrastructure Framework provides an overall strategic context for land-use. Within that document, the Western Australian Planning Commission (WAPC) sets out a number of positions aimed at ensuring sustainable communities including the aim of constraining low-density urban sprawl, through:

- *preventing the creation of new rural residential lots beyond those identified in existing local planning strategies or local town planning schemes, while making provisions for the creation of conservation lots or other forms of lots that provide a mechanism for the protection of existing native vegetation or opportunities for revegetation of previously cleared land with endemic species;*
- *support increasing the density of existing rural residential areas where this is seen as beneficial to the community as a whole and does not adversely impact on the landscape and environmental values of the locality; and*
- *encourage infill consolidation in existing centres through the preparation of local planning strategies, schemes and structure plans. Such infill should be in line with the objectives and policies outlined in Liveable Neighbourhoods.*

Rezoning of the land will allow for the potential subdivision and development of infill residential and as proposed, is consistent with the above objectives.

### Submitted Amendment Documentation

The draft Scheme Amendment documentation, shown at Attachment: **9.5.6 (1)** has been prepared by a suitably qualified consultant having regard to feedback from Shire Staff on a previous draft. However the consultant has nominated a lower density for the land, stating that aged accommodation is afforded a density bonus, and that a higher density therefore is not required.

Shire Staff are of the opinion that the higher density is a suitable density and would result in a greater dwelling number should a portion be developed without aged occupier restrictions. Modifications to the text can still be made following consultation should Council recommend this to the Minister.

During the review of a previous draft, Shire Staff discussed the inclusion of land use definitions into the Scheme text based on the Position Statement from WAPC on Aged and Dependant Dwellings.

### Amendment Process

Council is now being requested to adopt the Amendment. Until such time that adoption occurs the proposal remains outside of the legislative process that is dictated by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. There is also no avenue of appeal in the event that Council does not adopt an amendment.

Should Council resolve to adopt the Amendment, it needs to be mindful that once this act occurs, the Amendment is required to be processed and determined.

### Conclusion

With a suitable Scheme Amendment documentation provided, it is recommended that Council resolve to adopt the amendment and proceed to refer the proposal to the Environmental Protection Authority prior to advertising in accordance with the requirements of the *Planning and Development Act 2005*.

A further report will be prepared for consideration of Council following formal advertising of the proposal.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## **POLICY / STRATEGIC IMPLICATIONS**

The subject land is a relatively large land holding that is strategically located within the Pemberton Townsite. Given the sites topography, dual road frontage and the availability of required services, the site is suitable for residential development at a higher density, or a range/combination of other uses.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

At its August 2022 meeting Council resolved to waive all fees associated with the Scheme amendment, which is assumed to include advertising costs.

## SUSTAINABILITY

Environmental: There are limited environmental considerations associated with the potential development of the site, which is mostly cleared of vegetation.

Economic: Subdivision and/or development of the land is likely to provide for a range of potential short and long term economic activity.

Social: Although such development is only one option for the site, development of the subject land for residential purposes could provide opportunity for the introduction of a range of housing styles and choices not currently available within the Pemberton community. It is understood that the Pemberton community places significant value on the existing tree located off Swimming Pool Road.

## VOTING REQUIREMENTS

## SIMPLE MAJORITY

### OFFICER RECOMMENDATION

**That Council pursuant to Section 75 of the *Planning and Development Act 2005* amend Local Planning Scheme No. 4 to rezone Lot 200 Club Road and Swimming Pool Road, Pemberton from Tourist Enterprise to Town Centre (Amendment 28) by:**

- 1. Amending the Scheme Map, insofar as it relates to Lot 200 Club and Swimming Pool Roads, Pemberton, by removing the current Tourist Enterprise Zone and including the land within the Town Centre Zone as shown on the Scheme Amendment Map with a residential density of R30 being applied in accordance with the Residential Design Codes of Western Australia.**
- 2. Amending the Scheme Map by deleting Development Investigation Area (DIA 23) from all land except Lot 201 Swimming Pool Road as shown on the Scheme Amendment Map.**
- 3. By amending the Scheme Text at:**
  - 3.1 Schedule 1 – Dictionary of Defined Words and Expressions to include two new definitions of “Residential Aged Care Facility” and “Independent Living Complex” after the Land Use Classification of “Dwellings – Aged or Dependent Persons Dwelling”.**
  - 3.2 The Zoning Table by inserting to two new categories in the column of land uses and inserting against each permissibility notations in each of the Zone categories.**
- 4. Classify the scheme amendment, referred to in point 1 above as a Standard Scheme Amendment in accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes)***

***Regulations (2015), as the amendment is considered to some extent be consistent with the local planning strategy.***

- 5. Refer the Scheme Amendment to the Environmental Authority for Assessment in accordance with the *Planning and Development Act 2005*.**
- 6. Subject to the Environmental Protection Authority determining that the Scheme Amendment will not be the subject of a formal Environmental Impact Assessment and the Western Australian Planning Commission granting consent to advertise, advertise the amendment period of not less than 42 days in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

#### **ATTACHMENTS**

- 1 Attachment 1 - Draft Amendment Document 55 Pages**

#### **APPENDICES**

- A Appendix A - Excerpt from Council Minutes 17 Pages**



**ATTACHMENT****9.5.7 Request to Initiate Proposed Scheme Amendment for Short Term Rental Accommodation**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS</b>	Whole of Shire as applicable
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/192
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister (Manager Planning Services)
<b>DATE OF REPORT</b>	19 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Changes have been made to WA planning regulations in response to recommendations of a Parliamentary Inquiry in 2019, as well as specific direction set by the Western Australian Planning Commission (WAPC) in its Position Statement – Tourism and Short-term Rental Accommodation (STRA).

Amendments have been made to planning regulations to provide greater consistency and certainty about whether a planning approval is needed for STRA proposals. The amendments also introduce a consistent set of definitions for STRA to be used within all local government planning schemes in Western Australia, to ensure that STRA is treated as a specific type of land use, distinct from 'traditional accommodation' such as hotels, motels and serviced apartments.

Due to the introduction of new land use definitions, the State Government has instructed that amendments to Local Planning Schemes should be ideally completed by mid-2025 to incorporate the new 'deemed' land uses into zoning tables, as well as remove any superseded land uses where relevant. Shire Staff have prepared the attached Scheme amendment documentation to complement and align with the new 'deemed' land use definitions.

**ATTACHMENT: 9.5.7 (1)**

Council is requested to consider the adoption of the attached amendment documentation for the purposes of advertising.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

The amendment documentation has been prepared using a template prepared by the Department of Planning Lands and Heritage (DPLH). A thorough review of the implications to the Regulations, including the introduction of new land use classes and the permissibility in each zone has been undertaken.

As per the deemed provisions, Hosted STRA is exempt state-wide and applies to all dwelling types. Although planning approval is not required, a lodging house permit may still be required from the Shire and the Hosted STRA will still need to register under the STRA Act 2024.

Unhosted STRA will still require prior planning approvals from the Shire, may need a lodging house permit and will be required to register under the STRA Act 2024.

The changes also introduce a new 'model' land use class of 'tourist and visitor accommodation', which supersedes traditional accommodation uses including 'holiday accommodation', 'motel', 'serviced apartment', 'tourist development' and similar. This new definition sits separately to the retained 'hotel' use class and is also intended to include farm stays and larger bed and breakfast style accommodation that do not fall within the definition for 'hosted short term rental accommodation'.

Further to this, revised general definitions of 'cabin' and 'chalet' and the amended land use definition of 'road house' has been introduced, along with deletion of the general definition for 'short-term accommodation'.

### Additional Amendments

Shire Staff have proposed additional amendments to be undertaken as part of this process but not specifically related to STRA. These include removing Car Parking Requirements for some superseded Land Uses. It was considered appropriate to delete these as the Motel land use is going to be replaced in Table 2: Car Parking Requirements at this time.

### Conclusion

Amendments to local planning schemes to complement and align with new 'deemed' land use classes for short-term rental accommodation will need to be initiated as soon as possible and should ideally be completed by mid-2025.

## STATUTORY ENVIRONMENT

Introduction of and modifications to a Local Planning Scheme is regulated by the provisions of the *Planning and Development Act 2005* and the associated *Planning and Development (Local Planning Scheme) Regulations 2015*.

In accordance with the Regulations, a scheme amendment can be classified as a basic, standard or complex amendment. If an amendment introduces or

changes permissibility for new STRA and traditional accommodation uses, or introduces supplemental development standards or other scheme provisions, it will generally be progressed as a 'standard' amendment.

## **POLICY / STRATEGIC IMPLICATIONS**

Amendment of the Scheme as proposed is consistent with the following Community Goals and Strategies as identified within the Shire of Manjimup's Strategic Community Plan 2021-2031:

- B10. Ensure the regulatory environment is easy to navigate and development, business and industry-friendly.
- B12. Provide development opportunities and support local small businesses to thrive.
- D7. Review or amend the Local Planning Scheme to meet the changing needs of community and industry.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The required Scheme Amendment documentation has been prepared in house. All costs associated with the Scheme Amendment process will be undertaken in compliance with the annual budget

## **SUSTAINABILITY**

Environmental: Nil.

Economic: The proposed amendments will level the playing field and align provisions for approvals across the State.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Pursuant to Section 75 of the *Planning and Development Act 2005* resolve to amend Local Planning Scheme No. 4 as per Attachment 9.5.7 (1) to update scheme text to introduce new and revised land**

use classes and general definitions to facilitate State Government reforms for short-term rental accommodation.

2. **Classify the scheme amendment, referred to in point 1, above, as a Standard Scheme Amendment in accordance with Regulation 47(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
3. **Subject to the Environmental Protection Authority determining that the scheme amendment will not be the subject of a formal Environmental Impact Assessment and consent to advertise is received from the Western Australian Planning Commission, advertise the amendment for a period of not less than 42 days in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
4. **Await a further Officer report on the amendment following the close of advertising referred to in point 3 above.**

#### **ATTACHMENTS**

- 1 Attachment 1 - Amendment 33 Documentation 19 Pages

## ATTACHMENT

### 9.5.8 Proposed Dam Extension with Reduced Setback for Lot 9 (5169) Churches Road, Jardee

<b>PROPONENT OWNER</b>	Frank Cousin Fonty's Pool Farm Pty Ltd & ICL Investments Pty Ltd
<b>LOCATION / ADDRESS</b>	Lot 9 (5169) Churches Road, Jardee
<b>WARD</b>	Rural
<b>ZONE</b>	Priority Agriculture
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	TP157/2024 DA24/158 P55249
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown (Planning Officer)
<b>DATE OF REPORT</b>	25 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Shire is in receipt of a development application for an extension to a dam located in the northwest corner of Lot 9 Churches Road, Jardee. The proposed dam is setback approximately 20m from the northern property boundary and 1m from the western property boundary. The property is 80.145 hectares in area and is predominantly pasture with one dam (that is subject to the proposed expansion) on the eastern boundary with approximately 12 hectares of remnant vegetation straddling the western boundary. A location plan is shown below.



Plans and details submitted with the application indicate that the dam wall facing the front boundary, will have a whole crest length of 628m running north south along the side boundary for approximately 360m before it projects approximately 268m east along the northern boundary.

The proposed dam extension is to replace the dam wall of the existing dam wall that is requiring repair and extending the dam size in that process. The applicant has stated that they acquired the land to continue the expansion of their avocado operation that is located on neighbouring and surrounding properties.

**ATTACHMENT: 9.5.8 (1)**

Council is requested to determine the application given that the proposal requires approval of a reduced setback to the side boundary.

**PUBLIC CONSULTATION UNDERTAKEN**

In accordance with the requirements of Local Planning Scheme No. 4 (the Scheme), the proposal was referred to the Department of Water and Environmental Regulation (DWER) for advice on the proposal.

DWER provided advice that they do not support the dam in its current form, as there are no allocations available for a 'Spring Fed Dam' and the size of the proposed dam will have a detrimental impact upon the water allocations downstream. The content of the DWER correspondence is detailed in the Comment section below, whilst a copy is shown attached.

**ATTACHMENT: 9.5.8(2)**

**COMMENT**

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

Zoning

The provisions of Local Planning Scheme No. 4 include the subject land within the Priority Agriculture Zone. The purpose of the zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.

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

Matters to be considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme Area;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4.....;*
- (x) *the compatibility of a use or development with its setting including the*

- potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area;*
- (xiv) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk.*

#### Exempted Development

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

#### Submitted Dam Details

The applicant has stated that the wall of the existing catchment dam is failing and requires reconstruction. As part of the reconstructive works the dam is proposed to be extended to have a whole crest length of 628m running north south along the side boundary for approximately 360m before it projects approximately 268m east along the northern boundary.

The proposed setback variation is to the western side boundary, where the required 20m setback distance is 1m, consistent with the current dam setback. Abutting this boundary is a 20m wide unconstructed road reserve, which divides the landowner's avocado property.

The proposed dam extension that runs to the north of the property is setback 20m to the northern boundary that also fronts an unconstructed 20m road reserve providing a 40m setback to the neighbouring dam which is approximately 10m north of the property boundary to the waters edge.

The setback variation that requires consideration in this instance is the 1m setback variation to the side boundary, that proposes minimal risk to the unconstructed road reserve.

The overflow infrastructure design has not been provided. However, the applicant has stated that the overflow proposed is to be built to handle any extreme weather events and calculated on the highest possible flow event. Details of the final overflow design have been stated as to be guided by the dam contractor.

#### Relaxation of Standards

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

- “(i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*

- (ii) *the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

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

#### Policy Assessment

The application has been assessed against the provisions of Local Planning Policy 6.1.22 – Dams (the Policy) based on a 20ha+ property size. The proposed dam scored as follows:

<b>Risk Category</b>	<b>Score</b>
Construction Type (Off Stream)	1
Volume 100ML+ (380ML)	3
Wall Height 10m+ (13m)	3
Dam Wall Design (designed by contractor)	1
Infrastructure Downstream (Other Dams)	1
Overflow Infrastructure (Overflow by others)	1
<b>TOTAL</b>	<b>10</b>

In accordance with provision 6.2 of the Policy, dams that score between 10 and 15 when assessed against the risk matrix are considered a moderate risk. As outlined in the Policy, it is recommended that advice notes be included on any approval relating to a moderate risk dam, advising landowners that:

- Applications that score a total of between 10 and 15 when assessed against the risk matrix shall be considered Moderate Risk Dams.
- Advice Notes shall be included on any approval, advising that landowners are responsible for the structural integrity of the dam construction and recommending that the proposed structure be certified by an appropriately qualified contractor or engineer.

It should be noted that the applicant has indicated that the dam is an ‘off-stream’ dam, however advice from DWER received by the applicant prior to lodging the development application and by the Shire staff as part of the application process is conflicting. The advice as addressed below states that the dam is on spring fed and requires licencing. If it is determined that the dam is an ‘On Stream’ dam the calculated risk under this Policy would still be considered moderate.

#### Submissions Received

As indicated above DWER do not support the proposed dam. The following is a summary of the DWER comments:

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The rights to collect water are determined under the RIWI Act. The application before Council is to assess the application against the Shire’s Local Planning



Policy due to the setback reduction to the side boundary only, not the determination of any water licencing requirements.

### Conclusion

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

The above said, the Department of Water and Environmental Regulation's prior approval is required to construct the dam and to take and store water as proposed.

### **STATUTORY ENVIRONMENT**

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

### **STRATEGIC IMPLICATIONS**

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

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

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

### **ORGANISATIONAL RISK MANAGEMENT**

Nil.

### **FINANCIAL IMPLICATIONS**

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2024/25 annual budget.

## **SUSTAINABILITY**

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

Economic: The proposed dam will support the agricultural productivity on the subject property.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council, in accordance with Part 10 and Clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grant planning approval to the proposed Dam at Lot 9, (5169) Churches Road, Jardee (Application TP 157/2024) in accordance with the plans and specifications shown at Attachment: 9.5.8(1) subject to the following conditions and advice:**

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

<b>Reference</b>	<b>Document Title</b>	<b>Date Received</b>
<b>1.</b>	<b>Site Plan</b>	<b>30.9.2024</b>
<b>2.</b>	<b>Additional Information of Dam Construction and Management</b>	<b>30.9.2024</b>

- 2. All pumps and ancillary equipment and structures not part of this approval being setback from property boundaries in accordance with the requirements of Shire of Manjimup Local Planning Scheme No.4. and**
- 3. All parts of the dam hereby approved shall be setback a minimum of 1 metre from the western (side) boundary to the satisfaction of the Shire of Manjimup.**

### **Advice to Applicant**

- 1. The applicant/landowner is responsible for the structural integrity of the dam construction and it is recommended that the proposed structure be certified by an appropriately qualified contractor or engineer.**
- 2. It is recommended that the design of the dam wall is certified by a practicing civil engineer to ensure that it will be structurally sound**

and constructed to a standard that will ensure that failure of the proposed dam wall, including in the case of extreme flood events exceeding a 1 in 100 year event.

3. Prior to commencement of works associated with the dam hereby approved, it is recommended that the applicant obtain the approval of the Department of Water and Environmental Regulation in respect of the rights to take and store water as proposed and to construct the proposed dam on a water course as proposed.

### **ATTACHMENTS**

- |   |  |            |
|---|--|------------|
| 1 | Proposed dam design including dam profile at Lot 9 Churches Road, Jardee | 5<br>Pages |
| 2 | DWER Submission for dam at Lot 9 Churches Road Jardee                    | 1 Page     |

### 9.5.9 Proposed Budget Adjustment - Replacement of Public Barbeques in Windy Harbour Reserve

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Reserve 38881, Windy Harbour Road, Windy Harbour
<b>WARD</b>	Rural
<b>ZONE</b>	Special Use Zone No. 5
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F161154
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jason Giadresco (Director Development Services)
<b>DATE OF REPORT</b>	27 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

Council is asked to consider replacement of two public barbeques (BBQ's) in the Windy Harbour Reserve.

The Windy Harbour Caretaker has advised that replacement of the commercial grade public barbeques located in the Windy Harbour Campground and the park opposite the public toilets is required due to their repeated faulting and inability to sustain a lit flame without maintaining pressure on the push button ignition of both appliances. This poses a serious safety risk to users of the BBQ's.

The repeated failure of the BBQ's to operate efficiently has required the regular need for qualified contractors to Windy Harbour to restore them to service. It has also resulted in the Caretaker often called out to address the matter outside of working hours. Inspection of the BBQ's by a local contractor has confirmed that replacement of both is warranted.

As the 2024/25 annual budget has already been adopted, Council is requested to endorse funding the acquisition, transport and installation of the BBQ's as a matter of urgency.

#### PUBLIC CONSULTATION UNDERTAKEN

Nil.

#### COMMENT

The Windy Harbour Reserve is a unique holiday settlement that is used by 232 leaseholders, the wider local community and the travelling public. The use of Windy Harbour is predominantly for seasonal holiday accommodation during

the summer Christmas and autumn Easter holiday period and also over long weekends. The campground and park areas are in heavy use over these periods.

Shire staff have sought a quotation on the replacement of the barbeques from a local contractor who have estimated to replace both BBQ's will cost in the order of \$30,000. This is based on a quotation for a BBQ model that is designed to be energy efficient, durable and able to cope with high use in outdoor environments and are backed by a 2-year warranty.

As such it is recommended that Council approve the transfer of \$30,000 from the Windy Harbour Infrastructure Reserve to fund the purchase and installation of the two BBQ's for the Windy Harbour Reserve.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Through replacement the Shire can ensure that public BBQ's remain valuable assets that contribute to the overall well-being and economic vitality of their communities.

It has been noted by the author that the Shire-managed facilities in the Windy Harbour Reserve have been lacking in maintenance for a considerable period of time. Complaints are often received with regard to the poor upkeep of the facilities, roading and drainage of the campground and adjacent leaseholds. Council may wish to dedicate the balance of the Windy Harbour Infrastructure Reserve to resolving maintenance matters, as there is no dedicated general maintenance budget for Windy Harbour.

The development of a dedicated Windy Harbour maintenance budget line will be a key focus of future reports to Council.

## **ORGANISATIONAL RISK MANAGEMENT**

The failure to replace the BBQs at Windy Harbour will negatively impact the recreational experience, potentially damaging the reserve's reputation and leading to decreased visitation and use of the campground and park area.

The current manner in which the BBQ's are operated poses an unacceptable significant safety risk to campground users and the public alike. Replacement will lessen the risk to BBQ users.

## FINANCIAL IMPLICATIONS

It is proposed to transfer the amount of \$30,000 from the Windy Harbour Infrastructure Reserve account to cover the cost of acquisition, transport and installation of the BBQ's. Should Council determine to do so, \$842,324 will be remaining in the reserve at 30 June 2025.

## SUSTAINABILITY

Environmental: Nil.

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

Social: BBQ's in Windy Harbour are used as a social hub that fosters connection and community spirit, making it an essential element of the settlement's social fabric.

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

## OFFICER RECOMMENDATION

That Council amend the 2024/25 Annual Budget as follows:

Description	Current Budget	Amended Budget	Variation
Transfer from Windy Harbour Infrastructure Reserve	(\$162,647)	(\$192,647)	(\$30,000)
Purchase of new Public Barbeque Systems – Windy Harbour	\$0	\$30,000	\$30,000
<b>Net Rate Funds</b>			<b>\$0</b>

### 9.7.1 Proposed Fire Weather Officer

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F160156
<b>LEGISLATION</b>	<i>Bush Fires Act 1954</i>
<b>AUTHOR</b>	Todd Ridley (Community Emergency Services Manager)
<b>DATE OF REPORT</b>	25 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

Section 38 of the *Bush Fires Act 1954* (the Act) provides Council with the authority to appoint an officer to the position of Fire Weather Officer (FWO). A FWO has the authority to authorise Permits to Burn on days specified by the Bureau of Meteorology of being a High Fire Danger Rating or above in the Restricted Burning Period.

Each Restricted Burning Period, Fire Control Officers issue Permits to Burn areas of forest that at the time of issue the Fire Danger Index forecast has been predicting a Moderate Fire Danger Rating for a period of four days. In some cases, predictions may change after the ignition of a forested area, which would result in the cancellation of any Permits to Burn whilst the Fire Danger Rating is High or above.

In this situation, there are two options:

1. The Permit holder must extinguish the fire.
2. A FWO may authorise the burning to continue, with conditions.

It is extremely difficult to fully extinguish a fire in a large, forested area and in some cases, burning of unburnt pockets is a risk management tactic to eliminate the potential for bushfire escapes.

The purpose of this report is to request Council to appoint FWO's to effectively manage option 2 listed above.

### PUBLIC CONSULTATION UNDERTAKEN

Whilst no public consultation has been undertaken, the Bush Fire Advisory Committee (BFAC) has discussed the issue of the new Fire Danger Index predicting a higher rating than the older model. With some members of BFAC

concerned that Fuel Hazard Reduction burning is decreased in recent years. However, to date, there is no evidence of this claim, and the Act only applies to residents, and not to the Department of Biodiversity, Conservation and Attractions, as the Department is not bound by the Act.

## COMMENT

The author is requesting that the below two Shire of Manjimup employees listed below be appointed as a Fire Weather Officers. Both are Fire Control Officers and have completed several Fire Weather and related courses.

Officer	Position
Todd Ridley	Community Emergency Services Manager (Primary Fire Weather Officer).
Jamie Copeland	Fuel Hazard Reduction Officer (Deputy Fire Weather Officer).

In the event that Council determines to appoint the positions, the Shire's Community Emergency Services Manager will introduce a Fire Operational Guideline as a risk matrix to be utilised for approving Permits to Burn on High Fire Dating Rating days across the Shire district. FWO's will not authorise a Permit to Burn without the support of both the Chief Bush Fire Control Officer and/or the Deputy Chief Bush Fire Control Officer.

Approvals will not be granted to a permit holder for burning of heaps, rubbish, leaf litter around houses or for agricultural purposes. Nor will approvals be granted for a fire to be lit on a High Fire Danger, except for fire that is already burning in a forest area or for fuel hazard reduction. The approvals will also need to meet all conditions prescribed by the FWO and the risk matrix with the any Fire Operational Guideline.

## STATUTORY ENVIRONMENT

Section 38(8) of the Act states that an approved local government may appoint FWOs. In February of 1968 the then Bush Fires Board, gazetted the Shire of Manjimup as an approved local authority, allowing FWOs to be nominated. The Chief Executive Officer has requested that the Fire and Emergency Services Commissioner update the approval, however, until that takes place, the legal advice from the Legal Office at the Department of Fire and Emergency Services is that the 1968 gazettal remains current.

The Act also requires that a local government shall give notice of an appointment made pursuant to *Section 38(8)* to the Fire and Emergency Services Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in the district.



## **POLICY / STRATEGIC IMPLICATIONS**

Shire of Manjimup Bush Fire Brigade Operational Procedures 2022 – 2027 sets out the roles and operational responsibilities of Bush Fire Brigades and the response to any fire.

## **ORGANISATIONAL RISK MANAGEMENT**

The appointment Fire Weather Officers is essential to minimise the risk to life, property, environment and the Shire organisation.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Fire has the potential to decimate the natural and built environment if preventative and operational bushfire strategies are not adequate.

Economic: The economic consequences of fire can be devastating. Fire has the ability to destroy entire agriculture areas with the potential to ruin the livelihood of many people.

Social: The social consequences of fire can also be devastating. Whilst it may be argued that a major fire can bring a community together, in addition to the social benefits of camaraderie forged in individual Bush Fire Brigades, the social consequences of destructive fire far outweigh any positive impacts.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Appoint the persons listed in the below table as Fire Weather Officers until 1 October 2025 for the whole of the Shire.**

<b>Officer</b>	<b>Position</b>	<b>Area</b>
<b>Todd Ridley</b>	<b>Fire Weather Officer</b>	<b>Whole of Shire</b>
<b>Jamie Copeland</b>	<b>Deputy Fire Weather Officer</b>	<b>Whole of Shire</b>

- 2. Advertise the appointment of the Fire Weather Officers listed at point 1 for a period of no less than one week in the Manjimup Bridgetown Times.**
- 3. Notify the Fire and Emergency Services Commissioner of the appointment of the Fire Weather Officers listed in point 1.**

**ATTACHMENT  
APPENDIX**

**9.9.1 Proposed Adoption Shire of Manjimup Child Safe Awareness Policy 3.11.1**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	37-39 Rose Street Manjimup WA 6258
<b>WARD</b>	Whole of Shire
<b>ZONE</b>	Whole of Shire
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F160489
<b>LEGISLATION</b>	<i>Child Care Services Act 2007</i> <i>Equal Opportunity Act 1984</i> <i>Local Government Act 1995</i> <i>National Principles for Child Safety Organisations</i> <i>United Nations Convention on the Rights of the Child (CRC)</i> <i>Work Health and Safety Act 2020</i> <i>Working with Children (Criminal Record Checking) Act 2004.</i>
<b>AUTHOR</b>	Gail Ipsen Cutts (Director Community Services)
<b>DATE OF REPORT</b>	28 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The proposed Child Safe Awareness Policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the local government is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse.

Consistent with the [National Principles for Child Safe Organisations](#) and [Commonwealth Child Safe Framework](#) (appended), the proposed policy provides a framework that outlines the role of the Shire of Manjimup in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

**APPENDIX: 9.9.1(A)**  
**APPENDIX: 9.9.1(B)**

Council previously resolved to join the National Redress Scheme as a State Government entity [Resolution 27846, June 2019] and committed to ensuring that the Shire of Manjimup plays an important role in addressing recommendation 6.12 of the Royal Commission. Furthermore, Council endorsed the draft Child Safe Awareness Policy presented by the Department

of Local Government and Cultural Industries (DLGCI) in July 2022 [Resolution 28830]. The 2022 draft policy is appended.

**APPENDIX: 9.9.1(C)**

The current version of the policy template was developed through co-design sessions with local governments, the Commissioner for Children and Young People, and the WA Local Government Association in 2022.

The purpose of this report is to seek Council adoption of and commitment to the Child Safe Awareness Policy 3.11.1 as attached.

**ATTACHMENT: 9.9.1(1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

In August 2024 local governments were required to undertake a *Local Government Child Safety Self-assessment*. As a result of this assessment the Shire of Manjimup has been placed in the high level of engagement with children and young people.

Not surprisingly, this indicates that the Shire of Manjimup has been identified as having a high level of engagement with children and young people in its services and operations. Engaging with children and young people on a regular basis, without the presence of parents, caregivers or guardians.

In recognition of the above it is important that Council recognises that it has a strategic role in supporting and implementing child safe reforms, improving child safe practices and procedures, and meeting any legislative obligations that come from your interactions.

The Policy as presented is a key first step in formally addressing the local governments responsibility to address Child Safety and Awareness. In addition, it recognises that the local governments are well placed to promote the safety and wellbeing of children across the community and supporting local organisations to be child safe.

The Policy stipulates that the following functions are to be resourced and assigned to relevant staff for implementation. These two key functions are:

- Developing a process to deliver child safe messages (for example at Shire venues, grounds and facilities or events).

- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

It is considered that the initial implementation of the Policy can be met within current staff resources and practices. However, in saying this, as the Shire of Manjimup has been deemed as having a *high level of engagement with children and young people* the full resource implications needed to meet any additional requirements, not yet determined by DLGCI, is unknown. Should resource and staffing requirements exceed current organisation capacity the matter will be brought back to Council for further consideration.

It is the recommendation of staff that Policy 3.11.1 Child Safe Awareness be endorsed by Council.

## **STATUTORY ENVIRONMENT**

The template is a minimum requirement to meet Recommendation 6.12 and local governments are encouraged to expand on the policy principles and functions if they have capacity to do so.

*Child Care Services Act 2007*

*Equal Opportunity Act 1984*

*Local Government Act 1995*

*National Principles for Child Safety Organisations*

*United Nations Convention on the Rights of the Child (CRC)*

*Work Health and Safety Act 2020*

*Working with Children (Criminal Record Checking) Act 2004.*

## **POLICY / STRATEGIC IMPLICATIONS**

Shire of Manjimup Strategic Community Plan 2021 – 2031

### **3. Our Community:**

- 3.1 The range of support services in our community are useful, empowering and aligned to community needs now and in the future.
  - 3.2 The health and wellbeing of people of all ages and circumstances is supported within their own community.
  - 3.6 Residents feel safe, secure and comfortable at home, work and at play.
  - 3.7 Our community is vibrant, dynamic and fun because we have access to a broad range of art, cultural, social and recreational opportunities.
- C5. Actively engage children and young people to better understand and encourage services and initiatives that respond to their needs and aspirations.

- C16. Undertake a broad range of safe behaviour and risk awareness campaigns.
- C17. Support the maintenance of law and order and initiatives to prevent crime.
- C18. Create, support and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
- C19. Support public events to ensure they are successful and safe.

## **5. Our Local Government:**

- 5.3 Our elected members represent the best interests of the community.

## **ORGANISATIONAL RISK MANAGEMENT**

The Shire of Manjimup is a signatory to the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 (WA)* and has previously recognised its role, within capacity, to support child safety in accord with recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse being; “with support from governments at the national, state and territory levels, Local Governments should designate the Child Safety Officer role from existing staff profiles”.

Should Council be deemed not to support the Policy intent which is to deliver on recommendation 6.12 there is likely to be both reputational and legal considerations.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: The Shire of Manjimup has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council adopt Child Safe Awareness Policy 3.11.1 as per Attachment 9.9.1(1)**

**ATTACHMENTS**

**1 Proposed Child Safe Awareness Policy 3.11.1 6 Pages**

**APPENDICES**

**A National Principles for Child Safe Organisations 20 Pages**

**B Commonwealth Child Safe Framework 21 Pages**

**C Draft 2022 Child Safe Policy for Endorsement 8 Pages**

**APPENDIX****9.12.1 Request to Consider Staging the Regional Road Group Funding in 2025/26 for North Walpole Road**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	North Walpole Road
<b>WARD</b>	Rural
<b>ZONE</b>	Road Reserve
<b>DIRECTORATE</b>	Works and Services
<b>FILE REFERENCE</b>	F180074
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Michael Leers (Director Works and Services)
<b>DATE OF REPORT</b>	2 December 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

At its 15 October 2024 meeting, the Shire's Road Infrastructure Advisory Committee discussed the issue of the section of North Walpole Road near Underhill Road that has a gradient of 14%, meaning Heavy Haulage trucks often get stuck on this section of road. The minutes from this meeting are appended

**APPENDIX: 9.12.1 (A)**

As North Walpole Road is a Road of Significance and on the Shire's current Regional Road Group (RRG) program for funding and the applications for funding in 2025/26 have just been submitted, it was appropriate to discuss with the Committee the proposed upgrade of this section of road to ensure Restricted Access Vehicle (RAV) compliance for RAV3 Network vehicles, which are currently permitted.

The proposed upgrade was considered by the Committee and a recommendation to Council was made at its 15 October 2024 meeting that Council:

**2. Consider pausing 2025/2026 work on North Walpole Road until sufficient funds can be obtained for works on the road at the Underhill Road section to ensure RAV3 gradient compliance.**

A copy of the report to Council is appended.

**APPENDIX: 9.12.1(B)**

At the Ordinary Meeting of Council on 7 November 2024, a recommendation that would allow the Shire to proceed either way with the upgrade works was not presented / considered. As such, this report is presenting to Council the



issues and benefits of temporarily pausing works on North Walpole Road while the Shire accumulates sufficient contribution funds to request RRG funding of the amount required to complete the upgrade works. Though the Shire has not yet completed its designs for the upgrade, these works are expected to cost at least \$2 million, requiring at least a \$500,00 Shire contribution.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

North Walpole Road near Underhill Road is not RAV compliant with a 14% gradient. To be on the RAV network the maximum gradient of any section of road should be 8%. The 400m non-compliant section has a gradient being equal to the steep section on Blackbutt Drive. The solution for many heavy haulage vehicles using this section of North Walpole Road is to enter into Underhill Road (a gravel road) to get up the hill. Underhill Road is not on the RAV Network. It is also reported to the Shire that many heavy haulage vehicles break down or become stuck on this hill, with vehicles being unable to use an alternative route.

The Committee discussed RRG funding for North Walpole Road in general. The Committee went on to discuss suspending RRG funding for North Walpole Road after the 2024/2025 construction period to pause any further work on North Walpole Road until sufficient Shire contribution funding has been saved and become available. It was confirmed there will be no impact on the Shire's 2024/25 budget or this year's construction project to complete North Walpole Road reconstruction to the lead in near Underhill Road.

The Committee considered a strategic change to not carry forward funds for North Walpole Road construction but to transfer the funds for use on other Shire and RRG approved projects. This will allow extra works on the Shire's other RRG approved road projects and will not put funding back into the RRG pool, thereby spending to capacity.

The committee recommended that Council consider pausing 2025/2026 work on North Walpole Road until sufficient funds can be obtained for works on the road at the Underhill Road section to ensure RAV Network 3 gradient compliance.

The proposal and recommendation to Council is to stage funding over the next two to three years allowing the Shire to accumulate sufficient contribution funding, while at the same time being able to deliver its usual gravel resheet and bitumen reseal projects and with no effect on any of the other RRG funded projects.

Therefore, it is recommended that Council temporarily pause road reconstruction work on North Walpole Road until sufficient Shire funds have

been saved for its one third contribution to the two thirds funding from Main Roads Western Australia Regional Road Group for works on North Walpole Road adjacent the Underhill Road section to ensure compliance with Restricted Access Vehicle Network 3.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

The Shires Strategic Community Plan 2021-2031 addresses long term and strategic road planning.

- D15.Undertake long-term regional transport infrastructure planning, giving consideration to future road, rail and air transport needs and user safety.

The Shire's Corporate Business Plan 2023-2027 identifies the goal to develop and maintain community infrastructure to a service-level that meets the community's needs.

D5.2 Implement the *15-year Forward Capital Works Program 2021 - 2036* in relation to local road and bridge upgrades and renewals

## **ORGANISATIONAL RISK MANAGEMENT**

Nil. However, if not undertaking works to improve the gradient on the section of North Walpole Road adjacent Underhill road, the Shire risks potential for North Walpole Road to be removed from the RAV Network, thereby impacting local industry and businesses.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Ensuring that roads are, or become, compliant with MRWA and industry regulations allows for continuity of business for transport and all heavy haulage related industry.

Social: Provides a safer and more sustainable road that in turn assists the local community and movement of industry, agricultural products and tourism

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council pause work on North Walpole Road following completion of the 2024/25 works program until sufficient Shire funds have been saved for its one-third contribution to the two thirds funding from Main Roads Western Australia Regional Road Group for works on North Walpole Road adjacent the Underhill Road section to ensure compliance with Restricted Access Vehicle Network 3.**

**APPENDICES**

<b>A</b>	Road Infrastructure Advisory Committee Minutes 2024 October 15	11 Pages
<b>B</b>	9.16.2 Unconfirmed Minutes of the Road Infrastructure Advisory Committee Meeting Held 15 October 2024	5 Pages

**ATTACHMENT  
APPENDIX**

**9.16.1 Unconfirmed Minutes of the Bush Fire Advisory Committee  
(BFAC) Meeting held 30 October 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170451
<b>LEGISLATION</b>	<i>Local Government Act 1995 Bush Fires Act 1954</i>
<b>AUTHOR</b>	Nicole Favero (Administration Officer) and Todd Ridley (Community Emergency Service Manager)
<b>DATE OF REPORT</b>	31 October 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

At its most recent meeting the BFAC passed several recommendations one relating to the amalgamation of two Bush Fire Brigades.

A copy of the endorsed Terms of Reference, as adopted by Council at its Ordinary Meeting held 24 October 2023 are appended.

**APPENDIX: 9.16.1 (A)**

The purpose of this report is to present the unconfirmed minutes of the BFAC meeting held on 30 October 2024, as attached, for Council consideration.

**ATTACHMENT: 9.16.1 (1)**

Council is requested to consider those motions passed by the Bush Fire Advisory Committee, as detailed in the comment section below.

**PUBLIC CONSULTATION UNDERTAKEN**

The proposed amalgamation of Yanmah and Glenoran Bush Fire Brigades was advertised for a two-week period in the Manjimup-Bridgetown Times and on

Shire of Manjimup social media allowing residents in all effected Brigade areas to comment by the 21 August 2024. No submission was received from members of the public or Brigade members.

## COMMENT

The BFAC resolved to support three recommendations which requires a formal decision of Council.

The resolutions passed at the meeting by BFAC are detailed within the below table:

Bush Fire Advisory Committee Resolutions	Officer Comments
That the unconfirmed minutes of the Bush Fire Advisory Committee (BFAC) Meeting held Wednesday, 24 July 2024 be confirmed as a true and correct record.	The BFAC resolution is noted.
That Council confirm and accept the amendments to appointments of the <i>Bush Fire Advisory Committee 2023-2025 Terms of Reference</i> being, Anthony Thompson - Walpole Zone and Glen Burton – Walpole Zone proxy.	The BFAC resolution is supported and it is recommended that the Terms of Reference be amended as shown at Attachment 2 to this report.
That Council approve the amalgamation of Yanmah and Glenoran Bush Fire Brigades and name that brigade Yanmah.	The BFAC resolution is supported.  Refer to comment section below.

### Amalgamation of Glenoran and Yanmah Bush Fire Brigades

Glenoran Bush Fire Brigade has found it hard to have a consistent trained leadership team and fire fighters. Whilst they have a small number of trained and skilled volunteers, the brigade is heavily reliant on the surrounding brigades when there is a fire within the Glenoran boundary. In the 2023 / 2024 bushfire season the Glenoran Bush Fire Brigade was unable to supply a trained Fire Control Officer (FCO). As a result, the Shire's Deputy Chief Bush Fire Control Officer and Community Emergency Services Manager filled the role of FCO. Both positions will perform the same FCO duty again in the coming 2024 / 2025 bushfire season.

In late 2023 senior members of the Glenoran Bush Fire Brigade approached the Shire Administration with a view to amalgamate the brigade with Yanmah Bush Fire Brigade. Both brigades were instructed to discuss and vote on the issue at their individual 2023 Annual General Meetings. Both brigades reported back to the Shire Administration in favour of an amalgamation. This decision was taken to the Bush Fire Advisory Committee at its July 2024 meeting, with

a task to publicly advertise the proposed amalgamation. Advertising was completed on 21 August 2024 with no submissions received.

At its recent meeting the Bush Fire Advisory Committee resolved “That Council approve the amalgamation of the Yanmah and Glenoran Bush Fire Brigades and name that brigade Yanmah” as shown in the above table.

## **STATUTORY ENVIRONMENT**

Local Governments are responsible for the formation, maintenance and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*. The Bush Fire Advisory Committee is established in accordance with Section 67 of the *Bush Fires Act 1954* and provisions of the *Local Government Act 1995*.

## **POLICY / STRATEGIC IMPLICATIONS**

The brigade amalgamations as proposed reflect the desires of each of the Bush Fire Brigades involved and is consistent with the following Community Goals and Strategies as contained within Shire of Manjimup Strategic Community Plan 2021 – 2031.

### Community Goals

3.5 *Our whole community participates in strategies to ensure we are minimising risk in regards to bushfire and other natural emergencies.*

### Strategies

C2 *Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community.*

C14 *Plan for emergency and natural disaster response, management, evacuation and recovery.*

## **ORGANISATIONAL RISK MANAGEMENT**

The proposed brigade amalgamations pose no risk to the organisation or the community. The newly amalgamated Brigades will operate pursuant to “Normal Brigade Activities” as stated in the *Bush Fires Act 1954* and in accordance with the *Shire of Manjimup Bush Fire Brigade Operational Procedures 2022 – 2027*.

## **FINANCIAL IMPLICATIONS**

The administration cost associated with maintaining Bush Fire Brigades should experience a minor decrease as the number of Brigades will reduce from eighteen (18) to seventeen (17).

**SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed minutes of the Bush Fire Advisory Committee meeting held Wednesday 30 October 2024 as shown in Attachment: 9.16.1(1); and**
- 2. Amend the Terms of Reference as recommended by the Bush Fire Advisory Committee to reflect a change of Appointments for the two year period commencing 18 October 2023 being, Anthony Thompson - Walpole Zone and Glen Burton – Walpole Zone proxy in accordance with Attachment: 9.16.1(2).**
- 3. That Council approve the amalgamation of the Yanmah and Glenoran Bush Fire Brigades and name that brigade Yanmah.**

**ATTACHMENTS**

- |          |  |                 |
|----------|--|-----------------|
| <b>1</b> | <b>Bush Fire Advisory Committee (BFAC) Meeting - 30 October 2024 - Minutes</b> | <b>18 Pages</b> |
| <b>2</b> | <b>Bush Fire Advisory Committee (BFAC) Terms of Reference 2023 - 2025 v2</b>   | <b>2 Pages</b>  |

**APPENDICES**

- |          |  |                |
|----------|--|----------------|
| <b>A</b> | <b>Bush Fire Advisory Committee (BFAC) Terms of Reference 2023 - 2025 v1</b> | <b>2 Pages</b> |
|----------|--|----------------|

**ATTACHMENT****9.16.2 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 13 November 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F140449
<b>LEGISLATION</b>	<i>Emergency Management Act 2005, Local Government Act 1995</i>
<b>AUTHOR</b>	Nicole Favero (Administration Officer)
<b>DATE OF REPORT</b>	19 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Local Emergency Management Committee (LEMC) 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 unconfirmed minutes of the latest LEMC meeting held on the 13 November 2024 are attached.

**ATTACHMENT: 9.16.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

As reflected within the unconfirmed minutes, the Committee was briefed on several matters relating to recent incidents in the South West.



The committee resolved to support one recommendation; the resolution passed at the meeting are detailed below.

<b>Local Emergency Management Committee Resolutions</b>	<b>Officer Comment</b>
That the unconfirmed Minutes of the Local Emergency Management Committee Meeting held Wednesday, 20 March 2024 and Informal Notes of the Local Emergency Management Committee Meeting held Wednesday, 17 July 2024 be confirmed as a true and correct record.	The LEMC resolution is supported.

## **STATUTORY ENVIRONMENT**

*Emergency Management Act 2005 and the 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 with regard to bushfire 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 unconfirmed Minutes of the Local Emergency Management Committee Meeting held Wednesday 13 November 2024 as shown in Attachment: 9.16.2(1).**

**ATTACHMENTS**

- |          |   |                     |
|----------|---|---------------------|
| <b>1</b> | <b>Local Emergency Management Committee (LEMC) Meeting -<br/>13 November 2024 - Minutes</b> | <b>27<br/>Pages</b> |
|----------|---|---------------------|

**ATTACHMENT  
APPENDIX**

**9.16.3 Unconfirmed Minutes of the Reconciliation Action Plan  
Advisory Committee Meeting held 8 November 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	Whole of Shire
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F210319
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts (Director Community Services)
<b>DATE OF REPORT:</b>	26 November 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

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

- To provide guidance and support to the Shire of Manjimup for the implementation of the Reconciliation Action Plan (RAP).
- To provide advice and make recommendation to Council regarding matters concerning the Reconciliation Action Plan and its implementation.
- To be available and to provide a focal point for connection with the Aboriginal and Torres Strait Islander community.
- Representative Members acknowledge and accept their role as a representative of the Aboriginal and Torres Strait Islander community and to act as a key liaison for the broader community.
- Communicate and inform represented groups and the local community regarding activities of the Committee.
- Play an active role in the promotion and development of Aboriginal and Torres Strait Islander cultural awareness across the Shire of Manjimup.

The purpose of this agenda item is for Council to receive the unconfirmed minutes of the meeting held on 8 November 2024. The unconfirmed RAPAC minutes are attached, and Terms of Reference appended.

**APPENDIX: 9.16.3(A)  
ATTACHMENT: 9.16.3 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

There is one recommendation arising from this meeting that requires a decision of Council.

Committee Recommendation	Officer Recommendation
<p>The Committee recommends Council investigate the dual naming of the Manjimup Heritage Park. Proposed name from Sue Kelly - Mundamungup meaning 'the whole'.</p>	<p>As Per Committee Recommendation but with the motion split into two parts.</p> <ol style="list-style-type: none"> <li>1. Support the proposal to investigate dual naming of the Manjimup Heritage Park to give recognition to the Traditional Custodians of the land in which the Park is located.</li> <li>2. Note the recommendation by Bibbulmun Elder Suzanne Kelly to include Mundamungup meaning 'the whole' in the Heritage Park's name and request the Chief Executive Officer seek community feedback on the proposal to dual name the Park.</li> </ol>

## STATUTORY ENVIRONMENT

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

## POLICY AND STRATEGIC IMPLICATIONS

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

- *Community Goal 3.8: Diversity, inclusivity and harmony are the foundations of strong community spirit, and we celebrate and honour our diverse cultures, heritage, and lifestyles.*

- *Strategy C20: Facilitate, develop, and promote a broad range of cultural and art capabilities, facilities, events, and achievements.*
- *Strategy C23: Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance. and*
- *Community Infrastructure Goal 4.8: Places of heritage value are recognised and retained.*

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

## **ORGANISATIONAL RISK MANAGEMENT**

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

A decision by Council not to continue with a RAP could be perceived politically, and by the broader community as an indication that Council and the Shire of Manjimup do not support Reconciliation. It is the opinion of staff that this has the potential to seriously impact Council’s and the Shires reputation.

## **FINANCIAL IMPLICATIONS**

There are no implications for the current financial year’s budget.

## **SUSTAINABILITY**

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

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

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 8 November 2024 as per attachment: 9.16.3 (1).**
- 2. Support the proposal to investigate dual naming of the Manjimup Heritage Park to give recognition to the Traditional Custodians of the land in which the Park is located.**
- 3. Note the recommendation by Elder Suzanne Kelly to include *Mundamungup* meaning ‘the whole’ in the Manjimup Heritage Park’s name and request the Chief Executive Officer seek community feedback on the proposal to dual name the Manjimup Heritage Park.**

### **ATTACHMENTS**

- 1 24-11-08 RAPAC Unconfirmed Minutes 4 Pages**

### **APPENDICES**

- A Terms of Reference - September 2024 2 Pages**

**ATTACHMENT  
APPENDIX**

**9.16.4 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 12 November 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Reserve 26199 (Manjimup Heritage Park) Ward, Giblett and Edwards Streets, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Community & Recreation Services
<b>FILE REFERENCE</b>	F170453
<b>LEGISLATION</b>	<i>Local Government 1995</i>
<b>AUTHOR</b>	Gail Ipsen Cutts (Director Community Services)
<b>DATE OF REPORT</b>	26 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

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

The current Terms of Reference of the Committee are appended.

**APPENDIX: 9.16.4 (A)**

The purpose of this report is to present the unconfirmed meeting notes, action items and proposed amendments to the Terms of Reference of the Manjimup Heritage Park Advisory Committee meeting held 12 November 2024. A copy of the meeting minutes, action items and proposed Terms of Reference are attached.

**ATTACHMENT: 9.16.4 (1)  
ATTACHMENT: 9.16.4 (2)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

There are five recommendations arising from this meeting, three of which require a decision of Council. The remaining items will be dealt with administratively.

<b>Committee Recommendation</b>	<b>Officer Comment</b>
It is recommended that a letter be sent to the Men's Shed thanking them for the excellent restoration of the Whim.	As per Committee Recommendation
It is recommended that the RAPAC proposal of dual naming the Heritage Park be supported and that the name Mundamungup be considered and consulted further.	As per Committee Recommendation
Recommend the appointment of Andrew Conway to the vacant position of Manager Parks Operations on the Heritage Park Advisory Committee.	As per Committee Recommendation
Proposal to organise a whole of community volunteers' session to work through the new Volunteer Policy and Park inductions	As per Committee Recommendation but dealt with Administratively.
Invitation to be extended to new Park Café Lessees to attend the next Committee meeting.	As per Committee Recommendation but dealt with Administratively.

Whilst not noted in the minutes, Jessica Winters has provided an email expressing with regret her need to resign from her position as Community Representative on the Committee due to time pressures.

With the proposed recommended change of representation on the Manjimup Heritage Park Advisory Committee, it is necessary to amend the Terms of Reference to incorporate these changes.

## STATUTORY ENVIRONMENT

*Local Government Act 1995.*



## **POLICY / STRATEGIC IMPLICATIONS**

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

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

The Committee is also supported by the Manjimup Heritage Park Management and Development Plan 2022 – 2027.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

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

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

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

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee meeting held 12 November 2024 as per Attachment 9.16.4 (1).**
- 2. Request the Chief Executive Officer to write to the Men's Shed thanking them for the excellent restoration of the Whim.**
- 3. Note the Heritage Park Advisory Committee's support of the Reconciliation Action Plan Advisory Committees proposal of dual naming the Heritage Park and that the name Mundamungup be considered and consulted further.**
- 4. Authorise the appointment of Andrew Conway to the vacant position of Manager Parks Operations on the Heritage Park Advisory Committee.**
- 5. Note the resignation of Jessica Winters as Community Representative on the Heritage Park Advisory Committee.**
- 6. Adopt the amended Terms of Reference for the Manjimup Heritage Park Advisory Committee as per attachment: 9.16.4 (2).**

### **ATTACHMENTS**

- 1 24-11-12 HPAC Unconfirmed Minutes 5 Pages**
- 2 Proposed HPAC Terms of Reference 2 Pages**

### **APPENDICES**

- A Current HPAC Terms of Reference 2 Pages**

**ATTACHMENT****9.16.5 Unconfirmed Minutes of the Audit Committee Meeting Held 26 November 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	All
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F170379
<b>LEGISLATION:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>AUTHOR:</b>	Greg Lockwood (Director Business)
<b>DATE OF REPORT:</b>	26 November 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

On 26 November 2024 Council's Audit Committee met for the primary purpose of receiving the 2024 Annual Financial Accounts and Management Letter.

The purpose of this agenda item is to receive the unconfirmed minutes of the Audit Committee meeting held on 26 November 2024.

**ATTACHMENT: 9.16.5(1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The main purpose of the Audit Committee meeting held 26 November 2024 was to receive the findings from the audit of the 2024 Annual Financial Accounts and accompanying Management Letter and endorse the reports presentation to Council. The Committee was presented with an unqualified audit opinion and three (3) management comments that required minor action.

The report and findings had previously been presented to the Shire President, Chief Executive Officer and Director of Business on the 19 November 2024 via Microsoft Teams from David Delvalle from the Office of Auditor General (OAG), supported by Tim Partridge from AMD Chartered Accountants.

## **STATUTORY ENVIRONMENT**

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

## **POLICY AND 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 26 November 2024 as per Attachment: 9.16.5(1).**
- 2. Receive the 2024 Annual Financial Report and Audit Management Letter for the year ending 30 June 2024.**

**ATTACHMENTS**

- 1 Audit Committee Minutes - 26 November 2024 66 Pages

**ATTACHMENT  
APPENDIX**

**9.16.6 Unconfirmed Minutes of the Manjimup Town Activation Advisory Committee Meeting held 6 November 2024**

<b>PROPONENT</b>	Manjimup Town Activation Advisory Committee
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	Manjimup Town Centre
<b>WARD</b>	Urban
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Development and Regulation
<b>FILE REFERENCE</b>	F170454
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield (Planning Administration Officer)
<b>DATE OF REPORT</b>	27 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

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

A copy of the adopted Terms of Reference is appended.

**APPENDIX: 9.16.6 (A)**

The latest meeting of the Manjimup Town Activation Advisory Committee was held on 6 November 2024. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.6 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

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

Committee Recommendation		Officer Comment
1.	That the previous unconfirmed minutes of the Manjimup Town Activation Advisory Committee Meeting held on 8 May 2024 be adopted as a true and correct record.	Supported.
2.	That Works develop a plan for pedestrian linkage from Brain Street to the Lawn Cemetery and have it included in the Bike Plan.	Supported and to be updated in the action sheet.
3.	That the Terms of Reference be updated to reflect the appointment of Jason Giadresco and Andrew Conway as Director Development Services as proxy member for Director Works.	Supported and the amended Terms of Reference attached to this report.

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

**ATTACHMENT: 9.16.6 (2)**

## STATUTORY ENVIRONMENT

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

## POLICY / STRATEGIC IMPLICATIONS

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

Revitalisation of the Manjimup Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with Community Goal 4.1 as identified in the Shire's Strategic Community Plan 2021-2031.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

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

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

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

## VOTING REQUIREMENTS: SIMPLE MAJORITY

### OFFICER RECOMMENDATION

That Council:

1. **Receive and note the unconfirmed Minutes of the Manjimup Town Activation Advisory Committee held on 6 November 2024.**
2. **Consider approving the creation of pedestrian linkage from Brain Street to the Lawn Cemetery and have it included in the Bike Plan.**
3. **Amend the Terms of Reference for the Manjimup Town Activation Advisory Committee as follows:**
  - 3.1 **Replace Director Development and Regulation with Director Development Services throughout the document.**
  - 3.2 **Add Mr Jason Giadresco as Director Development Services.**
  - 3.3 **Add Mr Andrew Conway as Manager Parks Operations (Proxy).**

### ATTACHMENTS

- |   |   |            |
|---|---|------------|
| 1 | Unconfirmed Minutes of Manjimup Town Activation Advisory Committee Meeting held 6 November 2024 | 5<br>Pages |
| 2 | Manjimup TAAC Terms of Reference 6 November 2024  | 1 Page     |

### APPENDICES

- |   |   |        |
|---|---|--------|
| A | Manjimup TAAC Terms of Reference 13 June 2024 | 1 Page |
|---|---|--------|



**ATTACHMENT  
APPENDIX**

**9.16.7 Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held 14 November 2024**

<b>PROPONENT</b>	Northcliffe Town Activation Advisory Committee
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Northcliffe Town Centre
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170455
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield (Planning Administration Officer)
<b>DATE OF REPORT</b>	26 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

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

A copy of the Terms of Reference, as adopted by Council at its Ordinary Meeting held on 03 October 2024 are appended.

**APPENDIX: 9.16.7 (A)**

The latest meeting of the Northcliffe Town Advisory Committee meeting was held on 14 November 2024. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.7 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

As reflected within the unconfirmed minutes, the committee passed two recommendations. The following table details those recommendations requiring consideration by Council.

Committee Recommendation		Officer Comment
1.	That the previous minutes of the Northcliffe Town Activation Advisory Committee Meeting held 30 August 2024 be adopted as a true and correct record.	The recommendation is supported.
2.	That the Terms of Reference be amended as follows: Remove Ms Sonia Hycza and Mr Mark Edwards as Committee Representatives.	The recommendation be supported and the Terms of Reference be amended accordingly.

The amended Terms of Reference pertinent to point 2 above are provided in the attachment.

**ATTACHMENT: 9.16.7 (2)**

Also, Councillors are advised that public advertising for Committee Members has already commenced, closing on Friday 13 December 2024.

## STATUTORY ENVIRONMENT

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

## POLICY / STRATEGIC IMPLICATIONS

The Northcliffe Town Activation Advisory Committee provides the Shire of Manjimup with a local input into planning or improvement works and space activation within the Northcliffe townsite.

Revitalisation of the Northcliffe Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with Community Goal 4.45 and identified in the Shire's Strategic Community Plan 2021 – 2031.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

Nil.

## SUSTAINABILITY

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

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

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

## VOTING REQUIREMENTS: ABSOLUTE MAJORITY

### OFFICER RECOMMENDATION

That Council:

1. **Receive and note the unconfirmed minutes of the Northcliffe Town Activation Advisory Committee Meeting held 14 November 2024 as shown at Attachment 9.16.7 (1).**
2. **Accept the resignations of Ms Sonia Hycza and Mr Mark Edwards and thank them for their participation as Community Representatives in this Committee.**
3. **Amend the Terms of Reference for the Northcliffe Town Activation Advisory Committee as follows:**
  - 3.1 **Remove Ms Sonia Hycza and Mr Mark Edwards as Committee Representatives.**

### ATTACHMENTS

- |   |   |            |
|---|---|------------|
| 1 | Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Meeting held 14 November 2024 | 5<br>Pages |
| 2 | Northcliffe TAAC Terms of Reference 14 November 2024  | 1 Page     |

**APPENDICES**

**A** Northcliffe TAAC Terms of Reference 30 August 2024 1 Page

**ATTACHMENT  
APPENDIX**

**9.16.8 Unconfirmed Meeting Notes of Walpole Town Activation  
Advisory Committee Meeting**

<b>PROPONENT</b>	Walpole Town Activation Advisory Committee
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	Walpole Town Centre
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170457
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield (Planning Administration Officer)
<b>DATE OF REPORT</b>	25 November 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

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

1. *Identification of opportunities for space activation within Walpole Townsite.*
2. *Liaison with other relevant community groups and / or service agencies over potential art or cultural projects.*
3. *Assisting the Shire of Manjimup officers in drafting design guidelines to guide future developments with the Town Centre Precincts.*
4. *Assist in co-ordinating community participation.*
5. *Communicate and inform the local community about activities of the Committee.*
6. *Provide advice on Tourism and Marketing campaigns relating to the Walpole Community.*

A copy of the Terms of Reference, as adopted by Council at its Ordinary Meeting held on 03 October 2024 are appended.

**APPENDIX: 9.16.8 (A)**

The latest meeting of the Walpole Town Activation Advisory Committee was held on 12 November 2024, in an informal manner due to lack of quorum. A copy of the informal minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.8 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

As the Committee did not achieve a quorum of six (6) as noted on the Terms of Reference, there are no recommendations to present to Council.

Also, Councillors are advised that public advertising for Committee Members has already commenced, closing on Friday 13 December 2024.

## **STATUTORY ENVIRONMENT**

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

## **POLICY / STRATEGIC IMPLICATIONS**

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

The committee has helped to advise Council pertaining to identified budgeted projects within the Walpole Town centre. It has also helped to improve the town through improvements to accessibility and making the town more attractive and inviting whilst managing its unique character, consistent with the Community Goal 4.4 as identified in the Shire's Strategic Community Plan 2021 – 2031.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

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

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

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

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council receive the informal meeting notes of the Walpole Town Activation Advisory Committee meeting held 12 November 2024, as shown at Attachment: 9.16.8(1).**

### **ATTACHMENTS**

- |          |  |            |
|----------|--|------------|
| <b>1</b> | Unconfirmed Minutes of the Walpole Town Activation Advisory Committee Meeting 12 November 2024 | 4<br>Pages |
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### **APPENDICES**

- |          |   |           |
|----------|---|-----------|
| <b>A</b> | Walpole Town Activation Advisory Committee Terms of Reference | 1<br>Page |
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**10. LATE REPORTS**

**11. QUESTIONS FROM MEMBERS**

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

*11.2 Questions from members.*

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

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

**14. APPLICATIONS FOR LEAVE OF ABSENCE**

**15. CLOSURE**

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