



AGENDA

SPECIAL MEETING OF COUNCIL

6 MARCH 2025

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 – SPECIAL MEETING OF COUNCIL - AGENDA

6 MARCH 2025

NOTICE TO ALL COUNCILLORS

A Special Meeting of Council is called for Thursday 6 March 2025 commencing at 5:30 PM in the Jarrah Room, Pemberton Sports Club.



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

28 February 2025

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

SPECIAL MEETING OF COUNCIL

THURSDAY 6 MARCH 2025

**TO BE HELD
IN THE JARRAH ROOM,
PEMBERTON SPORTS CLUB
CLUB ROAD, PEMBERTON**

COMMENCING AT 5:30 PM

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

3.2 Approved Leave of Absence

4. DECLARATIONS OF INTEREST

To be advised at the meeting.

5. PUBLIC QUESTION TIME

5.1 Public Question Time

6. PRESENTATIONS

6.1 Deputations

7. OFFICER REPORTS

VOTING TYPE	ITEM	OFFICER REPORTS	Page No.
DEVELOPMENT SERVICES			
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	7.1.1	Proposed Plantation at Lot 4156 Luke Road and Lot 6196 Barber Road, Ringbark	5
COMMUNITY SERVICES DIRECTORATE			
	7.2	COMMUNITY AND RECREATION SERVICES	
	7.2.1	Event Application - Floyd in the Forest at Mudstone Spa Retreat 22 March 2025	14

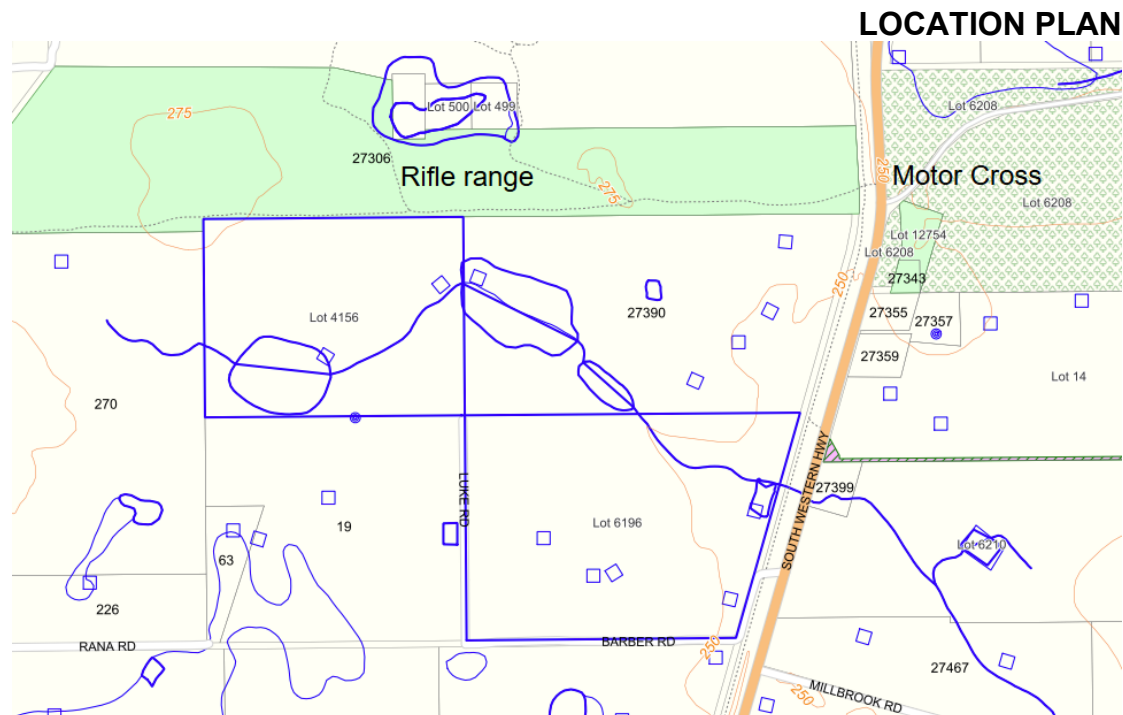
ATTACHMENT

7.1.1 Proposed Plantation at Lot 4156 Luke Road and Lot 6196 Barber Road, Ringbark

PROPONENT	Delta Forestry Pty Ltd
OWNER	Mr Chris Stoiche, Mr John Stoiche
LOCATION / ADDRESS	Lot 4156 Luke and Lot 6196 Barber Road, Ringbark
WARD	Rural
ZONE	General Agriculture
DIRECTORATE	Development Services
FILE REFERENCE	DA24/208 P56186 P57304 TP2024/207
LEGISLATION	<i>Planning and Development Act 2005</i>
AUTHOR	Jocelyn Baister (Manager Planning Services)
DATE OF REPORT	10 February 2025
DECLARATION OF INTEREST	Nil

BACKGROUND

The subject land has a combined area of 104.05 hectares (ha) consisting of two properties and is located approximately 4.2km from the Manjimup town centre. The property consists of one shed located on Lot 4156, remnant vegetation and several dams. The land is currently used for non-irrigated pasture and grazing and is subject to a contract of sale to the applicant. A location plan is shown below.



It is proposed to establish 82ha of Plantation of *Pinus radiata* (Radiata Pine) on the property. Copies of the Forest Management Plan and Fire Management Plan are attached.

ATTACHMENT: 7.1.1 (1)
ATTACHMENT: 7.1.1 (2)

Council is requested to determine the application as there have been objections received as a result of public consultation.

PUBLIC CONSULTATION UNDERTAKEN

The application was advertised in accordance with Clause 9.6 of Local Planning Scheme No. 4 (the Scheme) for a 21-day period. Correspondence was also forwarded to Department of Biodiversity, Conservation and Attractions (DBCA), Main Roads WA (MRWA), Department of Water and Environmental Regulation (DWER), Arc Infrastructure and the Department of Fire and Emergency Services (DFES) for a 42-day period.

Three submissions were received from the public, objecting to the proposal. The main themes of the objections relate to increase of fire threats, impacts on ground water availability and increase in vermin to the area. Advice was received from DWER with regards to vegetation clearing and erosion and sediment control and from DFES relating to water supplies and an equipment register.

Arc Infrastructure had no comment to make and stated that the rail line was not operational. Advice from MRWA and DBCA were received after the close of comments.

Copies of the submissions are provided attached and discussed in the Comment section below.

ATTACHMENT: 7.1.1 (3)

COMMENT

The subject land is zoned General Agriculture under the Scheme. The purpose of this 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.

Matters to be Considered

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

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating in the district;*

- (vi) *the local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under clause 2.4...;*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment; and*
- (xv) *the preservation of the amenity of the locality.*

Land Use Definition

The Scheme definition of "Plantation" refers to the definition in the Code of Practice for Timber Plantations in Western Australia, which is as follows:

" a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that the plantation will be harvested."

Land Use Permissibility

The Scheme identifies a Plantation as an 'A' use within General Agriculture Zone. That is a use, which is not permitted, unless Council has exercised its discretion by granting planning approval after publicly advertising the application in accordance with the requirements of Clause 9.6 of the Scheme.

Local Planning Policy 6.1.11 Rural Land Uses

Part C of the Policy outlines the Shire's position in relation to the development of tree plantations on agricultural land through the Shire, the standards to be applied to all future development of this type and the process required to obtain the necessary approvals. The following comments are provided in respect of the Policy requirements:

Access

The applicant has supplied a management plan for the plantation. Access to the site for both light and heavy vehicles is directly from South Western Highway onto Barber Road and via Luke Road. The applicant has noted that roads will be inspected and maintained to ensure access and to minimise any adverse impacts.

It is suggested that a condition be imposed, should Council approve the application, requiring a Harvest Management Plan prior to harvesting.

Fire Risk and Management

The application includes a fire management plan that appear to be consistent with the Bush Fires Act and "Guidelines for Plantation Fire Protection". Mitigation techniques include a 15 metre wide title boundary fire break, access to water points for firefighting and procedures for minimising risk and in the event of fire attack.

The fire management plan has been reviewed by the Shire's Community Emergency Services Manager who has advised that the application meets

the provisions of the Shire of Manjimup's Firebreak and Fuel Hazard Reduction Notice and the Guidelines for Plantation Fire Protection.

In response to the DFES comments, the amount of water could be questioned, however there are ample number of dams on or near the property.

It is recommended that the applicant be encouraged to install additional rainwater catchment tanks to the existing shed on the property as an additional fire mitigation measure.

Visual Impact

The provisions of LPP 6.1.11 outline that development applications for plantations will be assessed in terms of their visual impacts where the plantation is near a townsite, adjoining or are near a designated regional road. Despite being located near the South Western Highway, an assessment of the view corridor has determined that there will be minimal impact from the plantation, due to buffer planting existing within the rail corridor. Should this vegetation be removed, there may be a visual dominance of the plantation to road traffic although this is unlikely to occur.

Natural Resource Management

The applicant is proposing a 6-metre setback to the existing watercourses, DWER has provided advice on this matter and it is discussed below.

Submissions

The content of submissions received are detailed and assessed below.

DFES

DFES has advised that compliance with the Guidelines for Plantation Fire Protection 2011 (Guidelines) has not been demonstrated, modifications are required in relation to the use of the dam water being reliable unless supported by a hydrology report. In addition, the fire management plan should be updated to include an equipment register. A condition is recommended requiring the modification of the fire management plan be on any approval issued.

DWER

DWER has identified that the proposal has the potential for impact on environmental and water resource values and management and has provided advice on the key issues as follows:

- a) Although it is understood that native vegetation will be cleared to establish the proposed plantation, an advice note advising of the clearing regulations is recommended.
- b) The property has a low-moderate erosion risk rating and planting and cultivation will be aligned 'off contour' to slow the rate of fall and accumulation of water where required. Best practise measures that prevent erosion and the runoff of sediment, nutrients and other pollutants into waterways should apply in all site management.

Public submissions

Concerns were raised that the plantation species will increase the fire risk to neighbouring properties and poses an unacceptable danger to life and property. Similarly, concerns relating to emergency access from neighbouring dwellings has been raised. With regards to this concern, it is noted that habitable dwellings located 100m or greater from a hazardous vegetation are deemed to be not within a bushfire prone area and able to withstand and be defined as shelter during a threat of bushfire.

Questions were raised about the statements made about the water supply for fire suppression, as these are aligned comments made by DFES, this concern will be addressed through the modifications recommended through the conditions of approval.

Water table

All three of the public submissions raised concerns regarding the water requirements of pine plantations and recent observations that local surface/ground water dams have been diminishing.

In January 2008, the then Department of Water commissioned an assessment of the declining groundwater levels in the Gngangara Groundwater Mound with an aim to determine the impact of pine plantations on groundwater levels. As a result of this work, it has been concluded that reduced rainfall is the major impact on reduction of the groundwater levels on the Gngangara Groundwater Area since 1969, with falls of up to four metres over the 1979 – 2005 period. The Gngangara pine plantation has resulted in groundwater declines in the order of 3.5m over the same period in areas where pines were particularly dense. Clearing before planting pines has a rising impact, causing a rise of 1 to 2 m in groundwater for a 3-7 year period after clearing. Bush fires cause a rising impact, resulting a rise in the groundwater levels by about 0.5 to 2.4 m for a period of 3-5 years. Thinning of pines has some impact, causing groundwater levels to rise locally for a period of 1-3 years, depending on the degree of thinning.”

Whilst a neighbour of the subject property has stated that they had commissioned a baseline water availability study, based on the information from the Department of Water assessment of Gngangara, the neighbour would need to consider the baseline data from pre-clearing information rather than current situation to be an accurate reflection on the impact of the proposed plantation. It is likely that, again, based on previous situations the proposed plantation will have an impact of potentially 3.5m if planted at a dense rate.

Feral species

Comments have been made by all three submitters that the proposed management practices to control feral animals is unlikely to be undertaken in an effective manner. As these practises have been proposed as part of the application, should Council resolve to approve the proposal, the details will form part of the conditional approval and be required to be upheld.

Conclusion

The proposed plantation has the potential to impact on the environment and availability of the current level of water to surrounding neighbours. Although it has been proven that pine plantations have an impact on water resources, the main contribution factor in the reduction of groundwater, is the decline in rainfall in the area.

Shire staff consider that, if appropriately managed the fire threat and increase in feral species will not cause an impact on neighbouring land holdings.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

Timber Plantations within the rural areas of the Shire are guided by the provisions of the *Shire of Manjimup Local Planning Policy 6.1.11 - Rural Land Uses*. The application's compliance with this policy is addressed within the comment section of this agenda item.

Within the Shire of Manjimup Local Planning Strategy 2003 tree plantations were discussed as being a recognised as a particularly significant issue and at the time there was a level of concern from some sections of the community based on loss of quality agricultural land, heavy haulage, visual impacts along tourist roads, fire control and possible surface runoff reduction.

Based on the comments received by surrounding neighbours, majority of the concerns are still relevant. As a result, the Shire developed and since maintained policies around tree plantations.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY

Environmental: If appropriately managed the application should have minimal impacts on the environment.

Economic: The proposed development seeks approval to establish and harvest pine to supply forest products to domestic and international markets to support construction for timber house frames.

Social: The threat of a fire is a concern of the neighbouring properties, the evacuation of the neighbours is a concern and an alternative route should be sought away from the fires source.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council, in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4. grants planning approval for a Plantation (*Pinus radiata*) at Lot 4156 Luke Road and 6196 Barber Road, Ringbark (TP2024/207) in accordance with the submitted plans and specifications and subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Plantation Management Plan	10 December 2024
2.	Fire Management Plan	10 December 2024

- 2. Prior to the commencement of the use hereby approved, the applicant shall submit a revised Fire Management Plan incorporating a register of equipment and an alternative water supply to the satisfaction the Shire of Manjimup.**
- 3. In conducting the activity hereby approved the plantation Operator/Manager is required to comply with all relevant legislation, and to have particular regard to the general and reasonable amenity expectations of those who may be resident in the vicinity.**
- 4. A separate 'Harvesting Plan' is to be submitted to the Shire of Manjimup a minimum of 24 months prior to the anticipated commencement of the harvesting of the subject Plantation and not less than 12 months prior to the commencement of harvesting operations formal notification of the intention to harvest shall be given to Shire of Manjimup. The 'Harvesting Plan' is to be prepared**

in accordance with the latest “Code of Practice for Timber Plantations” (or equivalent) that is applicable at that time.

5. Fire management measures outlined in the approved Plantation Management Plan are to be implemented so as to meet the performance standards outlined in the Department of Fire and Emergency Services Guidelines for Plantation Fire Protection to the satisfaction of the Shire of Manjimup.
6. At the completion of any harvesting, the area which has been harvested shall be reinstated to the requirements and satisfaction of the responsible authority. In particular:
 - all waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course.
 - Any surplus tree branches shall be adequately disposed and shall not be left on site if they constitute a fire hazard.
 - All temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.
7. Any proven damage to the local road network caused by vehicles associated with the Plantation is to be repaired at the applicant’s cost to the satisfaction of the Shire of Manjimup.

Advice to Applicant:

1. With regards to condition 1.2 the applicant is encouraged to provide alternative rainwater catchment tanks on the property to assist with fire mitigation.
2. With regards to condition 1.4, Main Roads WA has advised:
 - That given the applicable future planning horizon for harvesting (20+ years), the standard of access and associated vehicle crossover upgrading requirements will be determined prior to the harvesting of the plantation.
 - The applicant is advised to contact Main Roads’ Heavy Vehicle Services (HVS) branch to obtain relevant regulatory information regarding heavy haulage requirements to ensure compliance with any HVS guidelines, prior to the preparation of the Harvesting and Access Management Plan.
3. Where clearing of land is involved in any proposed development, the approval of the Department of Water and Environmental Regulation will be required under the provisions of the

Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

4. That the operation of the Plantation including its harvest is required to comply with the *Environmental Protection (Noise) Regulations, 1997*.
5. The attention of the Plantation Operator / Manager is drawn to the need to comply with the requirements of any 'Firebreak Notice' issued by the Shire of Manjimup under the provisions of the "Bush Fires Act 1954". Furthermore, the Plantation Operator / Manager is required to advise Shire of Manjimup of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.

ATTACHMENTS

- | | | |
|----------|---------------------------------------|----------|
| 1 | Attachment 1 - Forest Management Plan | 27 Pages |
| 2 | Attachment 2 - Fire Management Plan | 23 Pages |
| 3 | Attachment 3 - Submissions | 12 Pages |

**7.2.1 Event Application - Floyd in the Forest at Mudstone Spa Retreat
22 March 2025**

PROPONENT	Greg and Joy Hamlyn
OWNER	Greg and Joy Hamlyn
LOCATION / ADDRESS	21 Hawke Road, Yeagarup
WARD	Rural
ZONE	Priority Agriculture, Local Roads, National Park and Other Conservation Reserves
DIRECTORATE	Community Services
FILE REFERENCE	F250042
LEGISLATION	<i>Health Act 1911</i> <i>Environmental Protection (Noise) Regulations 1997</i> <i>Health Public Building Regulations 1992</i> <i>Food Act 2008</i> <i>Liquor Control Act 1988</i> <i>Local Government Act 1995</i>
AUTHOR	Gail Ipsen Cutts
DATE OF REPORT	28 February 2025
DECLARATION OF INTEREST	Nil

BACKGROUND

In Western Australia, local government authorities play a crucial role in assessing public event applications to ensure safety, compliance, and minimal disruption to the community. It is the role of local government to review applications to verify that events meet health and safety standards, including risk management plans, crowd control measures, and emergency response protocols.

Furthermore, local governments are required to work with other agencies, such as the Police, Health, Department Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions (DBCA) and Main Roads WA to ensure suitable planning and management for road closures, traffic impacts, first aid, noise, environmental protection and bushfire risk mitigation etc.

Essentially local governments are required to ensure that events comply with relevant legislation and guidelines, providing a consistent approach to public safety and community well-being.

On the 8 January 2025 the Shire became aware that the Proponents were advertising tickets for sale for an unapproved public event. The event in question being the proposed 'Floyd in the Forest' to be held at Mudstone Spa Retreat, 21 Hawke Road, Yeagarup (location plan below).

A copy of promotional information is attached.

ATTACHMENT: 7.2.1(1)



On the 9 January 2025 Staff advised the Proponents by email, inclusive of relevant documentation, that a Temporary Event application was required for the proposed 22 March event. Correspondence pertaining to this was also sent on the 9, 10 and 17 January. A number of telephone conversations between the Proponents and Staff also occurred during this time.

A Temporary Event application was submitted to the Shire of Manjimup on the 20 January 2025. Email correspondence to the Proponents on the 24 January 2025 recommended that ticket sales cease until such time as the event application had been assessed. The Proponents have elected to keep ticket sales open.

Staff assessment of the Temporary Event application determined that the event was rated as high-risk and as such the Proponents were advised as to the documentation required. In addition to this Staff and Councillors have received numerous telephone calls and emails from residents within the Yeagarup vicinity raising concerns in relation to the advertised event.

The Chief Executive Officer has delegation to determine the outcome of Temporary Event applications. Due to the complex nature of the event and the level of community concern raised the matter is brought to Council for consideration.

The purpose of this report therefore is for Council to consider the Temporary Event application for the 'Floyd in the Forest' event proposed for 22 March 2025 at Mudstone Spa Retreat, Yeagarup and determine if Conditional Temporary Event Approval for this one-off event is granted or not.

PUBLIC CONSULTATION UNDERTAKEN

Shire Staff sent event notification to 19 landowners located within a 2km radius (150m – 2km) on the 6 February 2025. This notification included DBCA due to the adjoining Conservation area and Warren National Park. Not all lots / houses are currently occupied.

Facebook records indicate that advertising of the event commenced 2 January, in response to this advertising Staff and Councillors have received numerous phone calls and emails from residents in the vicinity of the proposed event.

Correspondence and phone calls have been received from 9 landowners. One landowner had concerns that the Shire had approved the event without consulting with residents, whilst the remaining 8 respondents raised varying concerns. The following is a summary of concerns raised:

- Environmental – impact on native Fauna and Fauna as the area is Warren National Park and a declared Conservation area.
- Noise from Concert as well as the bump in, bump out, patron vehicles etc.
- Road safety – Traffic management.
- Bushfire and Emergency management
- Location suitability.
- Safety and crime.
- Illegal camping.
- Alcohol consumption and crowd management.
- Increased rubbish.
- Mudstone Spa Retreat annual New Years Eve concert – excessive noise with loud music until 3am have concerns that this would occur again.
- One a year ok, not keen on more than that.
- No consultation with neighbours.
- Conflicting and confusing information around start and finish times.

A copy of submissions received are attached.

ATTACHMENT: 7.2.1(2)

It should be noted that these concerns are generally assessed as part of a one-off Temporary Event application and any approval is conditioned to mitigate or manage the impact of the temporary event.

If, in the future, the Proponents submit a Development Application for a Function Centre at the same location then a more detailed assessment of concerns and impacts would occur.

COMMENT

The Proponent has indicated that they are preparing a Development Application to develop Mudstone Spa Retreat as a Function Centre. Additionally, the Proponent has verbally advised that they plan to hold two live music concerts

annually at Mudstone Spa Retreat, specifically in Autumn and Spring. These events are intended to accommodate larger audiences than the current Gatsby's venue in Manjimup" can handle. It is important to note, however, that these matters will be addressed as part of the Development Application or any other Temporary Event applications that may be submitted.

The current matter requiring consideration and direction by the Council is the Temporary Event Application submitted for the proposed 'Floyd in the Forest' Concert at Mudstone Spa Retreat on 22 March 2025.

Many concerns raised by residents appear to stem from the Mudstone Spa Retreat New Year's Eve Party, which featured amplified music until around 3:00 AM. Staff have been advised by the Proponents that this party has been occurring for approximately 10 years. It should be noted that this party was not an approved event, as no Temporary Event application was submitted. Concerns related to this 'party' will be addressed with the Proponents; however, it is not part of this report.

Landowners have responded to the impact, perceived or real, of this proposed event. Landowners do have a right to enjoy the peace and safety of their home, a right that is protected under the principle of "quiet enjoyment." This legal concept ensures that property owners can use their land without substantial and unreasonable interference from external sources. This includes protection from nuisances such as excessive noise, pollution, or any activities that significantly disrupt their comfort and safety. This right is fundamental to maintaining a secure and harmonious home life.

In addition to the aforementioned points, the economic vitality and strength of a region, along with its ability to attract visitors and provide access to diverse cultural and recreational opportunities, are crucial elements that contribute to a vibrant and dynamic community. Balancing these aspects with the respect for conservation and environmental protection values, as well as the rights of landowners to enjoy the peace and safety of their homes, is essential. Careful assessment and conditioning of event application approvals strive to achieve a harmonious balance among all these factors.

In conclusion Temporary Event Applications are evaluated by a cross-departmental team of staff. Depending on the risk level and identified conditions, a broader team of government agencies may also be involved. For events of a complex or high-risk nature, a roundtable discussion including the Proponent, staff, and government agencies will take place. As outlined in the background of this report, the local government authority is required to assess public event applications to ensure safety, compliance, and minimal disruption to the community.

The Temporary Event Application for 'Floyd in the Forest' at Mudstone Spa Retreat, 21 Hawke Road Yeagarup has been assessed. The assessment team

have concurred that the event could be Conditionally Approved. The following Conditions, which have been discussed with the Proponents, have been determined:

- Traffic Management Plan (Shire and Main Roads approval)
- Occasional Liquor Licence (Racing, Gaming and Liquor approval)
- Non – Conforming Event Approval (Environmental Protection (Noise) Regulations). Amplified noise must cease at 10pm.
- Risk Management and Emergency Management Plan (revised)
- Notification of Event to local authorities (Health and Police)
- Site Plan (revised)
- Temporary Food Licence
- Insurance – cover for a live music concert.
- Electrical Compliance Certificate
- Building code compliance for temporary structure.
- Compliance with all Health regulations.
- All other standard event approval conditions.

Whilst Staff have assessed the event and determined that the Temporary Event Application can be Conditionally Approved, it is the role of Council to balance the concerns of surrounding landowners/residents against the possible benefits of the proposed event to the broader community and as such make the final determination.

STATUTORY ENVIRONMENT

The Western Australian Department of Health publish “*Guidelines for concerts, events and organised gatherings 2022*”. This document is a key guide for local governments and event organisers and responds to relevant government legislation and regulations. This document can be viewed or downloaded by clicking the following link [Guidelines for concerts events and organised gatherings - Health WA](#)

Local governments, in assessing public events are required to work within these guidelines inclusive of the following legislation and regulations:

Health Act 1911
Environmental Protection (Noise) Regulations 1997
Health Public Building Regulations 1992
Food Act 2008
Liquor Control Act 1988
Local Government Act 1995
Bush Fires Act 1954

POLICY / STRATEGIC IMPLICATIONS

Shire of Manjimup Strategic Community Plan 2021 – 2031 has numerous strategies that relate to this proposed event. The strategies listed below present a case both for and against the proposed event. In reviewing the strategies, it is important to note that this is a Temporary Event Application only and should approval be considered then it can be conditioned as such to respect the key strategies as identified below.

Our Natural Environment

- 1.1 Natural landscapes, habitats and resources are sustainably managed for the benefit of existing and future generations.
- 1.2 Development is managed sustainably, and our environment is valued through policy and regulation.
- 1.3 Our region is recognised for its iconic, world-class natural environment that can be enjoyed by all.

A1. Support initiatives that protect and nurture biodiversity and endemic species.

A8. Effectively use development and land policies to protect and rehabilitate the environment whilst balancing the needs of the community

A12. Provide safe recreational access to our natural assets whilst protecting environmental values and educating the community on how to enjoy their visit responsibly.

Our Prosperity

- 2.6 The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination.

B6. Encourage sustainable forest and timber industries, such as eco and adventure tourism, forest and fire management, craft wood, farmed timber and agroforestry.

Our 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.

C15. Manage environmental health risks in the community.

C19. Support public events to ensure they are successful and safe.

C20. Facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements.

Our Local Government

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

5.4 Community participation in decision making is maximised.

5.5 The Shire communicates effectively with all its communities.

E7. Keep the community well informed about Shire activities and provide genuine opportunities for the community to participate in decision making.

E8. Increase elected member interactions with constituents to better represent the diverse needs and priorities of the different communities within the Shire

ORGANISATIONAL RISK MANAGEMENT

As discussed, mitigating factors, and community concern around this advertised event require the Temporary Event application to be brought before Council for determination.

Shire Staff and Councillors have received numerous concerns and complaints in relation to the proposed event and potential impacts. Conditional Approval of this one-off Temporary Event may appease some residents, however reputational damage is still likely to occur because of some landowners/residents feeling that they have not been listened to.

Local Government has a statutory requirement to assess and monitor public event applications. As a one-off event this Temporary Event application would likely receive Conditional Approval. A conditional approval requires the event organiser to meet certain requirements, including compliance with all relevant legislation and regulations. The Proponent is required to provide evidence of compliance before undertaking the event.

Not granting approval, or the Proponent failing to meet approval conditions within the required timeframe will require event cancellation. The Proponent is aware of this risk and has elected to continue ticket sales. Whilst late cancellation of the event may impinge on the reputation of the organisation the priority focus should always be on public safety, compliance, and minimal disruption to the community.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY

Environmental:

Live music concerts adjoining conservation areas can have several environmental impacts. These include noise pollution, which can disturb wildlife and disrupt natural behaviours and waste generated by attendees can harm local ecosystems.

Economic:

Live music concerts boost the local rural economy by attracting visitors who spend money on accommodations, dining, and local businesses, thereby increasing overall economic activity

Social:

Live music concerts can cause noise and disruption for immediate landowners, while fostering community engagement, social cohesion, and local pride in the broader community

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Conditional Event Approval to Greg and Joy Hamlyn for the ‘Floyd in the Forest’ Concert on 22 March 2025 at the Mudstone Spa Retreat, 21 Hawke Road, Yeagarup, noting that all event approval conditions are to be met (to the satisfaction of the Chief Executive Officer), with the following outstanding conditions highlighted:

- 1. Traffic Management Plan (Shire and Main Roads approval).**
- 2. Occasional Liquor Licence (Racing, Gaming and Liquor approval).**
- 3. Non – Conforming Event Approval (Environmental Protection. (Noise) Regulations). Amplified noise is to cease at 10pm.**
- 4. Risk Management and Emergency Management Plan (revised).**
- 5. Notification of Event to local authorities (Health and Police)**
- 6. Site Plan (revised).**
- 7. Temporary Food Licence.**
- 8. Insurance – cover for a live music concert.**
- 9. Electrical Compliance Certificate**
- 10. Building code compliance for temporary structure.**

Attachment 1 – Event Application – Floyd in the Forest at Mudstone Spa Retreat 22 March 2025 4 Pages

Attachment 2 - Event Application – Floyd in the Forest at Mudstone Spa Retreat 22 March 2025 13 Pages

8. CLOSURE

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